

By: Zaffirini, West

S.B. No. 1624

A BILL TO BE ENTITLED

AN ACT

relating to guardianships, alternatives to guardianship, and supports and services for incapacitated persons.

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

SECTION 1. Section 1054.001, Estates Code, is amended to read as follows:

Sec. 1054.001. APPOINTMENT OF ATTORNEY AD LITEM IN PROCEEDING FOR APPOINTMENT OF GUARDIAN. In a proceeding under this title for the appointment of a guardian, the court shall appoint an attorney ad litem to represent the proposed ward's interests, including the proposed ward's expressed wishes.

SECTION 2. Section 1054.003, Estates Code, is amended to read as follows:

Sec. 1054.003. ACCESS TO RECORDS. An attorney ad litem appointed under Section 1054.001 or an attorney retained by a ward or proposed ward under Section 1054.006 or 1202.103 shall be provided copies of all of the current records in the guardianship case. The attorney ad litem or retained attorney may have access to all of the proposed ward's relevant medical, psychological, and intellectual testing records.

SECTION 3. Section 1054.006, Estates Code, is amended to read as follows:

Sec. 1054.006. REPRESENTATION OF WARD OR PROPOSED WARD BY ATTORNEY. (a) A ward or proposed ward [~~The following persons~~] may

1 at any time retain an attorney who holds a certificate required by
2 Subchapter E to represent the ward's or proposed ward's ~~[person's]~~
3 interests, including the ward's or proposed ward's expressed
4 wishes, in a guardianship proceeding, including a proceeding
5 involving the complete restoration of the ward's capacity or
6 modification of the ward's guardianship, instead of having those
7 interests represented by an attorney ad litem appointed under
8 Section 1054.001, Section 1202.101, or another provision of this
9 title[+]

10 ~~[(1) a ward who retains the power to enter into a~~
11 ~~contract under the terms of the guardianship, subject to Section~~
12 ~~1202.103; and~~

13 ~~[(2) a proposed ward for purposes of a proceeding for~~
14 ~~the appointment of a guardian as long as the proposed ward has~~
15 ~~capacity to contract].~~

16 (b) Subject to Subsection (c), if a ward or proposed ward
17 has retained an attorney under Subsection (a), [If] the court shall
18 ~~[finds that the ward or the proposed ward has capacity to contract,~~
19 ~~the court may]~~ remove an attorney ad litem appointed under Section
20 1054.001, Section 1202.101, or any other provision of this title
21 that requires the court to appoint an attorney ad litem to represent
22 the interests of a ward or proposed ward and appoint a ward or a
23 proposed ward's retained counsel.

24 (c) On the motion of a party to a guardianship proceeding or
25 on the court's own motion, the court may hold a hearing on the ward's
26 or proposed ward's capacity to retain an attorney under Subsection
27 (a). The burden of proof is on the party motioning the court. If

1 the court finds by a preponderance of evidence that the ward or
2 proposed ward does not understand the guardianship proceeding or
3 the purpose for which the attorney was retained, the court may
4 appoint an attorney ad litem under Section 1054.001, Section
5 1202.101, or another provision of this title.

6 (d) An attorney retained by a ward or proposed ward under
7 this section must represent the ward's or proposed ward's
8 interests, including the ward's or proposed ward's expressed
9 wishes.

10 SECTION 4. Section 1054.007, Estates Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) An attorney ad litem appointed for a ward or proposed
13 ward under this title shall represent the ward's or proposed ward's
14 interests, including the ward's or proposed ward's expressed
15 wishes.

16 SECTION 5. Section 1054.051, Estates Code, is amended to
17 read as follows:

18 Sec. 1054.051. APPOINTMENT OF GUARDIAN AD LITEM IN
19 GUARDIANSHIP PROCEEDING. (a) Subject to Subsection (b), the [The]
20 judge may appoint a guardian ad litem to represent the interests of
21 an incapacitated person in a guardianship proceeding.

22 (b) A person appointed as a guardian ad litem may not be:

23 (1) an interested person, as defined by Section
24 1002.018(1); or

25 (2) an attorney ad litem appointed for the
26 guardianship proceeding except as provided by Section 1054.052,
27 1202.101, or 1203.051.

1 SECTION 6. Subchapter D, Chapter 1054, Estates Code, is
2 amended by adding Section 1054.157 to read as follows:

3 Sec. 1054.157. REQUIRED TRAINING. At least once every two
4 years, a court investigator and a court visitor shall complete two
5 hours of training, including one hour of training on alternatives
6 to guardianship and supports and services available to a proposed
7 ward in accordance with Section 22.0133, Government Code.

8 SECTION 7. Section 1151.351(b), Estates Code, is amended to
9 read as follows:

10 (b) Unless limited by a court or otherwise restricted by
11 law, a ward is authorized to the following:

12 (1) to have a copy of the guardianship order and
13 letters of guardianship and contact information for the probate
14 court that issued the order and letters;

15 (2) to have a guardianship that encourages the
16 development or maintenance of maximum self-reliance and
17 independence in the ward with the eventual goal, if possible, of
18 self-sufficiency;

19 (3) to be treated with respect, consideration, and
20 recognition of the ward's dignity and individuality;

21 (4) to reside and receive support services in the most
22 integrated setting, including home-based or other community-based
23 settings, as required by Title II of the Americans with
24 Disabilities Act (42 U.S.C. Section 12131 et seq.);

25 (5) to consideration of the ward's current and
26 previously stated personal preferences, desires, medical and
27 psychiatric treatment preferences, religious beliefs, living

1 arrangements, and other preferences and opinions;

2 (6) to financial self-determination for all public
3 benefits after essential living expenses and health needs are met
4 and to have access to a monthly personal allowance;

5 (7) to receive timely and appropriate health care and
6 medical treatment that does not violate the ward's rights granted
7 by the constitution and laws of this state and the United States;

8 (8) to exercise full control of all aspects of life not
9 specifically granted by the court to the guardian;

10 (9) to control the ward's personal environment based
11 on the ward's preferences;

12 (10) to complain or raise concerns regarding the
13 guardian or guardianship to the court, including living
14 arrangements, retaliation by the guardian, conflicts of interest
15 between the guardian and service providers, or a violation of any
16 rights under this section;

17 (11) to receive notice in the ward's native language,
18 or preferred mode of communication, and in a manner accessible to
19 the ward, of a court proceeding to continue, modify, or terminate
20 the guardianship and the opportunity to appear before the court to
21 express the ward's preferences and concerns regarding whether the
22 guardianship should be continued, modified, or terminated;

23 (12) to have a court investigator or guardian ad litem
24 appointed by the court to investigate a complaint received by the
25 court from the ward or any person about the guardianship;

26 (13) to participate in social, religious, and
27 recreational activities, training, employment, education,

1 habilitation, and rehabilitation of the ward's choice in the most
2 integrated setting;

3 (14) to self-determination in the substantial
4 maintenance, disposition, and management of real and personal
5 property after essential living expenses and health needs are met,
6 including the right to receive notice and object about the
7 substantial maintenance, disposition, or management of clothing,
8 furniture, vehicles, and other personal effects;

9 (15) to personal privacy and confidentiality in
10 personal matters, subject to state and federal law;

11 (16) to unimpeded, private, and uncensored
12 communication and visitation with persons of the ward's choice,
13 except that if the guardian determines that certain communication
14 or visitation causes substantial harm to the ward:

15 (A) the guardian may limit, supervise, or
16 restrict communication or visitation, but only to the extent
17 necessary to protect the ward from substantial harm; and

18 (B) the ward may request a hearing to remove any
19 restrictions on communication or visitation imposed by the guardian
20 under Paragraph (A);

21 (17) to petition the court and retain counsel of the
22 ward's choice who holds a certificate required by Subchapter E,
23 Chapter 1054, to represent the ward's interest for capacity
24 restoration, modification of the guardianship, the appointment of a
25 different guardian, or for other appropriate relief under this
26 subchapter, including a transition to a supported decision-making
27 agreement, except as limited by Section 1054.006;

1 (18) to vote in a public election, marry, and retain a
2 license to operate a motor vehicle, unless restricted by the court;

3 (19) to personal visits from the guardian or the
4 guardian's designee at least once every three months, but more
5 often, if necessary, unless the court orders otherwise;

6 (20) to be informed of the name, address, phone
7 number, and purpose of Disability Rights Texas, an organization
8 whose mission is to protect the rights of, and advocate for, persons
9 with disabilities, and to communicate and meet with representatives
10 of that organization;

11 (21) to be informed of the name, address, phone
12 number, and purpose of an independent living center, an area agency
13 on aging, an aging and disability resource center, and the local
14 mental health and intellectual and developmental disability
15 center, and to communicate and meet with representatives from these
16 agencies and organizations;

17 (22) to be informed of the name, address, phone
18 number, and purpose of the Judicial Branch Certification Commission
19 and the procedure for filing a complaint against a certified
20 guardian;

21 (23) to contact the Department of Family and
22 Protective Services to report abuse, neglect, exploitation, or
23 violation of personal rights without fear of punishment,
24 interference, coercion, or retaliation;

25 (24) to have the guardian, on appointment and on
26 annual renewal of the guardianship, explain the rights delineated
27 in this subsection in the ward's native language, or preferred mode

1 of communication, and in a manner accessible to the ward; ~~and~~

2 (25) to make decisions related to sexual assault
3 crisis services, including consenting to a forensic medical
4 examination and treatment, authorizing the collection of forensic
5 evidence, consenting to the release of evidence contained in an
6 evidence collection kit and disclosure of related confidential
7 information, and receiving counseling and other support services;
8 and

9 (26) to have private communications with the ward's
10 physicians or other medical professionals, unless the court, after
11 a hearing requested by the ward's guardian, orders the private
12 communications to be limited due to:

- 13 (A) the risk of substantial harm to the ward; or
14 (B) the communications being unduly burdensome
15 to the physician or medical professional.

16 SECTION 8. Section 1163.101, Estates Code, is amended by
17 amending Subsection (c) and adding Subsection (d) to read as
18 follows:

19 (c) The guardian of the person shall file a sworn affidavit
20 that contains:

21 (1) the guardian's current name, address, and
22 telephone number;

23 (2) the ward's date of birth and current name, address,
24 telephone number, and age;

25 (3) a description of the type of home in which the ward
26 resides, which shall be described as:

27 (A) the ward's own home;

- 1 (B) a nursing home;
- 2 (C) a guardian's home;
- 3 (D) a foster home;
- 4 (E) a boarding home;
- 5 (F) a relative's home, in which case the
- 6 description must specify the relative's relationship to the ward;
- 7 (G) a hospital or medical facility; or
- 8 (H) another type of residence;
- 9 (4) statements indicating:
 - 10 (A) the length of time the ward has resided in the
 - 11 present home;
 - 12 (B) the reason for a change in the ward's
 - 13 residence, if a change in the ward's residence has occurred in the
 - 14 past year;
 - 15 (C) the date the guardian most recently saw the
 - 16 ward;
 - 17 (D) how frequently the guardian has seen the ward
 - 18 in the past year;
 - 19 (E) whether the guardian has possession or
 - 20 control of the ward's estate;
 - 21 (F) whether the ward's mental health has
 - 22 improved, deteriorated, or remained unchanged during the past year,
 - 23 including a description of the change if a change has occurred;
 - 24 (G) whether the ward's physical health has
 - 25 improved, deteriorated, or remained unchanged during the past year,
 - 26 including a description of the change if a change has occurred;
 - 27 (H) whether the ward has regular medical care;

1 [~~and~~]

2 (I) the ward's treatment or evaluation by any of
3 the following persons during the past year, including the person's
4 name and a description of the treatment:

- 5 (i) a physician;
- 6 (ii) a psychiatrist, psychologist, or other
7 mental health care provider;
- 8 (iii) a dentist;
- 9 (iv) a social or other caseworker; or
- 10 (v) any other individual who provided
11 treatment; and

12 (J) supports and services the ward has received
13 or is currently receiving, as described by Subsection (d);

14 (5) a description of the ward's activities during the
15 past year, including recreational, educational, social, and
16 occupational activities, or a statement that no activities were
17 available or that the ward was unable or refused to participate in
18 activities;

19 (6) the guardian's evaluation of:

20 (A) the ward's living arrangements as excellent,
21 average, or below average, including an explanation if the
22 conditions are below average;

23 (B) whether the ward is content or unhappy with
24 the ward's living arrangements; and

25 (C) unmet needs of the ward;

26 (7) a statement indicating whether the guardian's
27 power should be increased, decreased, or unaltered, including an

1 explanation if a change is recommended;

2 (8) a statement indicating that the guardian has paid
3 the bond premium for the next reporting period;

4 (9) if the guardian is a private professional
5 guardian, a guardianship program, or the Health and Human Services
6 Commission, whether the guardian or an individual certified under
7 Subchapter C, Chapter 155, Government Code, who is providing
8 guardianship services to the ward and who is filing the affidavit on
9 the guardian's behalf, is or has been the subject of an
10 investigation conducted by the Judicial Branch Certification
11 Commission during the preceding year; and

12 (10) any additional information the guardian desires
13 to share with the court regarding the ward, including:

14 (A) whether the guardian has filed for emergency
15 detention of the ward under Subchapter A, Chapter 573, Health and
16 Safety Code; and

17 (B) if applicable, the number of times the
18 guardian has filed for emergency detention and the dates of the
19 applications for emergency detention.

20 (d) The statements in the sworn affidavit regarding the
21 ward's supports and services under Subsection (c)(4)(J) must
22 include:

23 (1) information regarding actions the guardian is
24 taking to encourage the development of the ward's maximum
25 self-reliance and independence;

26 (2) a list of all the supports and services the ward is
27 currently receiving, including whether the ward:

- 1 (A) has a representative payee;
2 (B) receives services from a local mental health
3 authority or local intellectual and developmental disability
4 authority;
5 (C) receives any supports and services under
6 Medicaid, including under a Medicaid waiver program authorized
7 under Section 1915(c) of the federal Social Security Act (42 U.S.C.
8 Section 1396n); and
9 (D) receives any supports and services
10 informally;
11 (3) where the ward receives the supports and services
12 described by Subdivision (2);
13 (4) who provides the supports and services described
14 by Subdivision (2);
15 (5) a list of the supports and services the ward
16 previously received or attempted to receive and why the support or
17 service was discontinued or not received; and
18 (6) the guardian's opinion on whether the ward has the
19 capacity or sufficient capacity with supports and services for
20 complete restoration of the ward's capacity or modification of the
21 guardianship under Chapter 1202 or the reasons why the ward does not
22 have the capacity or sufficient capacity with supports and services
23 for complete restoration of the ward's capacity or modification of
24 the guardianship under Chapter 1202.

25 SECTION 9. Section 1201.052, Estates Code, is amended to
26 read as follows:

27 Sec. 1201.052. ANNUAL DETERMINATION; HEARING. (a) To

1 determine whether a guardianship should be continued, modified, or
2 terminated, the court in which the guardianship proceeding is
3 pending:

4 (1) shall review annually each guardianship in which
5 the application to create the guardianship was filed after
6 September 1, 1993; and

7 (2) may review annually any other guardianship.

8 (b) A court in which the guardianship proceeding is pending
9 may conduct a hearing under this section.

10 SECTION 10. Section 1201.053, Estates Code, is amended to
11 read as follows:

12 Sec. 1201.053. METHOD OF DETERMINATION. (a) In reviewing a
13 guardianship under Section 1201.052, a statutory probate court
14 shall review any ~~may~~:

15 (1) ~~[review any]~~ report prepared by:

16 (A) a court investigator under Section 1054.153
17 or 1202.054;

18 (B) a guardian ad litem under Section 1202.054;
19 or

20 (C) a court visitor under Section 1054.104;

21 (2) ~~[conduct a hearing, or~~

22 ~~[(3) review an]~~ annual account prepared under
23 Subchapter A, Chapter 1163; and

24 (3) ~~[, or a]~~ report prepared under Subchapter C,
25 Chapter 1163.

26 (a-1) Unless a court orders that a report be completed more
27 frequently, if a report described by Subsection (a)(1) is required

1 under Section 1054.153 or 1054.104, the court investigator or court
2 visitor, as appropriate, shall prepare an additional report
3 described by Subsection (a)(1) every three years beginning on the
4 date the original letters of guardianship are issued.

5 (a-2) Before preparing an additional report under
6 Subsection (a-1), the court investigator or court visitor, as
7 appropriate, shall:

8 (1) meet with the ward in person, using necessary and
9 appropriate communication supports;

10 (2) present the bill of rights for wards under Section
11 1151.351 to the ward in the ward's preferred language and manner of
12 communication;

13 (3) document the ward's statement of guardianship, as
14 described by Subsection (a-3); and

15 (4) document the supports and services currently
16 available to the ward and whether the guardian's rights and powers
17 can be limited because a less restrictive alternative to
18 guardianship is appropriate.

19 (a-3) The ward's statement of guardianship:

20 (1) must include:

21 (A) whether the ward desires a full restoration
22 of the ward's capacity or modification of the ward's guardianship;
23 and

24 (B) any other information the ward wishes to
25 share with the court; and

26 (2) may be in the form of:

27 (A) a written statement made by the ward and

1 filed with the court by the court investigator or court visitor
2 preparing the report;

3 (B) a verbal statement made to the court
4 investigator or court visitor, as applicable, that is documented in
5 writing and filed with the court by the person receiving the
6 statement; or

7 (C) a verbal or written statement made by the
8 ward during a hearing either in person or remotely through other
9 means.

10 (b) A court that is not a statutory probate court:

11 (1) shall review:

12 (A) any account prepared under Subchapter A,
13 Chapter 1163; and

14 (B) any report prepared under Subchapter C,
15 Chapter 1163 or Subsection (a-1); and

16 (2) may use any other method to review a guardianship
17 under Section 1201.052 that is determined appropriate by the court
18 according to the court's caseload and available resources.

19 SECTION 11. Section 1202.101, Estates Code, is amended to
20 read as follows:

21 Sec. 1202.101. APPOINTMENT OF ATTORNEY AD LITEM. (a)
22 Unless the ward retains an attorney under Section 1202.103, the
23 [The] court shall appoint an attorney ad litem to represent a ward
24 in a proceeding for the complete restoration of the ward's capacity
25 or for the modification of the ward's guardianship. Unless
26 otherwise provided by the court, the attorney ad litem shall
27 represent the ward only for purposes of the restoration or

1 modification proceeding. The attorney ad litem shall represent the
2 ward's interests, including the ward's expressed wishes.

3 (b) The attorney ad litem has an attorney-client
4 relationship with the ward the attorney ad litem is appointed to
5 represent under this section.

6 SECTION 12. Section 1202.152, Estates Code, is amended by
7 amending Subsections (a) and (c) and adding Subsections (a-1),
8 (a-2), and (a-3) to read as follows:

9 (a) Subject to Section 1202.1521, the applicant must
10 present to the court and the [The] court shall consider a written
11 letter or certificate as evidence of capacity, or sufficient
12 capacity with supports and services, at a hearing under Section
13 1202.151 from:

14 (1) a physician licensed in this state, if the ward's
15 incapacity resulted from a physical condition or mental condition;
16 or

17 (2) a psychologist licensed in this state or certified
18 by the Health and Human Services Commission to perform the
19 examination, in accordance with rules adopted by the executive
20 commissioner of the commission governing examinations of that kind,
21 if the ward's incapacity resulted from a mental condition.

22 (a-1) The physician or psychologist who provides the letter
23 or certificate under Subsection (a) must:

24 (1) have experience examining individuals with the
25 physical or mental condition resulting in the ward's incapacity; or

26 (2) have an established patient-provider relationship
27 with the ward.

1 (a-2) The letter or certificate required by Subsection (a)
2 must be:

3 (1) signed by the physician or psychologist; and

4 (2) dated:

5 (A) not earlier than the 120th day before the
6 date the application was filed; or

7 (B) after the date the application was filed but
8 before the date of the hearing.

9 (a-3) The court may consider the following evidence of
10 capacity, or sufficient capacity with supports and services, at a
11 hearing under Section 1202.151:

12 (1) a statement from a representative of the local
13 mental health authority or the local intellectual and developmental
14 disability authority listing services received by the ward and the
15 effectiveness of those services;

16 (2) medical records;

17 (3) affidavits of treating professionals regarding
18 the effectiveness of supports and services the ward is receiving;

19 (4) documentation from a health care provider
20 providing supports or services to the ward under Medicaid,
21 including a Medicaid waiver program authorized under Section
22 1915(c) of the federal Social Security Act (42 U.S.C. Section
23 1396n);

24 (5) an affidavit of the ward's employer or day
25 habilitation program manager regarding the ward's ability to
26 perform the necessary tasks;

27 (6) documentation from the United States Social

1 Security Administration identifying the ward's representative
2 payee; or

3 (7) any other evidence demonstrating the ward's
4 capacity [~~may not grant an order completely restoring a ward's~~
5 ~~capacity or modifying a ward's guardianship under an application~~
6 ~~filed under Section 1202.051 unless the applicant presents to the~~
7 ~~court a written letter or certificate from a physician licensed in~~
8 ~~this state that is dated:~~

9 ~~[(1) not earlier than the 120th day before the date the~~
10 ~~application was filed; or~~

11 ~~[(2) after the date the application was filed but~~
12 ~~before the date of the hearing].~~

13 (c) If the court determines it is necessary, the court shall
14 ~~[may]~~ appoint a physician or psychologist to complete an
15 examination of the ward. The physician or psychologist must be
16 chosen by the ward, provided, however, that if the ward makes no
17 choice, the ward's physician or psychologist of choice is not
18 available, or additional information is needed or required after an
19 examination by the ward's physician or psychologist of choice, the
20 court may appoint the necessary physicians or psychologists to
21 examine the ward. A physician appointed by the court must examine
22 the ward in the same manner and to the same extent as a ward is
23 examined by a physician under Section 1101.103 or 1101.104.

24 SECTION 13. Subchapter D, Chapter 1202, Estates Code, is
25 amended by adding Section 1202.1521 to read as follows:

26 Sec. 1202.1521. PHYSICIAN'S LETTER OR CERTIFICATE:
27 REQUIREMENT IF ALLEGED INCAPACITY BASED ON INTELLECTUAL

1 DISABILITY. If an intellectual disability is the basis of a ward's
2 alleged incapacity, the written letter or certificate presented
3 under Section 1202.152(a), instead of containing the information
4 required by Section 1202.152(b), must:

5 (1) state, in the physician's or psychologist's
6 opinion, whether the ward has the capacity, or sufficient capacity
7 with supports and services, to do any of the activities listed in
8 Section 1202.152(b)(1);

9 (2) state how or in what manner the ward's ability to
10 make or communicate reasonable decisions concerning himself or
11 herself is affected by the ward's mental capacity; and

12 (3) include any other information required by the
13 court.

14 SECTION 14. Subchapter A, Chapter 22, Government Code, is
15 amended by adding Section 22.0133 to read as follows:

16 Sec. 22.0133. JUDICIAL, COURT INVESTIGATOR, AND COURT
17 VISITOR TRAINING RELATED TO GUARDIANSHIPS. The supreme court, in
18 consultation with the Judicial Branch Certification Commission,
19 shall ensure that at least one hour of training related to
20 alternatives to guardianships and supports and services that are
21 available to a proposed ward is provided to each judge with
22 jurisdiction to hear a guardianship proceeding, each court
23 investigator appointed under Section 1054.156, Estates Code, and
24 each court visitor appointed under Section 1054.103, Estates Code,
25 at least once every two years.

26 SECTION 15. Sections 1202.054(b-1) and (d), Estates Code,
27 are repealed.

1 SECTION 16. (a) Except as otherwise provided by this
2 section, the changes in law made by this Act apply to:

3 (1) a guardianship proceeding created before, on, or
4 after the effective date of this Act; and

5 (2) an application for a guardianship pending on, or
6 filed on or after, the effective date of this Act.

7 (b) The changes in law made by this Act to Section 1202.152,
8 Estates Code, apply only to a proceeding for the complete
9 restoration of capacity or modification of a guardianship commenced
10 on or after the effective date of this Act. A proceeding described
11 by this section commenced before the effective date of this Act is
12 governed by the law in effect on the date the proceeding was
13 commenced, and the former law is continued in effect for that
14 purpose.

15 SECTION 17. (a) Not later than December 1, 2023, the Texas
16 Supreme Court shall adopt the rules necessary to provide the
17 training required under Section 22.0133, Government Code, as added
18 by this Act.

19 (b) Notwithstanding Section 22.0133, Government Code, as
20 added by this Act, a judge who is in office on the effective date of
21 this Act or a court investigator or court visitor described by
22 Section 22.0133, Government Code, as added by this Act, who is
23 appointed on or before the effective date of this Act must complete
24 the training required by Section 22.0133, Government Code, as added
25 by this Act, not later than December 1, 2025.

26 SECTION 18. This Act takes effect September 1, 2023.