

1-1 By: Uresti S.B. No. 1055
1-2 (In the Senate - Filed February 20, 2009; March 13, 2009,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 30, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; March 30, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to reporting and application requirements regarding
1-9 certain public and private guardians.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 111.044, Government Code, is amended to
1-12 read as follows:

1-13 Sec. 111.044. ANNUAL DISCLOSURE. (a) Not later than
1-14 January 31 of each year, each guardianship program [~~and private~~
1-15 ~~professional guardian~~] shall provide to the board a report
1-16 containing for the preceding year:

1-17 (1) the number of wards served by the guardianship
1-18 program reported by county in which the application to create a
1-19 guardianship for the ward is filed and the total number of wards
1-20 served by the guardianship program [~~or private professional~~
1-21 ~~guardian, as applicable];~~

1-22 (2) the name, business address, and business telephone
1-23 number of each individual employed by or volunteering or
1-24 contracting with the guardianship program to provide guardianship
1-25 services to a ward or proposed ward of the program;

1-26 (3) the name of each county in which an individual
1-27 described by Subdivision (2) provides or is authorized to provide
1-28 guardianship services;

1-29 (4) the total amount of money received from this state
1-30 for the provision of guardianship services; and

1-31 (5) [~~(3)~~] the [~~total~~] amount of money received from
1-32 any other public source, including a county or the federal
1-33 government, for the provision of guardianship services, reported by
1-34 source, and the total amount of money received from those public
1-35 sources.

1-36 (b) Not later than January 31 of each year, each private
1-37 professional guardian shall provide to the board a report
1-38 containing for the preceding year:

1-39 (1) the number of wards served by the private
1-40 professional guardian reported by county in which the application
1-41 to create a guardianship for the ward is filed and the total number
1-42 of wards served by the private professional guardian;

1-43 (2) the name, business address, and business telephone
1-44 number of each individual who provides guardianship services to a
1-45 ward of the private professional guardian on behalf of the private
1-46 professional guardian;

1-47 (3) the total amount of money received from this state
1-48 for the provision of guardianship services; and

1-49 (4) the amount of money received from any other public
1-50 source, including a county or the federal government, for the
1-51 provision of guardianship services, reported by source, and the
1-52 total amount of money received from those public sources.

1-53 (c) A private professional guardian shall submit with the
1-54 report required under Subsection (b) a copy of the guardian's
1-55 application for a certificate of registration required by Section
1-56 697(a), Texas Probate Code.

1-57 SECTION 2. Subsections (a) and (e), Section 697, Texas
1-58 Probate Code, are amended to read as follows:

1-59 (a) A private professional guardian must apply annually to
1-60 the clerk of the county having venue over the proceeding for the
1-61 appointment of a guardian for a certificate of registration. The
1-62 application must include a sworn statement containing the following
1-63 information concerning a private professional guardian or each
1-64 person who represents or plans to represent the interests of a ward

2-1 as a guardian on behalf of the private professional guardian:
 2-2 (1) educational background and professional
 2-3 experience;
 2-4 (2) three or more professional references;
 2-5 (3) the names of all of the wards the private
 2-6 professional guardian or person is or will be serving as a guardian;
 2-7 (4) the aggregate fair market value of the property of
 2-8 all wards that is being or will be managed by the private
 2-9 professional guardian or person;
 2-10 (5) place of residence, business address, and business
 2-11 telephone number; ~~and~~
 2-12 (6) whether the private professional guardian or
 2-13 person has ever been removed as a guardian by the court or resigned
 2-14 as a guardian in a particular case, and, if so, a description of the
 2-15 circumstances causing the removal or resignation, and the style of
 2-16 the suit, the docket number, and the court having jurisdiction over
 2-17 the proceeding; and
 2-18 (7) the certification number or provisional
 2-19 certification number issued by the Guardianship Certification
 2-20 Board to the private professional guardian or person.

2-21 (e) Not later than January 31 ~~[February 1]~~ of each year, the
 2-22 clerk shall submit to the Guardianship Certification Board ~~[and the~~
 2-23 ~~Health and Human Services Commission]~~ the names and business
 2-24 addresses of private professional guardians who have satisfied the
 2-25 registration requirements under this section during the preceding
 2-26 year.

2-27 SECTION 3. Section 697A, Texas Probate Code, is amended to
 2-28 read as follows:

2-29 Sec. 697A. LIST OF CERTAIN PUBLIC GUARDIANS MAINTAINED BY
 2-30 COUNTY CLERKS OR GUARDIANSHIP CERTIFICATION BOARD. (a) Not later
 2-31 than January 31 of each year, each ~~[Each]~~ guardianship program
 2-32 operating in a county shall submit ~~[annually]~~ to the county clerk a
 2-33 copy of the report submitted to the Guardianship Certification
 2-34 Board under Section 111.044, Government Code ~~[statement containing~~
 2-35 ~~the name, address, and telephone number of each individual employed~~
 2-36 ~~by or volunteering or contracting with the program to provide~~
 2-37 ~~guardianship services to a ward or proposed ward of the program].~~

2-38 (b) Not later than January 31 ~~[February 1]~~ of each year, the
 2-39 Department of Aging and Disability Services shall submit to the
 2-40 Guardianship Certification Board a statement containing:

2-41 (1) the name, address, and telephone number of each
 2-42 department employee who is or will be providing guardianship
 2-43 services to a ward or proposed ward on behalf of the department; and

2-44 (2) the name of each ~~[the]~~ county ~~[or counties]~~ in
 2-45 which each employee named in Subdivision (1) of this subsection is
 2-46 providing or is authorized to provide those services.

2-47 ~~[(c) Not later than February 1 of each year, the county~~
 2-48 ~~clerk shall submit to the Guardianship Certification Board the~~
 2-49 ~~information received under Subsection (a) of this section during~~
 2-50 ~~the preceding year.]~~

2-51 SECTION 4. This Act takes effect September 1, 2009.

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