

By: Anchia

H.B. No. 2508

A BILL TO BE ENTITLED

AN ACT

relating to the protection of persons from family violence and other violence in guardianship proceedings.

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

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

Sec. 1053.104. CONTENTS OF APPLICATION; CONFIDENTIALITY OF CERTAIN INFORMATION. (a) An application filed under this title may omit the address of a person named in the application if:

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

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

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

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

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

(b) On request by a person protected by a protective order

1 issued under Chapter 85, Family Code, or a guardian, attorney ad  
2 litem, or member of the family or household of a person protected by  
3 an order, the court may exclude from any document filed in a  
4 guardianship proceeding:

5 (1) the address and phone number of the person  
6 protected by the protective order;

7 (2) the place of employment or business of the person  
8 protected by the protective order;

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

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

14 (c) On granting a request for confidentiality under this  
15 section, the court shall order the clerk to:

16 (1) strike the information described by Subsection (b)  
17 from the public records of the court; and

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

20 SECTION 2. Section 1104.353(b), Estates Code, as effective  
21 January 1, 2014, is amended to read as follows:

22 (b) It is presumed to be not in the best interests of a ward  
23 or incapacitated person to appoint as guardian of the ward or  
24 incapacitated person a person who has been finally convicted of:

25 (1) any sexual offense, including sexual assault,  
26 aggravated sexual assault, and prohibited sexual conduct;

27 (2) aggravated assault;

- 1           (3) injury to a child, elderly individual, or disabled  
2 individual; [~~or~~]  
3           (4) abandoning or endangering a child;  
4           (5) terroristic threat; or  
5           (6) continuous violence against the family of the ward  
6 or incapacitated person.

7           SECTION 3. Subchapter H, Chapter 1104, Estates Code, as  
8 effective January 1, 2014, is amended by adding Section 1104.358 to  
9 read as follows:

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

15           SECTION 4. The changes in law made by this Act apply only to  
16 a guardianship proceeding that is commenced or pending on or after  
17 the effective date of this Act.

18           SECTION 5. This Act takes effect January 1, 2014.