

## **BILL ANALYSIS**

Senate Research Center

H.B. 230  
By: Hartnett (Harris)  
Jurisprudence  
4/29/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

It is possible for a guardian to neglect a ward without necessarily mistreating the ward. A guardian has a duty to take care of and protect the ward. For example, a ward in a nursing home might not have an estate. If the guardian does not fill out the Medicaid forms or does not pay for the ward's care, the nursing home will discharge the ward due to the guardian's neglect.

H.B. 230 adds neglect and mistreatment from habitual failure to provide for basic needs as grounds upon which a court can remove a ward from an unfit guardian's care. A court is authorized to revoke a guardian's responsibilities without notice.

### **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 761(a) and (c), Texas Probate Code, to authorize the court, on its own motion or on motion of any interested person, including the ward, and without notice, to remove any guardian, appointed under this chapter, for certain amended reasons.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.