

## **BILL ANALYSIS**

S.B. 1709  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that certain notice requirements inherent in guardianship law have resulted in the expenditure of significant time and resources by guardianship programs to locate family members who may not have shown interest in a proposed ward for years. S.B. 1709 seeks to change such notice requirements so that relevant funds are better spent by the program to provide better care for the proposed ward.

### **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. 1709 amends the Estates Code to require a citation to appear and answer an application for guardianship personally served by a sheriff or other applicable officer on the proposed ward's parents or the proposed ward's spouse to contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative is required to elect in writing in order to receive notice about the ward's health and residence from the guardian. The bill requires the notice containing information required in the citation issued on the filing of an application for guardianship mailed by the person filing the application to each adult child of the proposed ward and each adult sibling of the proposed ward to contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative is required to elect in writing in order to receive notice about the ward's health and residence from the guardian.

S.B. 1709 limits the applicability of statutory provisions governing a guardian's duty to inform certain relatives about a ward's health and residence to such relatives against whom a protective order has not been issued to protect the ward, who have not been found by a court or other state agency to have abused, neglected, or exploited the ward, and who have elected in writing to receive such notice about the ward. The bill adds a temporary provision, set to expire January 1, 2020, and applicable only to a guardianship created on or before the bill's effective date or created after the bill's effective date if the application for guardianship was pending on the bill's effective date, requiring a guardian, as soon as possible but not later than September 1, 2019, to provide notice to such a relative of the ward whose whereabouts are known or can reasonably be ascertained that the relative is required to elect in writing in order to receive notice about the ward's health and residence.

S.B. 1709 applies to a guardianship created before, on, or after the bill's effective date.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.