

## **BILL ANALYSIS**

Senate Research Center  
78R13758 KLA-F

H.B. 1985  
By: Casteel (Wentworth)  
Jurisprudence  
5/17/2003  
Engrossed

### **DIGEST AND PURPOSE**

The current Texas Probate Code, unlike the Family Code, does not provide for the immunity of a guardian ad litem for ordinary negligence. H.B. 1985 provides for the immunity of a guardian ad litem for ordinary negligence in certain circumstances.

### **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 Subpart E, Part 2, Chapter XIII, Texas Probate Code, by adding Section 645A, as follows:

Sec. 645A. IMMUNITY. (a) Provides that a guardian ad litem appointed under Section 645, 683, or 694A of this code to represent the interests of an incapacitated person in a guardianship proceeding involving the creation, modification, or termination of a guardianship is not liable for civil damages arising from a recommendation made or an opinion given in the capacity of guardian ad litem.

(b) Provides that Subsection (a) of this section does not apply to certain recommendations or opinions.

SECTION 2. Provides that this Act applies only to guardianship proceedings for which a court has appointed a guardian ad litem to represent the interests of an incapacitated person on or after the effective date of this Act or before the effective date of this Act if the proceeding is pending on the effective date of this Act.

SECTION 3. Effective date: September 1, 2003.