

By: Naishtat

H.B. No. 2410

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of attorneys ad litem to represent the interests of certain persons in guardianship proceedings.

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

SECTION 1. Section 1002.002, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1002.002. ATTORNEY AD LITEM. "Attorney ad litem" means an attorney appointed by a court to represent and advocate on behalf of a proposed ward, an incapacitated person, ~~or~~ an unborn person, or another person described by Section 1054.007 in a guardianship proceeding.

SECTION 2. Subchapter A, Chapter 1054, Estates Code, as effective January 1, 2014, is amended by adding Section 1054.007 to read as follows:

Sec. 1054.007. ATTORNEYS AD LITEM. (a) Except in a situation in which this title requires the appointment to represent the interests of the person, a court may appoint an attorney ad litem in any guardianship proceeding to represent the interests of:

(1) an incapacitated person or another person who has a legal disability;

(2) a proposed ward;

(3) a nonresident;

(4) an unborn or unascertained person; or

(5) an unknown or missing potential heir.

1 (b) An attorney ad litem appointed under this section is
2 entitled to reasonable compensation for services provided in the
3 amount set by the court, to be taxed as costs in the proceeding.

4 SECTION 3. Section 1054.007, Estates Code, as added by this
5 Act, applies to a guardianship proceeding that is pending or
6 commenced on or after the effective date of this Act.

7 SECTION 4. This Act takes effect January 1, 2014.