

1-1 By: Rodríguez S.B. No. 511
 1-2 (In the Senate - Filed January 17, 2017; February 6, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 11, 2017, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to a written declaration to designate a guardian before
 1-20 the need for a guardian arises.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 1104.203, Estates Code, is amended by
 1-23 amending Subsections (a) and (b) and adding Subsection (a-1) to
 1-24 read as follows:

1-25 (a) Except as provided by Subsection (a-1), a [A]
 1-26 declaration under this subchapter must be signed by the declarant
 1-27 and be:

1-28 (1) written wholly in the declarant's handwriting; or
 1-29 (2) attested to in the declarant's presence by at least
 1-30 two credible witnesses who are:

1-31 (A) 14 years of age or older; and
 1-32 (B) not named as guardian or alternate guardian
 1-33 in the declaration.

1-34 (a-1) If the declaration does not expressly disqualify any
 1-35 individual from serving as guardian of the declarant's person or
 1-36 estate, the declaration must be signed by the declarant and may be
 1-37 acknowledged by a notary public instead of being attested to in the
 1-38 declarant's presence by witnesses as required by Subsection (a)(2).

1-39 (b) Notwithstanding Subsection (a) or (a-1), a declaration
 1-40 that is not written wholly in the declarant's handwriting may be
 1-41 signed by another person for the declarant under the direction of
 1-42 and in the presence of the declarant.

1-43 SECTION 2. Section 1104.204, Estates Code, is amended by
 1-44 adding Subsections (c) and (d) to read as follows:

1-45 (c) A declaration that complies with the requirements of
 1-46 Section 1104.203(a-1) may, but is not required to, be in the form
 1-47 specified by Subsection (b), except that instead of having attached
 1-48 the self-proving affidavit prescribed by that subsection, the
 1-49 declaration shall have attached the following acknowledgment:

1-50 STATE OF _____

1-51 COUNTY OF _____

1-52 This instrument was acknowledged before me on the ____ day of
 1-53 _____, 20____,

1-54 by _____ (Declarant).

1-55
 1-56 _____
 1-57 Notary Public, in and for
 1-58 the State of Texas

1-59 Notary's printed name:

1-60 My commission expires:
 1-61 _____

2-1 (d) A declaration that complies with the requirements of
2-2 Section 1104.203(a-1) that has attached the acknowledgment
2-3 provided by Subsection (c) is considered self-proved.

2-4 SECTION 3. The changes in law made by this Act apply only to
2-5 a declaration to designate a guardian executed on or after the
2-6 effective date of this Act. A declaration to designate a guardian
2-7 executed before the effective date of this Act is governed by the
2-8 law in effect on the date the declaration was executed, and the
2-9 former law is continued in effect for that purpose.

2-10 SECTION 4. This Act takes effect September 1, 2017.

2-11

* * * * *