

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1016
By: Creighton
State Affairs
4/20/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

All probate courts are required to investigate applications to establish guardianships over incapacitated individuals to determine the necessity of the guardianship before implementing said guardianship. The law clearly establishes that statutory probate courts (found only in Bexar, Collin, Dallas, Denton, El Paso, Galveston, Harris, Hidalgo, Tarrant, and Travis Counties) are to employ a court investigator for this purpose. The law is silent as to how the vast majority of the probate courts are to fulfill this duty. S.B. 1016 allows for non-statutory probate courts to also employ a probate investigator to fulfill the legal requirements imposed on them by the Estates Code.

S.B. 1016 allows non-statutory probate courts the same ability to investigate and monitor guardianship cases that statutory probate courts already have through an investigator who is employed by the county. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1016 amends current law relating to the appointment and duties of court investigators for certain courts 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 1002.009, Estates Code, to redefine "court investigator."

SECTION 2. Amends Section 1054.152, Estates Code, as follows:

Sec. 1054.152. GENERAL DUTIES. Requires a court investigator to, among other duties, supervise a court visitor program established under Subchapter C (Court Visitors) and serve as the chief court visitor, if the court for which the investigator is appointed operates that type of program.

SECTION 3. Amends Subchapter D, Chapter 1054, Estates Code, by adding Section 1054.156, as follows:

Sec. 1054.156. APPOINTMENT OF COURT INVESTIGATOR FOR CERTAIN COURTS. (a) Authorizes a certain judge to appoint a court investigator if the appointment is authorized by the commissioners court.

(b) Authorizes the commissioners court to authorize additional court investigators for a county if necessary.

(c) Requires the commissioners court to set the salary of a court investigator.

(d) Provides that the appointment of a court investigator by the judge of a statutory probate court is governed by Section 25.0025 (Court Investigators), Government Code.

SECTION 4. Effective date: September 1, 2017.