

BILL ANALYSIS

Senate Research Center
76R7243 KLA-F

H.B. 2795
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Human Services
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Engrossed

DIGEST

Entities such as hospitals or nursing homes sometimes request that a court appoint Adult Protective Services (APS) as guardians for a person who is incapacitated, and for whom the responsible party is uncooperative or not readily ascertainable. In most cases, APS is unfamiliar with the person's history, and must make medical and placement decisions with little or no knowledge of the person's background, circumstances, or specific needs. H.B. 2795 requires an applicant seeking to have a third party named as guardian to notify the potential guardian in advance. This notice would allow the Department of Protective and Regulatory Services, which administers APS, time to determine whether APS, rather than another entity, would be appropriate to be appointed as guardian.

PURPOSE

As proposed, H.B. 2795 requires an applicant seeking to have a third party named as guardian to notify the potential guardian in advance.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 633(b) and (c), Probate Code, to require a citation issued under this section to include the name of the person to be appointed guardian as provided in the application for guardianship, if that person is not the applicant. Makes a conforming change.

SECTION 2. Amends Sections 875(e) and (f), Probate Code, to prohibit a temporary guardianship from being granted prior to a hearing under Subdivision (1) of this subsection if an applicant is not the proposed temporary guardian, unless the proposed temporary guardian appears in court. Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.