

BILL ANALYSIS

Senate Research Center
87R2812 KFF-F

H.B. 1296
By: Metcalf (Creighton)
Jurisprudence
5/11/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised at the inefficiency in the way that a court must serve notice when they motion to transfer a guardian. Currently, the court must notify the guardian by personal service to appear and explain why the guardianship should not be transferred. H.B. 1296 will address this concern by allowing the court to serve notice to a guardian by certified mail rather than personal service in cases where the court makes its own motion to transfer guardianship.

H.B. 1296 amends current law relating to the provision of certain notices in guardianship proceedings.

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 1023.004, Estates Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Deletes existing text requiring that a guardian be cited by personal service to appear and show cause why the guardianship should not be transferred to another county if a court made a motion to transfer a guardianship.

(c) Requires that the guardian be given notice by certified mail to appear and show cause why the guardianship should not be transferred if a court made a motion to transfer a guardianship.

SECTION 2. Amends Section 1203.052(b), Estates Code, as follows:

(b) Requires that a guardian be given notice, by certified mail, return receipt requested, rather than be cited, to appear and contest the request for removal under this subsection at a time and place set in the notice, rather than in the manner provided by Subsection (a) (relating to the removal of a guardian by the court under certain circumstances).

SECTION 3. Makes application of Sections 1023.004 and 1203.052(b), Estates Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2021.