

By: Naishtat

H.B. No. 2412

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to notice and reporting of investigations of certified  
3 guardians conducted by the Guardianship Certification Board.

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

5 SECTION 1. The heading to Section 1163.005, Estates Code,  
6 as effective January 1, 2014, is amended to read as follows:

7 Sec. 1163.005. VERIFICATION OF ACCOUNT AND STATEMENT  
8 REGARDING TAXES AND STATUS AS GUARDIAN.

9 SECTION 2. Section 1163.005(a), Estates Code, as effective  
10 January 1, 2014, is amended to read as follows:

11 (a) The guardian of the estate shall attach to an account  
12 the guardian's affidavit stating:

13 (1) that the account contains a correct and complete  
14 statement of the matters to which the account relates;

15 (2) that the guardian has paid the bond premium for the  
16 next accounting period;

17 (3) that the guardian has filed all tax returns of the  
18 ward due during the accounting period; ~~and~~

19 (4) that the guardian has paid all taxes the ward owed  
20 during the accounting period, the amount of the taxes, the date the  
21 guardian paid the taxes, and the name of the governmental entity to  
22 which the guardian paid the taxes; and

23 (5) if the guardian is certified under Subchapter C,  
24 Chapter 111, Government Code, whether the guardian is or has been

1 the subject of an investigation conducted by the Guardianship  
2 Certification Board during the accounting period.

3 SECTION 3. Section 1163.101(c), Estates Code, as effective  
4 January 1, 2014, is amended to read as follows:

5 (c) The guardian of the person shall file a sworn affidavit  
6 that contains:

7 (1) the guardian's current name, address, and  
8 telephone number;

9 (2) the ward's date of birth and current name, address,  
10 telephone number, and age;

11 (3) a description of the type of home in which the ward  
12 resides, which shall be described as:

13 (A) the ward's own home;

14 (B) a nursing home;

15 (C) a guardian's home;

16 (D) a foster home;

17 (E) a boarding home;

18 (F) a relative's home, in which case the  
19 description must specify the relative's relationship to the ward;

20 (G) a hospital or medical facility; or

21 (H) another type of residence;

22 (4) statements indicating:

23 (A) the length of time the ward has resided in the  
24 present home;

25 (B) the reason for a change in the ward's  
26 residence, if a change in the ward's residence has occurred in the  
27 past year;

1 (C) the date the guardian most recently saw the  
2 ward;

3 (D) how frequently the guardian has seen the ward  
4 in the past year;

5 (E) whether the guardian has possession or  
6 control of the ward's estate;

7 (F) whether the ward's mental health has  
8 improved, deteriorated, or remained unchanged during the past year,  
9 including a description of the change if a change has occurred;

10 (G) whether the ward's physical health has  
11 improved, deteriorated, or remained unchanged during the past year,  
12 including a description of the change if a change has occurred;

13 (H) whether the ward has regular medical care;  
14 and

15 (I) the ward's treatment or evaluation by any of  
16 the following persons during the past year, including the person's  
17 name and a description of the treatment:

18 (i) a physician;

19 (ii) a psychiatrist, psychologist, or other  
20 mental health care provider;

21 (iii) a dentist;

22 (iv) a social or other caseworker; or

23 (v) any other individual who provided  
24 treatment;

25 (5) a description of the ward's activities during the  
26 past year, including recreational, educational, social, and  
27 occupational activities, or a statement that no activities were

1 available or that the ward was unable or refused to participate in  
2 activities;

3 (6) the guardian's evaluation of:

4 (A) the ward's living arrangements as excellent,  
5 average, or below average, including an explanation if the  
6 conditions are below average;

7 (B) whether the ward is content or unhappy with  
8 the ward's living arrangements; and

9 (C) unmet needs of the ward;

10 (7) a statement indicating whether the guardian's  
11 power should be increased, decreased, or unaltered, including an  
12 explanation if a change is recommended;

13 (8) a statement indicating that the guardian has paid  
14 the bond premium for the next reporting period; ~~and~~

15 (9) if the guardian is certified under Subchapter C,  
16 Chapter 111, Government Code, a statement indicating whether the  
17 guardian is or has been the subject of an investigation conducted by  
18 the Guardianship Certification Board during the past year; and

19 (10) any additional information the guardian desires  
20 to share with the court regarding the ward, including:

21 (A) whether the guardian has filed for emergency  
22 detention of the ward under Subchapter A, Chapter 573, Health and  
23 Safety Code; and

24 (B) if applicable, the number of times the  
25 guardian has filed for emergency detention and the dates of the  
26 applications for emergency detention.

27 SECTION 4. Subchapter C, Chapter 111, Government Code, is

1 amended by adding Section 111.045 to read as follows:

2 Sec. 111.045. NOTICE OF INVESTIGATION OF CERTIFIED  
3 GUARDIAN. (a) Not later than the 30th day after the date the board  
4 commences an investigation of a guardian who holds a certificate  
5 issued under Section 111.042, the board shall notify each probate  
6 court that has appointed the guardian as guardian of a person or  
7 estate of the fact of the investigation.

8 (b) The board shall make available to a probate court on  
9 request the name and address of each individual issued a  
10 certificate under Section 111.042 who is the subject of a pending  
11 investigation being conducted by the board.

12 SECTION 5. (a) Except as otherwise provided by this  
13 section, this Act takes effect January 1, 2014.

14 (b) Section 111.045, Government Code, as added by this Act,  
15 takes effect September 1, 2013.