

By: Zaffirini

S.B. No. 1624

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to guardianships, alternatives to guardianship, and  
3 supports and services for incapacitated persons.

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

5 SECTION 1. Section 22.016, Estates Code, is amended to read  
6 as follows:

7 Sec. 22.016. INCAPACITATED PERSON. A person is  
8 "incapacitated" if the person:

9 (1) is a minor;

10 (2) is an adult who, because of a physical or mental  
11 condition, is substantially unable to do the following even with  
12 appropriate supports and services:

13 (A) provide food, clothing, or shelter for  
14 himself or herself;

15 (B) care for the person's own physical health; or

16 (C) manage the person's own financial affairs; or

17 (3) must have a guardian appointed for the person to  
18 receive funds due the person from a governmental source.

19 SECTION 2. Section 1002.017, Estates Code, is amended to  
20 read as follows:

21 Sec. 1002.017. INCAPACITATED PERSON. "Incapacitated  
22 person" means:

23 (1) a minor;

24 (2) an adult who, because of a physical or mental

1 condition, is substantially unable to do the following even with  
2 appropriate supports and services:

3 (A) provide food, clothing, or shelter for  
4 himself or herself;

5 (B) care for the person's own physical health; or

6 (C) manage the person's own financial affairs; or

7 (3) a person who must have a guardian appointed for the  
8 person to receive funds due the person from a governmental source.

9 SECTION 3. Section 1054.001, Estates Code, is amended to  
10 read as follows:

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

16 SECTION 4. Section 1054.003, Estates Code, is amended to  
17 read as follows:

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

25 SECTION 5. Section 1054.006, Estates Code, is amended to  
26 read as follows:

27 Sec. 1054.006. REPRESENTATION OF WARD OR PROPOSED WARD BY

1 ATTORNEY. (a) A ward or proposed ward [~~The following persons~~] may  
2 at any time retain an attorney who holds a certificate required by  
3 Subchapter E to represent the ward's or proposed ward's [~~person's~~]  
4 interests, including the ward's or proposed ward's expressed  
5 wishes, in a guardianship proceeding, including a proceeding  
6 involving the complete restoration of the ward's capacity or  
7 modification of the ward's guardianship, instead of having those  
8 interests represented by an attorney ad litem appointed under  
9 Section 1054.001 or another provision of this 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  
18 [~~finds that the ward or the proposed ward has capacity to contract,~~  
19 ~~the court may~~] shall remove an attorney ad litem appointed under  
20 Section 1054.001 or any other provision of this title that requires  
21 the court to appoint an attorney ad litem to represent the interests  
22 of a ward or proposed ward and appoint a ward or a proposed ward's  
23 retained counsel.

24 (c) On the court's own motion or on the motion of a party to  
25 a guardianship proceeding, the court shall hold a hearing on the  
26 ward's or proposed ward's capacity to contract and retain an  
27 attorney under Subsection (a). If the court finds that the ward or

1 proposed ward does not understand the guardianship proceeding or  
2 the purpose for which the attorney was retained, the court shall  
3 remove the retained attorney and appoint an attorney ad litem under  
4 Section 1202.101 or another provision of this title that requires  
5 the court to appoint an attorney ad litem, as applicable.

6 (d) An attorney retained for 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 6. 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 7. 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) The judge may appoint a person who  
20 is not an interested person as a guardian ad litem to represent the  
21 interests of an incapacitated person in a guardianship proceeding.

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

23 (1) appointed as an attorney ad litem for the  
24 guardianship proceeding except as provided by Section 1054.052 or  
25 1203.051;

26 (2) a current or former temporary guardian or  
27 permanent guardian of the ward or proposed ward; or

1           (3) an opposing party in the guardianship proceeding.

2           SECTION 8. Subchapter D, Chapter 1054, Estates Code, is  
3 amended by adding Section 1054.157 to read as follows:

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

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

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

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

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

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

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

26           (5) to consideration of the ward's current and  
27 previously stated personal preferences, desires, medical and

1 psychiatric treatment preferences, religious beliefs, living  
2 arrangements, and other preferences and opinions;

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

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

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

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

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

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

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

27 (13) to participate in social, religious, and

1 recreational activities, training, employment, education,  
2 habilitation, and rehabilitation of the ward's choice in the most  
3 integrated setting;

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

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

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

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

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

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

1 agreement, except as limited by Section [1054.006](#);

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

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

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

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

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

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

26 (24) to have the guardian, on appointment and on  
27 annual renewal of the guardianship, explain the rights delineated



1 in this subsection in the ward's native language, or preferred mode  
2 of communication, and in a manner accessible to the ward; [~~and~~]

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

10 (26) to have private communications with the ward's  
11 physicians or other medical professionals, unless the court, after  
12 a hearing requested by the ward's guardian, orders the private  
13 communications to be limited due to the risk of substantial harm to  
14 the ward.

15 SECTION 10. Section 1163.101, Estates Code, is amended by  
16 amending Subsection (c) and adding Subsection (d) to read as  
17 follows:

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

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

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

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

26 (A) the ward's own home;

27 (B) a nursing home;

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

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

4 (i) a physician;

5 (ii) a psychiatrist, psychologist, or other  
6 mental health care provider;

7 (iii) a dentist;

8 (iv) a social or other caseworker; or

9 (v) any other individual who provided  
10 treatment; and

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

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

18 (6) the guardian's evaluation of:

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

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

24 (C) unmet needs of the ward;

25 (7) a statement indicating whether the guardian's  
26 power should be increased, decreased, or unaltered, including an  
27 explanation if a change is recommended;

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

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

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

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

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

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

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

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

27 (A) has a representative payee;

1           (B) receives services from a local mental health  
2 authority or local intellectual and developmental disability  
3 authority;

4           (C) receives any supports and services under  
5 Medicaid, including under a Medicaid waiver program authorized  
6 under Section 1915(c) of the federal Social Security Act (42 U.S.C.  
7 Section 1396n); and

8           (D) receives any supports and services  
9 informally;

10          (3) where the ward receives the supports and services  
11 described by Subdivision (2);

12          (4) who provides the supports and services described  
13 by Subdivision (2);

14          (5) a list of the supports and services the ward  
15 previously received or attempted to receive and why the support or  
16 service was discontinued or not received; and

17          (6) the guardian's opinion on whether the ward has the  
18 capacity or sufficient capacity with supports and services for  
19 complete restoration of the ward's capacity or modification of the  
20 guardianship under Chapter 1202 or the reasons why the ward does not  
21 have the capacity or sufficient capacity with supports and services  
22 for complete restoration of the ward's capacity or modification of  
23 the guardianship under Chapter 1202.

24          SECTION 11. Section 1201.052, Estates Code, is amended to  
25 read as follows:

26          Sec. 1201.052. ANNUAL DETERMINATION; HEARING. (a) To  
27 determine whether a guardianship should be continued, modified, or

1 terminated, the court in which the guardianship proceeding is  
2 pending:

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

6 (2) may review annually any other guardianship.

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

9 SECTION 12. Section 1201.053, Estates Code, is amended to  
10 read as follows:

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

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

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

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

19 (C) a court visitor under Section 1054.104;

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

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

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

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

27 (1) under Section 1054.153 or 1054.104, the court

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

5 (2) under Section 1202.054, the court investigator or  
6 guardian ad litem, as applicable, shall prepare an additional  
7 report described by Subsection (a)(1) every three years beginning  
8 on the date of the last hearing relating to the guardianship held  
9 under Subchapter D, Chapter 1202.

10 (a-2) Before preparing an additional report under  
11 Subsection (a-1), the court investigator, guardian ad litem, or  
12 court visitor, as appropriate, shall:

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

15 (2) present the bill of rights for wards under Section  
16 1151.351 to the ward in the ward's preferred language and manner of  
17 communication;

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

20 (4) document the supports and services currently  
21 available to the ward and whether the guardian's rights and powers  
22 can be limited because a less restrictive alternative to  
23 guardianship is appropriate.

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

25 (1) must include:

26 (A) whether the ward desires a full restoration  
27 of the ward's capacity or modification of the ward's guardianship;

1 and

2 (B) any other information the ward wishes to  
3 share with the court; and

4 (2) may be in the form of:

5 (A) a written statement made by the ward and  
6 filed with the court by the court investigator, guardian ad litem,  
7 or court visitor preparing the report;

8 (B) a verbal statement made to the court  
9 investigator, guardian ad litem, or court visitor, as applicable,  
10 that is documented in writing and filed with the court by the person  
11 receiving the statement; or

12 (C) a verbal or written statement made by the  
13 ward during a hearing either in person or remotely through other  
14 means.

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

16 (1) shall review:

17 (A) any account prepared under Subchapter A,  
18 Chapter 1163; and

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

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

24 SECTION 13. Section 1202.101, Estates Code, is amended to  
25 read as follows:

26 Sec. 1202.101. APPOINTMENT OF ATTORNEY AD LITEM. (a)  
27 Unless the ward retains an attorney under Section 1202.103, the



1 ~~The~~ court shall appoint an attorney ad litem to represent a ward  
2 in a proceeding for the complete restoration of the ward's capacity  
3 or for the modification of the ward's guardianship. Unless  
4 otherwise provided by the court, the attorney ad litem shall  
5 represent the ward only for purposes of the restoration or  
6 modification proceeding. The attorney ad litem shall represent the  
7 ward's interests, including the ward's expressed wishes.

8 (b) The attorney ad litem has an attorney-client  
9 relationship with the ward the attorney ad litem is appointed to  
10 represent under this section.

11 SECTION 14. Section 1202.152, Estates Code, is amended to  
12 read as follows:

13 Sec. 1202.152. EVIDENCE OF CAPACITY WITH OR WITHOUT  
14 SUPPORTS AND SERVICES [~~PHYSICIAN'S LETTER OR CERTIFICATE~~  
15 ~~REQUIRED~~]. (a) The court may consider the following evidence of  
16 capacity or capacity with supports and services at a hearing under  
17 Section 1202.151:

18 (1) a written letter or certificate signed by a  
19 physician or psychologist licensed in this state;

20 (2) a statement from a representative of the local  
21 mental health authority or the local intellectual and developmental  
22 disability authority listing services received by the ward and the  
23 effectiveness of those services;

24 (3) medical records;

25 (4) affidavits of treating professionals regarding  
26 the effectiveness of supports and services the ward is receiving;

27 (5) documentation from a health care provider

1 providing supports or services to the ward under Medicaid,  
2 including a Medicaid waiver program authorized under Section  
3 1915(c) of the federal Social Security Act (42 U.S.C. Section  
4 1396n);

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

8 (7) documentation from the United States Social  
9 Security Administration identifying the ward's representative  
10 payee; or

11 (8) any other evidence demonstrating the ward's  
12 capacity [~~not grant an order completely restoring a ward's capacity~~  
13 ~~or modifying a ward's guardianship under an application filed under~~  
14 ~~Section 1202.051 unless the applicant presents to the court a~~  
15 ~~written letter or certificate from a physician licensed in this~~  
16 ~~state that is dated:~~

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

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

21 (b) A letter or certificate presented under Subsection  
22 (a) (1) must:

23 (1) describe the nature and degree of incapacity,  
24 including the medical history if reasonably available, or state  
25 that, in the physician's opinion, the ward has the capacity, or  
26 sufficient capacity with supports and services, to:

27 (A) provide food, clothing, and shelter for

1 himself or herself;

2 (B) care for the ward's own physical health; and

3 (C) manage the ward's financial affairs;

4 (2) provide a medical prognosis specifying the  
5 estimated severity of any incapacity;

6 (3) state how or in what manner the ward's ability to  
7 make or communicate responsible decisions concerning himself or  
8 herself is affected by the ward's physical or mental health;

9 (4) state whether any current medication affects the  
10 ward's demeanor or the ward's ability to participate fully in a  
11 court proceeding;

12 (5) describe the precise physical and mental  
13 conditions underlying a diagnosis of senility, if applicable; and

14 (6) include any other information required by the  
15 court.

16 (c) If the court determines it is necessary, the court shall  
17 ~~may~~ appoint a physician of the ward's choice, or, if the ward's  
18 physician of choice is not available, the court may appoint the  
19 necessary physicians to examine the ward in the same manner and to  
20 the same extent as a ward is examined by a physician under Section  
21 [1101.103](#) or [1101.104](#).

22 SECTION 15. Subchapter [A](#), Chapter [22](#), Government Code, is  
23 amended by adding Section 22.0133 to read as follows:

24 Sec. 22.0133. JUDICIAL AND COURT INVESTIGATOR TRAINING  
25 RELATED TO GUARDIANSHIPS. The supreme court, in consultation with  
26 the Judicial Branch Certification Commission, shall ensure that at  
27 least one hour of training related to alternatives to guardianships

1 and supports and services that are available to a proposed ward is  
2 provided to each judge with jurisdiction to hear a guardianship  
3 proceeding and each court investigator appointed under Section  
4 1054.156, Estates Code, at least once every two years.

5 SECTION 16. Sections 1202.054(b-1) and (d), Estates Code,  
6 are repealed.

7 SECTION 17. (a) Except as otherwise provided by this  
8 section, the changes in law made by this Act apply to:

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

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

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

21 SECTION 18. (a) Not later than December 1, 2023, the  
22 supreme court shall adopt the rules necessary to provide the  
23 training required under Section 22.0133, Government Code, as added  
24 by this Act.

25 (b) Notwithstanding Section 22.0133, Government Code, as  
26 added by this Act, a judge who is in office on the effective date of  
27 this Act or a court investigator described by Section 22.0133,

1 Government Code, as added by this Act, who is appointed on or before  
2 the effective date of this Act must complete the training required  
3 by Section 22.0133, Government Code, as added by this Act, not later  
4 than December 1, 2025.

5 SECTION 19. This Act takes effect September 1, 2023.