

BILL ANALYSIS

H.B. 266
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Those involved in the guardianship process have raised concerns that the current system for communicating between parties is inefficient and creates a cascade of frustrations when trying to ensure that all parties can communicate and share information that is required by law. Without a standardized, concrete communication system, attorneys and other parties can have significant trouble transmitting necessary information to one another. H.B. 266 seeks to remedy this issue by requiring a person filing a guardianship application to file an affidavit containing the contact information of certain parties.

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

H.B. 266 amends the Estates Code to require a person filing an application for the appointment of a guardian to file an affidavit with the court within the time prescribed by the court that states the name, address, telephone number, email address, and other contact information, if known by the applicant, for each person entitled to notice under applicable state law. The bill makes the affidavit privileged and confidential and prohibits its release or disclosure to the public. The bill requires a court, on qualification of a guardian, to provide a copy of the affidavit to the guardian if the guardian is not the person who filed the affidavit. The bill requires a guardian of a ward to rely on the contact information contained in such an affidavit when providing notice about the ward to a ward's relative as required by state law, unless the guardian knows the information is not correct.

H.B. 266 applies only to an application for the appointment of a guardian filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.