

By: Moody

H.B. No. 2665

Substitute the following for H.B. No. 2665:

By: Hernandez

C.S.H.B. No. 2665

A BILL TO BE ENTITLED

AN ACT

relating to access to and receipt of certain information regarding
a ward by certain relatives of the ward.

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

SECTION 1. Subchapter B, Chapter 1151, Estates Code, is
amended by adding Sections 1151.055 and 1151.056 to read as
follows:

Sec. 1151.055. APPLICATION BY CHILDREN FOR ACCESS TO WARD;
HEARING AND COURT ORDER. (a) A child of a ward may file an
application with the court requesting access to the ward, including
the opportunity to establish visitation or communication with the
ward.

(b) Except as provided by Subsection (c), the court shall
schedule a hearing on the application not later than the 60th day
after the date an application is filed under Subsection (a). The
court may grant a continuance of a hearing under this section for
good cause.

(c) If an application under Subsection (a) states that the
ward's health is in significant decline or that the ward's death may
be imminent, the court shall conduct an emergency hearing as soon as
practicable, but not later than the 10th day after the date the
application is filed under Subsection (a).

(d) The guardian of a ward with respect to whom an
application is filed under Subsection (a) shall be personally

1 served with a copy of the application and cited to appear at a
2 hearing under:

3 (1) Subsection (b) at least 21 days before the date of
4 the hearing; and

5 (2) Subsection (c) as soon as practicable.

6 (e) The court shall issue an order after notice and a
7 hearing under this section. An order issued under this section may:

8 (1) prohibit the guardian of a ward from preventing
9 the applicant access to the ward if the applicant shows by a
10 preponderance of the evidence that:

11 (A) the guardian's past act or acts prevented
12 access to the ward; and

13 (B) the ward desires contact with the applicant;
14 and

15 (2) specify the frequency, time, place, location, and
16 any other terms of access.

17 (f) In deciding whether to issue or modify an order issued
18 under this section, the court:

19 (1) shall consider any prior protective orders issued
20 against the applicant to protect the ward; and

21 (2) may consider whether:

22 (A) visitation by the applicant should be limited
23 to situations in which a third person, specified by the court, is
24 present; or

25 (B) visitation should be suspended or denied.

26 (g) The court may, in its discretion, award the prevailing
27 party in any action brought under this section court costs and

1 attorney's fees, if any.

2 Sec. 1151.056. GUARDIAN'S DUTY TO INFORM CERTAIN RELATIVES
3 ABOUT WARD'S HEALTH AND RESIDENCE. (a) This section applies with
4 respect to relatives described under Sections
5 1101.001(b)(13)(A)-(D).

6 (b) Except as provided by Subsection (e), the guardian of an
7 adult ward shall as soon as practicable inform relatives if:

8 (1) the ward dies;

9 (2) the ward is admitted to a medical facility for
10 acute care for a period of three days or more;

11 (3) the ward's residence has changed; or

12 (4) the ward is staying at a location other than the
13 ward's residence for a period that exceeds one calendar week.

14 (c) In the case of the ward's death, the guardian shall
15 inform relatives of any funeral arrangements and the location of
16 the ward's final resting place.

17 (d) A relative entitled to notice about a ward under this
18 section may elect to not receive the notice by providing a written
19 request to that effect to the guardian. A guardian shall file any
20 written request received by the guardian under this subsection with
21 the court.

22 (e) A guardian is not required to provide notice about a
23 ward to a relative under this section if the guardian:

24 (1) receives and files with the court a written
25 request from the relative electing to not receive the notice in
26 accordance with Subsection (d); or

27 (2) documents and files with the court evidence that

1 the guardian was unable to locate the relative after making
2 reasonable efforts to discover and locate each relative entitled to
3 notice under this section.

4 SECTION 2. The changes in law made by this Act apply to a
5 guardianship created before, on, or after the effective date of
6 this Act.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.