

## **BILL ANALYSIS**

H.B. 1022  
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Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties assert the need to update the law relating to written declarations that designate a guardian before the need arises to reflect developments in relevant case law. H.B. 1022 seeks to provide for this update.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1022 amends the Estates Code to authorize a written declaration signed by the declarant that designates a guardian before the need arises to be acknowledged by a notary public instead of being attested to in the declarant's presence by certain witnesses if the declaration does not expressly disqualify any individual from serving as guardian of the declarant's person or estate. The bill authorizes but expressly does not require such a declaration to be in the statutorily specified form except that the bill requires such a declaration to have a specified acknowledgement attached instead of having the statutorily prescribed self-proving affidavit attached. The bill establishes that such a declaration that has attached the acknowledgement specified by the bill is considered self-proved.

### **EFFECTIVE DATE**

September 1, 2017.