

BILL ANALYSIS

S.B. 667
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Stakeholders note that courts handling guardianship cases would benefit from additional resources in monitoring these guardianships. S.B. 667 seeks to address this issue by providing for the establishment of a guardianship compliance program.

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

S.B. 667 amends the Government Code to require the Office of Court Administration (OCA) to establish and maintain a guardianship compliance program designed to provide additional resources and assistance to courts that have jurisdiction over guardianship proceedings by maintaining an electronic database to monitor certain guardianship filings and by engaging guardianship compliance specialists who are required to review the guardianships of wards and identify reporting deficiencies by guardians, to audit annual accounts required to be filed by guardians and report their findings to the appropriate courts, to work with courts to develop best practices in managing guardianship cases, and to report any concerns relating to a ward's well-being or to the potential financial exploitation of a ward discovered as a result of the specialists' work to the appropriate courts.

S.B. 667 requires a court selected by OCA to participate in the program to so participate, including allowing guardianship compliance specialists to conduct reviews and audits under the program, and authorizes a court to apply to OCA in the manner and form prescribed by OCA for participation in the program. The bill authorizes the administrative director of OCA to notify the State Commission on Judicial Conduct in writing if OCA has reason to believe that a judge's actions or failure to act with respect to a report received from a guardianship compliance specialist indicating a concern relating to a ward's well-being or to the potential financial exploitation of a ward constitutes judicial misconduct.

S.B. 667 requires OCA to submit a report to the legislature not later than January 1 of each year regarding the performance of the guardianship compliance program and requires the report to include the number of courts involved in the program, the number of guardianships reviewed by guardianship compliance specialists, the number of reviewed guardianship cases found to be out of compliance with statutory reporting requirements, the number of cases reported to a court because of concerns relating to a ward's well-being or to the potential financial exploitation of a

ward, and the status of any technology developed to monitor guardianship cases for purposes of the program.

EFFECTIVE DATE

September 1, 2017.