

BILL ANALYSIS

Senate Research Center
88R2015 KFF-F

H.B. 266
By: Swanson (Zaffirini)
Jurisprudence
5/1/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Guardianship stakeholders have raised concerns about the current communication system, citing inefficiency and frustration in ensuring legal information is effectively shared among all parties. H.B. 266 amends the appointment process for guardians to include a confidential affidavit filed with the court, which contains the contact information of pertinent persons who are entitled to notice under the law.

H.B. 266 amends current law relating to the required filing and use of an affidavit containing the contact information of certain persons in a guardianship proceeding.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 1101, Estates Code, by adding Section 1101.003, as follows:

Sec. 1101.003. AFFIDAVIT CONTAINING CONTACT INFORMATION OF CERTAIN PERSONS. (a) Requires a person who files an application under Section 1101.001 (Application for Appointment of Guardian; Contents), within the time prescribed by the court, to file an affidavit with the court that states the name, address, telephone number, e-mail address, and other contact information if known by the applicant for each person entitled to notice under Section 1051.104(a) (relating to requiring the person filing an application for guardianship to mail a copy of the application and a notice containing the information required in the citation to certain persons).

(b) Provides that an affidavit filed under this section is privileged and confidential. Prohibits the affidavit from being released or otherwise disclosed to the public.

(c) Requires the court, on qualification of a guardian, to provide a copy of the affidavit filed under this section to the guardian if the guardian is not the person who filed the affidavit.

SECTION 2. Amends Section 1151.056, Estates Code, by adding Subsection (h) to require a guardian of a ward, unless the guardian knows the information is not correct, to rely on the contact information contained in the affidavit required by Section 1101.003 to provide notice about the ward to a relative of the ward under Section 1151.056 (Guardian's Duty to Inform Certain Relatives about Ward's Health and Residence).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.