

By: Zaffirini
(Thompson, et al.)

S.B. No. 746

A BILL TO BE ENTITLED

AN ACT

relating to guardianship matters.

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

SECTION 1. Section 1002.013, Estates Code, is amended to read as follows:

Sec. 1002.013. GUARDIAN AD LITEM. "Guardian ad litem" means a person appointed by a court to represent the best interests of an incapacitated person or proposed ward in a guardianship proceeding.

SECTION 2. Section 1054.051(a), Estates Code, is amended to read as follows:

(a) Subject to Subsection (b), the judge may appoint a guardian ad litem to represent the interests of an incapacitated person or proposed ward in a guardianship proceeding.

SECTION 3. Section 1054.054(b), Estates Code, is amended to read as follows:

(b) A guardian ad litem shall protect the incapacitated person or proposed ward whose interests the guardian has been appointed to represent in a manner that will enable the court to determine the action that will be in that person's best interests.

SECTION 4. Section 1054.056(a), Estates Code, is amended to read as follows:

(a) Subject to Subsection (b), a guardian ad litem appointed under this subchapter or Section 1102.001 or 1202.054 to represent

1 the interests of an incapacitated person or proposed ward in a
2 guardianship proceeding involving the creation, modification, or
3 termination of a guardianship is not liable for civil damages
4 arising from a recommendation made or an opinion given in the
5 capacity of guardian ad litem.

6 SECTION 5. Section 1055.001(b), Estates Code, is amended to
7 read as follows:

8 (b) A person who has an interest that is adverse to a
9 proposed ward or incapacitated person may not:

10 (1) file an application to create a guardianship or
11 for the appointment of a guardian for the proposed ward or
12 incapacitated person;

13 (2) contest the creation of a guardianship for the
14 proposed ward or incapacitated person;

15 (3) contest the appointment of a person as a guardian
16 of the proposed ward or incapacitated person; ~~[or]~~

17 (4) contest an application for complete restoration of
18 a ward's capacity or modification of a ward's guardianship; or

19 (5) file a motion or complaint to request the removal
20 of a guardian or contest the request for removal of a guardian.

21 SECTION 6. Section 1163.051, Estates Code, is amended by
22 adding Subsections (d) and (e) to read as follows:

23 (d) If the court approves the annual account, the court
24 shall enter an order to that effect.

25 (e) If the court does not approve the annual account, the
26 court shall enter an order to that effect and require the guardian
27 of the estate to file another annual account within a period

1 prescribed by the order, which may not be later than the 30th day
2 after the date the order is entered.

3 SECTION 7. Section 1163.104, Estates Code, is amended by
4 amending Subsection (a) and adding Subsection (a-1) to read as
5 follows:

6 (a) If the judge is satisfied that the facts stated in the
7 report are true, the court shall approve the report and enter an
8 order to that effect.

9 (a-1) If the court does not approve the annual report, the
10 court shall enter an order to that effect and require the guardian
11 of the person to file another annual report within a period
12 prescribed by the order, which may not be later than the 30th day
13 after the date the order is entered.

14 SECTION 8. Sections 1054.051, 1054.054, 1054.056,
15 1055.001, 1163.051, and 1163.104, Estates Code, as amended by this
16 Act, apply to a guardianship proceeding that is pending or
17 commenced on or after the effective date of this Act.

18 SECTION 9. This Act takes effect September 1, 2025.