

1-1 By: Zaffirini, et al. S.B. No. 31
1-2 (In the Senate - Filed November 12, 2018; February 1, 2019,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 3, 2019, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 3, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Fallon	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to establishing a guardianship abuse, fraud, and
1-20 exploitation deterrence program.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 72, Government Code, is amended by
1-23 adding Subchapter G to read as follows:

1-24 SUBCHAPTER G. GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION
1-25 DETERRENCE PROGRAM

1-26 Sec. 72.121. DEFINITIONS. In this subchapter:

1-27 (1) "Guardianship proceeding" has the meaning
1-28 assigned by Section 1002.015, Estates Code.

1-29 (2) "Program" means the guardianship abuse, fraud, and
1-30 exploitation deterrence program established by this subchapter.

1-31 Sec. 72.122. ESTABLISHMENT OF PROGRAM. (a) The office
1-32 shall establish and maintain a guardianship abuse, fraud, and
1-33 exploitation deterrence program designed to provide additional
1-34 resources and assistance to courts that have jurisdiction over
1-35 guardianship proceedings by:

1-36 (1) engaging guardianship compliance specialists who
1-37 shall:

1-38 (A) review the guardianships of wards and
1-39 identify reporting deficiencies by guardians;

1-40 (B) audit annual accounts required to be filed by
1-41 guardians under Chapter 1163, Estates Code, or other law and report
1-42 their findings to the appropriate courts;

1-43 (C) work with courts to develop best practices in
1-44 managing guardianship cases; and

1-45 (D) report to the appropriate courts any concerns
1-46 of potential abuse, fraud, or exploitation, including financial
1-47 exploitation, committed against a ward and discovered as a result
1-48 of the specialists' work under this section; and

1-49 (2) maintaining an electronic database to monitor
1-50 filings of:

1-51 (A) inventories, appraisements, and lists of
1-52 claims required under Chapter 1154, Estates Code, or Section
1-53 1203.203, Estates Code;

1-54 (B) annual reports required under Section
1-55 1163.101, Estates Code; and

1-56 (C) any other reports and accounts required of
1-57 guardians under Chapter 1163, Estates Code, or other law.

1-58 (b) A court is required to participate in the program,
1-59 including allowing guardianship compliance specialists to conduct
1-60 reviews and audits under the program, if the court is selected by
1-61 the office to participate in the program.

2-1 (c) A court may apply to the office in the manner and form
2-2 prescribed by the office for participation in the program.

2-3 Sec. 72.123. NOTIFICATION OF STATE COMMISSION ON JUDICIAL
2-4 CONDUCT. The director may notify the State Commission on Judicial
2-5 Conduct in writing if the office has reason to believe that a
2-6 judge's actions or failure to act with respect to a report received
2-7 from a guardianship compliance specialist indicating a concern
2-8 described by Section 72.122(a)(1)(D) constitutes judicial
2-9 misconduct.

2-10 Sec. 72.124. ANNUAL REPORT. Not later than January 1 of
2-11 each year, the office shall submit a report to the legislature
2-12 regarding the performance of the program. The report must include:

2-13 (1) the number of courts involved in the program;

2-14 (2) the number of guardianships reviewed by
2-15 guardianship compliance specialists;

2-16 (3) the number of reviewed guardianship cases found to
2-17 be out of compliance with statutory reporting requirements;

2-18 (4) the number of cases reported to a court concerning
2-19 potential abuse, fraud, or exploitation, including financial
2-20 exploitation, committed against a ward; and

2-21 (5) the status of any technology developed to monitor
2-22 guardianship cases for purposes of the program.

2-23 SECTION 2. This Act takes effect September 1, 2019.

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