

1-1 By: Zaffirini S.B. No. 1710
1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read
1-3 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	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

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

1-19 relating to applications for the complete restoration of a ward's
1-20 capacity or modification of a guardianship.

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

1-22 SECTION 1. Section 1202.051, Estates Code, is amended to
1-23 read as follows:

1-24 Sec. 1202.051. APPLICATION AUTHORIZED.

1-25 (a) Notwithstanding Section 1055.003, a [A] ward or any person
1-26 interested in the ward's welfare may file a written application
1-27 with the court for an order:

1-28 (1) finding that the ward is no longer an
1-29 incapacitated person and ordering the settlement and closing of the
1-30 guardianship;

1-31 (2) finding that the ward lacks the capacity, or lacks
1-32 sufficient capacity with supports and services, to do some or all of
1-33 the tasks necessary to provide food, clothing, or shelter for
1-34 himself or herself, to care for the ward's own physical health, or
1-35 to manage the ward's own financial affairs and granting additional
1-36 powers or duties to the guardian; or

1-37 (3) finding that the ward has the capacity, or
1-38 sufficient capacity with supports and services, to do some, but not
1-39 all, of the tasks necessary to provide food, clothing, or shelter
1-40 for himself or herself, to care for the ward's own physical health,
1-41 or to manage the ward's own financial affairs and:

1-42 (A) limiting the guardian's powers or duties; and

1-43 (B) permitting the ward to care for himself or
1-44 herself, make personal decisions regarding residence, or manage the
1-45 ward's own financial affairs commensurate with the ward's ability,
1-46 with or without supports and services.

1-47 (b) If the guardian of a ward who is the subject of an
1-48 application filed under Subsection (a) has resigned, was removed,
1-49 or has died, the court may not require the appointment of a
1-50 successor guardian before considering the application.

1-51 SECTION 2. Section 1202.054, Estates Code, is amended by
1-52 adding Subsections (b-1) and (b-2) and amending Subsection (c) to
1-53 read as follows:

1-54 (b-1) A written letter or certificate from a physician as
1-55 described by Section 1202.152 is not required before the
1-56 appointment of the court investigator or a guardian ad litem under
1-57 Subsection (b).

1-58 (b-2) Not later than the 30th day after the date the court
1-59 receives an informal letter from a ward under Subsection (a), the
1-60 court shall send the ward a letter by certified mail:

1-61 (1) acknowledging receipt of the informal letter; and

