

BILL ANALYSIS

S.B. 692
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the legislature enacted Senate Bill 31, which established the guardianship abuse, fraud, and exploitation deterrence program. The program reviews court records of guardianship cases to identify reporting deficiencies by guardians, audits annual accountings, reports findings to a judge, and reports to the courts and other appropriate authorities any concerns of potential abuse, fraud, or financial exploitation of a person under guardianship. The Office of Court Administration has found that the lack of financial records and backup documentation is a significant obstacle to completing many audits. Currently, requests are made to the court, which then orders guardians or their representatives to provide the missing records. Guardianships in which fraud or exploitation are suspected, however, often are cases in which the guardian is not cooperative. The program's ability to obtain financial records timely from sources other than the guardian is crucial in these instances. S.B. 692 seeks to address this issue by providing the program with access to certain financial records.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 692 amends the Government Code to require a financial institution or other person, as applicable and to the extent allowed and in the manner required by federal law, to provide the guardianship abuse, fraud, and exploitation deterrence program on request with access to financial institution records, accounting records, and other financial records concerning a ward or the ward's estate, including receipts, records of deposits and withdrawals, invoices, bills, and any other records of transactions involving the money or assets of a ward or the ward's estate, for purposes of conducting reviews and audits under the program. The bill authorizes the program to request the court in which the guardianship is pending to order a financial institution or other person who possesses the records to provide the records to the program. The bill authorizes the court, after notice and a hearing, to issue an order requiring the financial institution or person to provide the records to the program under the conditions the court prescribes. The bill defines "financial institution" by reference to the Finance Code and "estate" and "ward" by reference to the Estates Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.