

BILL ANALYSIS

H.B. 2303
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Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, courts conducting an investigation relating to a guardianship or to determine if a guardianship is necessary are unable to access the financial records of the person under investigation. Interested parties contend that this interferes with a court's ability to determine if a person is incapacitated and in need of a guardianship and its ability to investigate complaints made about guardianship that have already been opened. H.B. 2303 seeks to address this issue by making such records available in certain guardianship investigations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2303 amends the Finance Code to exempt a record request in connection with an investigation conducted under Estates Code provisions relating to the investigation of a guardianship application, the investigation of a complaint received from any person about a guardianship, or a court-initiated investigation relating to the appointment of a guardian from the application of statutory provisions providing the exclusive method for compelled discovery of a record of a financial institution relating to one or more customers and includes such a request among the requests for which a financial institution is not required or authorized to give a customer notice.

EFFECTIVE DATE

January 1, 2014.