

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 869  
By: Lindsay  
Jurisprudence  
4/18/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current Texas law, guardians may be appointed for incapacitated persons or persons who need assistance in making decisions concerning their own welfare or financial affairs. Although a proposed ward is found to be in need of a guardian by the court investigators at the time a guardianship referral is made, the actual guardianship can take several months to establish, placing some wards in undue and unnecessary risk. C.S.S.B. 869 amends the Texas Probate Code to require service by the sheriff or other officer on the spouse of a proposed ward to be made only if the whereabouts of the spouse are known or can be reasonably ascertained and amends other provisions regarding related procedures.

### **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 Sections 633(c), (d), and (f), Texas Probate Code, as follows:

- (c) Requires the sheriff or other officer to personally serve citation to appear and answer the application for guardianship on a proposed ward's spouse if the whereabouts of the spouse are known or can be reasonably ascertained.
- (d) Requires the court clerk, at the applicant's request, or the applicant to mail a copy of the notice by registered or certified mail, return receipt requested, to certain persons if their whereabouts are known or can be reasonably ascertained.
- (f) Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from the original by amending the relating clause.

SECTION 1. Differs from the original by adding proposed amendments to Subsections (d) and (f) of Section 633, Texas Probate Code.

SECTIONS 2 and 3. No change.