

## **BILL ANALYSIS**

S.B. 1710  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties believe that certain changes need to be made to the process for complete restoration of a ward's capacity or for modification of a ward's guardianship in order to respect the rights and wishes of wards. S.B. 1710 seeks to implement such changes.

### **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. 1710 amends the Estates Code to prohibit a court, if the guardian of a ward who is the subject of an application for an order for complete restoration of the ward's capacity or for modification of a ward's guardianship has resigned, was removed, or has died, from requiring the appointment of a successor guardian before considering the application. That prohibition applies to such an application filed before, on, or after the bill's effective date. The bill establishes that the written letter or certificate from a physician otherwise required for such restoration or modification is not required before the appointment of a court investigator or guardian ad litem to investigate the circumstances of a ward who requests the restoration or modification by informal letter to the court. The bill requires the court, not later than the 30th day after the date the court receives such an informal letter from a ward, to send the ward a letter by certified mail acknowledging the receipt of the informal letter and advising the ward of the date on which the court appointed the court investigator or guardian ad litem and the contact information for the court investigator or guardian ad litem. The bill requires the court investigator or guardian ad litem to provide to the ward a report of the investigation's findings and conclusions.

### **EFFECTIVE DATE**

September 1, 2017.