

By: Naishtat

H.B. No. 2413

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the protection of persons from family violence and
3 other violence in guardianship proceedings.

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

5 SECTION 1. Subchapter C, Chapter 1053, Estates Code, as
6 effective January 1, 2014, is amended by adding Section 1053.104 to
7 read as follows:

8 Sec. 1053.104. CONFIDENTIALITY OF CERTAIN INFORMATION. (a)
9 On request by a person protected by a protective order issued under
10 Chapter 85, Family Code, or a guardian, attorney ad litem, or member
11 of the family or household of a person protected by an order, the
12 court may exclude from any document filed in a guardianship
13 proceeding:

14 (1) the address and phone number of the person
15 protected by the protective order;

16 (2) the place of employment or business of the person
17 protected by the protective order;

18 (3) the school attended by the person protected by the
19 protective order or the day-care center or other child-care
20 facility the person attends or in which the person resides; and

21 (4) the place at which service of process on the person
22 protected by the protective order was effectuated.

23 (b) On granting a request for confidentiality under this
24 section, the court shall order the clerk to:

1 (1) strike the information described by Subsection (a)
2 from the public records of the court; and

3 (2) maintain a confidential record of the information
4 for use only by the court.

5 SECTION 2. Subchapter A, Chapter 1101, Estates Code, as
6 effective January 1, 2014, is amended by adding Section 1101.002 to
7 read as follows:

8 Sec. 1101.002. CONTENTS OF APPLICATION; CONFIDENTIALITY OF
9 CERTAIN ADDRESSES. An application filed under Section 1101.001 may
10 omit the address of a person named in the application if:

11 (1) the application states that the person is
12 protected by a protective order issued under Chapter 85, Family
13 Code;

14 (2) a copy of the protective order is attached to the
15 application as an exhibit;

16 (3) the application states the county in which the
17 person resides;

18 (4) the application indicates the place where notice
19 to or the issuance and service of citation on the person may be made
20 or sent; and

21 (5) the application is accompanied by a request for an
22 order under Section 1051.201 specifying the manner of issuance,
23 service, and return of citation or notice on the person.

24 SECTION 3. Section 1104.353(b), Estates Code, as effective
25 January 1, 2014, is amended to read as follows:

26 (b) It is presumed to be not in the best interests of a ward
27 or incapacitated person to appoint as guardian of the ward or

1 incapacitated person a person who has been finally convicted of:

2 (1) any sexual offense, including sexual assault,
3 aggravated sexual assault, and prohibited sexual conduct;

4 (2) aggravated assault;

5 (3) injury to a child, elderly individual, or disabled
6 individual; [~~or~~]

7 (4) abandoning or endangering a child;

8 (5) terroristic threat; or

9 (6) continuous violence against the family of the ward
10 or incapacitated person.

11 SECTION 4. Subchapter H, Chapter 1104, Estates Code, as
12 effective January 1, 2014, is amended by adding Section 1104.358 to
13 read as follows:

14 Sec. 1104.358. SUBJECT TO PROTECTIVE ORDER FOR FAMILY
15 VIOLENCE. A person found to have committed family violence who is
16 subject to a protective order issued under Chapter 85, Family Code,
17 may not be appointed guardian of a proposed ward or ward who is
18 protected by the protective order.

19 SECTION 5. The changes in law made by this Act apply only to
20 a guardianship proceeding that is commenced or pending on or after
21 the effective date of this Act.

22 SECTION 6. This Act takes effect January 1, 2014.