

AN ACT

relating to the requirement of a guardian to provide information regarding a ward's health and residence to certain relatives of the ward.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1051.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c) A citation served as provided by Subsection (a) to a relative of the proposed ward described by Subsection (a)(2) or (4) must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing in order to receive notice about the ward under Section 1151.056.

SECTION 2. Section 1051.104, Estates Code, is amended by adding Subsection (d) to read as follows:

(d) Notice required by Subsection (a) to a relative of the proposed ward described by Subsection (a)(1) or (2) must contain a statement notifying the relative that, if a guardianship is created for the proposed ward, the relative must elect in writing in order to receive notice about the ward under Section 1151.056.

SECTION 3. Section 1151.056, Estates Code, is amended by amending Subsections (a) and (g) and adding Subsections (h) and (i) to read as follows:

(a) This section applies only with respect to a relative

1 ~~[relatives]~~ described under Sections [1101.001\(b\)\(13\)\(A\)-\(D\)](#):

2 (1) against whom a protective order has not been  
3 issued to protect the ward;

4 (2) who has not been found by a court or other state  
5 agency to have abused, neglected, or exploited the ward; and

6 (3) who has elected in writing to receive the notice  
7 about a ward under this section.

8 (g) In considering a motion under Subsection (e), the court  
9 shall relieve the guardian of the duty to provide notice about a  
10 ward to a relative under this section if the court finds that:

11 (1) the motion includes a written request from a  
12 relative electing to not receive the notice;

13 (2) the guardian was unable to locate the relative  
14 after making reasonable efforts to discover and locate the  
15 relative;

16 (3) the guardian was able to locate the relative, but  
17 was unable to establish communication with the relative after  
18 making reasonable efforts to establish communication; or

19 ~~(4) [a protective order was issued against the~~  
20 ~~relative to protect the ward,~~

21 ~~[(5) a court or other state agency has found that the~~  
22 ~~relative abused, neglected, or exploited the ward, or~~

23 ~~[(6)]~~ notice is not in the best interest of the ward.

24 (h) A guardian, as soon as possible but not later than  
25 September 1, 2019, shall provide notice to a relative of the ward  
26 described under Sections [1101.001\(b\)\(13\)\(A\)-\(D\)](#) whose whereabouts  
27 are known or can reasonably be ascertained that the relative must

1 elect in writing in order to receive notice about the ward under  
2 this section. This subsection applies only to a guardianship:

3 (1) created on or before the effective date of this  
4 subsection; or

5 (2) created after the effective date of this  
6 subsection if the application for the guardianship was pending on  
7 the effective date of this subsection.

8 (i) This subsection and Subsection (h) expire January 1,  
9 2020.

10 SECTION 4. The changes in law made by this Act apply to a  
11 guardianship created before, on, or after the effective date of  
12 this Act.

13 SECTION 5. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2017.

S.B. No. 1709

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1709 passed the Senate on April 25, 2017, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1709 passed the House on May 23, 2017, by the following vote: Yeas 146, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor