

AN ACT

relating to a written declaration to designate a guardian before the need for a guardian arises.

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

SECTION 1. Section 1104.203, Estates Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), a [A] declaration under this subchapter must be signed by the declarant and be:

- (1) written wholly in the declarant's handwriting; or
- (2) attested to in the declarant's presence by at least

two credible witnesses who are:

- (A) 14 years of age or older; and
- (B) not named as guardian or alternate guardian in the declaration.

(a-1) If the declaration does not expressly disqualify any individual from serving as guardian of the declarant's person or estate, the declaration must be signed by the declarant and may be acknowledged by a notary public instead of being attested to in the declarant's presence by witnesses as required by Subsection (a)(2).

(b) Notwithstanding Subsection (a) or (a-1), a declaration that is not written wholly in the declarant's handwriting may be signed by another person for the declarant under the direction of

1 and in the presence of the declarant.

2 SECTION 2. Section 1104.204, Estates Code, is amended by  
3 adding Subsections (c) and (d) to read as follows:

4 (c) A declaration that complies with the requirements of  
5 Section 1104.203(a-1) may, but is not required to, be in the form  
6 specified by Subsection (b), except that instead of having attached  
7 the self-proving affidavit prescribed by that subsection, the  
8 declaration shall have attached the following acknowledgment:

9 STATE OF \_\_\_\_\_

10 COUNTY OF \_\_\_\_\_

11 This instrument was acknowledged before me on the \_\_\_\_ day of  
12 \_\_\_\_\_, 20\_\_\_\_,

13 by \_\_\_\_\_ (Declarant).

14 \_\_\_\_\_

15 Notary Public, in and for  
16 the State of Texas

17 Notary's printed name:

18 \_\_\_\_\_

19 My commission expires:

20 \_\_\_\_\_

21 (d) A declaration that complies with the requirements of  
22 Section 1104.203(a-1) that has attached the acknowledgment  
23 provided by Subsection (c) is considered self-proved.

24 SECTION 3. The changes in law made by this Act apply only to  
25 a declaration to designate a guardian executed on or after the  
26 effective date of this Act. A declaration to designate a guardian  
27 executed before the effective date of this Act is governed by the

1 law in effect on the date the declaration was executed, and the  
2 former law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2017.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 511 passed the Senate on  
April 19, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 511 passed the House on  
May 17, 2017, by the following vote: Yeas 129, Nays 14, two  
present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor