

## **BILL ANALYSIS**

Senate Research Center  
85R6457 KFF-D

S.B. 498  
By: Zaffirini  
State Affairs  
3/21/2017  
As Filed

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

Some persons find the Estates Code use of the term "ward" to refer to persons under guardianship offensive because it carries a connotation of the person being akin to chattel. Because the use of language creates, reinforces, and perpetuates stereotypes regarding particular groups of persons, the use of this term may further exacerbate feelings of devaluation and passivity for persons under guardianship, who already have been legally deprived of the right to control their lives and many of whom are persons with disabilities.

The use of this term is incompatible with existing law that requires the use of person-first, respectful language when statutes refer to persons with disabilities. S.B. 498 directs the Texas Legislative Council and state agencies to replace the term "ward" with respectful language when referring to persons under guardianship. This update reflects important changes in our societal views toward persons under guardianship, specifically that although these persons may need some assistance in decision-making, they remain persons whose individual desires, wishes, and values should be respected.

As proposed, S.B. 498 amends current law relating to the use of person first respectful language instead of the term "ward."

### **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 Section 22.033, Estates Code, as follows:

Sec. 22.033. New heading: WARD; PERSON WITH A GUARDIAN. Defines "ward" or "person with a guardian."

SECTION 2. Amends Chapter 1001, Estates Code, by adding Section 1001.004, as follows:

Sec. 1001.004. USE OF PERSON FIRST RESPECTFUL LANGUAGE INSTEAD OF WARD. (a) Provides that the legislature, the Texas Legislative Council, and other state agencies and entities are directed to avoid using the term "ward" in any new provision of law and are directed to replace, as appropriate, that term in any existing law as that existing law is otherwise amended with the following preferred terms or phrases or appropriate variations of those terms or phrases: person, incapacitated person, and person with a guardian.

(b) Provides that a law is not invalid solely because it does not employ this section's preferred terms or phrases.

SECTION 3. Amends Section 1002.026, Estates Code, as follows:

Sec. 1002.026. New heading: PROPOSED WARD; ALLEGED INCAPACITATED PERSON. Defines "proposed ward" or "alleged incapacitated person."

SECTION 4. Amends Section 1002.030, Estates Code, as follows:

Sec. 1002.030. New heading: WARD; PERSON WITH A GUARDIAN. Defines "ward" or "person with guardian."

SECTION 5. Amends Section 155.001(7), Government Code, to define "ward" or "person with a guardian."

SECTION 6. Amends Section 411.114(a)(1)(E), Government Code, to define "ward" or "person with guardian."

SECTION 7. Amends Section 240.002(15), Property Code, to define "ward" or "person with guardian."

SECTION 8. Provides that to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. Effective date: upon passage or September 1, 2017.