

By: Uresti

S.B. No. 1055

A BILL TO BE ENTITLED

AN ACT

relating to reporting and application requirements regarding certain public and private guardians.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 111.044, Government Code, is amended to read as follows:

Sec. 111.044. ANNUAL DISCLOSURE. (a) Not later than January 31 of each year, each guardianship program [~~and private professional guardian~~] shall provide to the board a report containing for the preceding year:

(1) the number of wards served by the guardianship program reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the guardianship program [~~or private professional guardian, as applicable~~];

(2) the name, business address, and business telephone number of each individual employed by or volunteering or contracting with the guardianship program to provide guardianship services to a ward or proposed ward of the program;

(3) the name of each county in which an individual described by Subdivision (2) provides or is authorized to provide guardianship services;

(4) the total amount of money received from this state for the provision of guardianship services; and

1           (5) [~~(3)~~] the [~~total~~] amount of money received from  
2 any other public source, including a county or the federal  
3 government, for the provision of guardianship services, reported by  
4 source, and the total amount of money received from those public  
5 sources.

6           (b) Not later than January 31 of each year, each private  
7 professional guardian shall provide to the board a report  
8 containing for the preceding year:

9           (1) the number of wards served by the private  
10 professional guardian reported by county in which the application  
11 to create a guardianship for the ward is filed and the total number  
12 of wards served by the private professional guardian;

13           (2) the name, business address, and business telephone  
14 number of each individual who provides guardianship services to a  
15 ward of the private professional guardian on behalf of the private  
16 professional guardian;

17           (3) the total amount of money received from this state  
18 for the provision of guardianship services; and

19           (4) the amount of money received from any other public  
20 source, including a county or the federal government, for the  
21 provision of guardianship services, reported by source, and the  
22 total amount of money received from those public sources.

23           (c) A private professional guardian shall submit with the  
24 report required under Subsection (b) a copy of the guardian's  
25 application for a certificate of registration required by Section  
26 697(a), Texas Probate Code.

27           SECTION 2. Subsections (a) and (e), Section 697, Texas

1 Probate Code, are amended to read as follows:

2 (a) A private professional guardian must apply annually to  
3 the clerk of the county having venue over the proceeding for the  
4 appointment of a guardian for a certificate of registration. The  
5 application must include a sworn statement containing the following  
6 information concerning a private professional guardian or each  
7 person who represents or plans to represent the interests of a ward  
8 as a guardian on behalf of the private professional guardian:

9 (1) educational background and professional  
10 experience;

11 (2) three or more professional references;

12 (3) the names of all of the wards the private  
13 professional guardian or person is or will be serving as a guardian;

14 (4) the aggregate fair market value of the property of  
15 all wards that is being or will be managed by the private  
16 professional guardian or person;

17 (5) place of residence, business address, and business  
18 telephone number; ~~and~~

19 (6) whether the private professional guardian or  
20 person has ever been removed as a guardian by the court or resigned  
21 as a guardian in a particular case, and, if so, a description of the  
22 circumstances causing the removal or resignation, and the style of  
23 the suit, the docket number, and the court having jurisdiction over  
24 the proceeding; and

25 (7) the certification number or provisional  
26 certification number issued by the Guardianship Certification  
27 Board to the private professional guardian or person.

1 (e) Not later than January 31 [~~February 1~~] of each year, the  
2 clerk shall submit to the Guardianship Certification Board [~~and the~~  
3 ~~Health and Human Services Commission~~] the names and business  
4 addresses of private professional guardians who have satisfied the  
5 registration requirements under this section during the preceding  
6 year.

7 SECTION 3. Section 697A, Texas Probate Code, is amended to  
8 read as follows:

9 Sec. 697A. LIST OF CERTAIN PUBLIC GUARDIANS MAINTAINED BY  
10 COUNTY CLERKS OR GUARDIANSHIP CERTIFICATION BOARD. (a) Not later  
11 than January 31 of each year, each [~~Each~~] guardianship program  
12 operating in a county shall submit [~~annually~~] to the county clerk a  
13 copy of the report submitted to the Guardianship Certification  
14 Board under Section 111.044, Government Code [~~statement containing~~  
15 ~~the name, address, and telephone number of each individual employed~~  
16 ~~by or volunteering or contracting with the program to provide~~  
17 ~~guardianship services to a ward or proposed ward of the program~~].

18 (b) Not later than January 31 [~~February 1~~] of each year, the  
19 Department of Aging and Disability Services shall submit to the  
20 Guardianship Certification Board a statement containing:

21 (1) the name, address, and telephone number of each  
22 department employee who is or will be providing guardianship  
23 services to a ward or proposed ward on behalf of the department; and

24 (2) the name of each [~~the~~] county [~~or counties~~] in  
25 which each employee named in Subdivision (1) of this subsection is  
26 providing or is authorized to provide those services.

27 [~~(c) Not later than February 1 of each year, the county~~

1 ~~clerk shall submit to the Guardianship Certification Board the~~  
2 ~~information received under Subsection (a) of this section during~~  
3 ~~the preceding year.]~~

4 SECTION 4. This Act takes effect September 1, 2009.