

1-1 By: Zaffirini S.B. No. 1457
1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 4, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 4, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1457 By: Hinojosa

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to guardianships and the delivery of certain notices or
1-18 other communications in connection with guardianship proceedings.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 1002, Estates Code, is amended by adding
1-21 Section 1002.0265 to read as follows:

1-22 Sec. 1002.0265. QUALIFIED DELIVERY METHOD. "Qualified
1-23 delivery method" means delivery by:

1-24 (1) hand delivery by courier, with courier's proof of
1-25 delivery receipt;

1-26 (2) certified or registered mail, return receipt
1-27 requested, with return receipt; or

1-28 (3) a private delivery service designated as a
1-29 designated delivery service by the United States Secretary of the
1-30 Treasury under Section 7502(f)(2), Internal Revenue Code of 1986,
1-31 with proof of delivery receipt.

1-32 SECTION 2. Section 1023.004(c), Estates Code, is amended to
1-33 read as follows:

1-34 (c) If a court made a motion to transfer a guardianship, the
1-35 guardian shall be given notice by a qualified delivery method
1-36 [~~certified mail~~] to appear and show cause why the guardianship
1-37 should not be transferred.

1-38 SECTION 3. The heading to Section 1051.052, Estates Code,
1-39 is amended to read as follows:

1-40 Sec. 1051.052. SERVICE BY MAIL OR QUALIFIED DELIVERY
1-41 METHOD.

1-42 SECTION 4. Section 1051.052, Estates Code, is amended by
1-43 amending Subsections (b), (c), (d), (e), and (f) and adding
1-44 Subsection (h) to read as follows:

1-45 (b) Except as provided by Subsection (c), the county clerk
1-46 shall issue a citation or notice required or permitted to be served
1-47 by a qualified delivery method [~~registered or certified mail~~] and
1-48 shall serve the citation or notice by sending [~~mailing~~] the
1-49 original citation or notice by a qualified delivery method
1-50 [~~registered or certified mail~~].

1-51 (c) A guardian shall issue a notice required to be given by
1-52 the guardian by a qualified delivery method [~~registered or~~
1-53 ~~certified mail~~] and shall serve the notice by sending [~~mailing~~] the
1-54 original notice by a qualified delivery method [~~registered or~~
1-55 ~~certified mail~~].

1-56 (d) The county clerk or guardian, as applicable, shall send
1-57 [~~mail~~] a citation or notice under Subsection (b) or (c) with an
1-58 instruction to deliver the citation or notice to the addressee only
1-59 and with return receipt or other proof of delivery requiring
1-60 recipient signature requested. The clerk or guardian, as

2-1 applicable, shall address the envelope containing the citation or
2-2 notice to:

2-3 (1) the attorney of record in the proceeding for the
2-4 person to be cited or notified; or

2-5 (2) the person to be cited or notified, if the citation
2-6 or notice to the attorney is returned undelivered or the person to
2-7 be cited or notified has no attorney of record in the proceeding.

2-8 (e) Service by a qualified delivery method ~~[mail]~~ must be
2-9 made at least 20 days before the return day of the citation or
2-10 notice, excluding the date of service. The date of service ~~[by~~
2-11 ~~mail]~~ is the date of mailing, the date of deposit with the private
2-12 delivery service, or the date of delivery by courier, as
2-13 applicable.

2-14 (f) A copy of a citation or notice served under Subsection
2-15 (a), (b), or (c) and a certificate of the person serving the
2-16 citation or notice showing that the citation or notice was sent
2-17 [mailed] and the date of the mailing, the date of deposit with a
2-18 private delivery service, or the date of delivery by courier, as
2-19 applicable, shall be filed and recorded. A returned receipt or
2-20 other proof of delivery receipt for a citation or notice served
2-21 under Subsection (b) or (c) shall be attached to the certificate.

2-22 (h) The applicant or movant in a guardianship proceeding
2-23 shall pay the cost of delivery of a citation or notice under this
2-24 section.

2-25 SECTION 5. Sections 1051.055(a) and (b), Estates Code, are
2-26 amended to read as follows:

2-27 (a) If a party is represented by an attorney of record in a
2-28 guardianship proceeding, including a proposed ward who has been
2-29 personally served with notice of the proceeding and is represented
2-30 by an attorney ad litem, a citation or notice required to be served
2-31 on the party shall be served instead on that attorney.

2-32 (b) A notice served on an attorney under this section may be
2-33 served by ~~[+~~

2-34 ~~[(1)]~~ delivery to the attorney in person or by a
2-35 qualified delivery method ~~[+~~

2-36 ~~[(2) registered or certified mail, return receipt~~
2-37 ~~requested; or~~

2-38 ~~[(3) any other form of mail that requires proof of~~
2-39 ~~delivery].~~

2-40 SECTION 6. Section 1051.056, Estates Code, is amended to
2-41 read as follows:

2-42 Sec. 1051.056. SERVICE ON GUARDIAN OR RECEIVER. Unless
2-43 this title expressly provides for another method of service, the
2-44 county clerk who issues a citation or notice required to be served
2-45 on a guardian or receiver shall serve the citation or notice by
2-46 sending ~~[mailing]~~ the original citation or notice by a qualified
2-47 delivery method ~~[registered or certified mail]~~ to:

2-48 (1) the guardian's or receiver's attorney of record;
2-49 or

2-50 (2) the guardian or receiver, if the guardian or
2-51 receiver does not have an attorney of record.

2-52 SECTION 7. Sections 1051.104(a) and (b), Estates Code, are
2-53 amended to read as follows:

2-54 (a) The person filing an application for guardianship shall
2-55 send ~~[mail]~~ a copy of the application and a notice containing the
2-56 information required in the citation issued under Section 1051.102
2-57 by a qualified delivery method ~~[registered or certified mail,~~
2-58 ~~return receipt requested, or by any other form of mail that provides~~
2-59 ~~proof of delivery,]~~ to the following persons, if their whereabouts
2-60 are known or can be reasonably ascertained:

2-61 (1) each adult child of the proposed ward;

2-62 (2) each adult sibling of the proposed ward;

2-63 (3) the administrator of a nursing home facility or
2-64 similar facility in which the proposed ward resides;

2-65 (4) the operator of a residential facility in which
2-66 the proposed ward resides;

2-67 (5) a person whom the applicant knows to hold a power
2-68 of attorney signed by the proposed ward;

2-69 (6) a person designated to serve as guardian of the

3-1 proposed ward by a written declaration under Subchapter E, Chapter
3-2 1104, if the applicant knows of the existence of the declaration;

3-3 (7) a person designated to serve as guardian of the
3-4 proposed ward in the probated will of the last surviving parent of
3-5 the proposed ward;

3-6 (8) a person designated to serve as guardian of the
3-7 proposed ward by a written declaration of the proposed ward's last
3-8 surviving parent, if the declarant is deceased and the applicant
3-9 knows of the existence of the declaration; and

3-10 (9) each adult named in the application as an "other
3-11 living relative" of the proposed ward within the third degree by
3-12 consanguinity, as required by Section 1101.001(b)(11) or (13), if
3-13 the proposed ward's spouse and each of the proposed ward's parents,
3-14 adult siblings, and adult children are deceased or there is no
3-15 spouse, parent, adult sibling, or adult child.

3-16 (b) The applicant shall file with the court:

3-17 (1) a copy of any notice required by Subsection (a) and
3-18 the return receipts or other proofs of delivery of the notice; and

3-19 (2) an affidavit sworn to by the applicant or the
3-20 applicant's attorney stating:

3-21 (A) that the notice was sent ~~[mailed]~~ as required
3-22 by Subsection (a); and

3-23 (B) the name of each person to whom the notice was
3-24 sent ~~[mailed]~~, if the person's name is not shown on the return
3-25 receipt or other proof of delivery.

3-26 SECTION 8. Section 1051.153(b), Estates Code, is amended to
3-27 read as follows:

3-28 (b) Proof of service consists of:

3-29 (1) if the service is made by a sheriff or constable,
3-30 the return of service;

3-31 (2) if the service is made by a private person, the
3-32 person's affidavit;

3-33 (3) if the service is made by mail or by a qualified
3-34 delivery method:

3-35 (A) the certificate of the county clerk making
3-36 the service, or the affidavit of the guardian or other person making
3-37 the service that states that the citation or notice was mailed or
3-38 sent by a qualified delivery method and the date of the mailing, the
3-39 date of deposit with the private delivery service, or the date of
3-40 delivery by courier, as applicable; and

3-41 (B) the return receipt or other proof of delivery
3-42 receipt attached to the certificate or affidavit, as applicable, if
3-43 the service ~~[mailing]~~ was made by a qualified delivery method
3-44 ~~[registered or certified mail and a receipt has been returned]; and~~

3-45 (4) if the service is made by publication:

3-46 (A) a statement that:

3-47 (i) is made by the Office of Court
3-48 Administration of the Texas Judicial System or an employee of the
3-49 office;

3-50 (ii) contains or to which is attached a copy
3-51 of the published citation or notice; and

3-52 (iii) states the date of publication on the
3-53 public information Internet website maintained as required by
3-54 Section 72.034, Government Code [~~as added by Chapter 606 (S.B.~~
3-55 ~~891), Acts of the 86th Legislature, Regular Session, 2019]; and~~

3-56 (B) an affidavit that:

3-57 (i) is made by the publisher of the
3-58 newspaper in which the citation or notice was published or an
3-59 employee of the publisher;

3-60 (ii) contains or to which is attached a copy
3-61 of the published citation or notice; and

3-62 (iii) states the date of publication
3-63 printed on the newspaper in which the citation or notice was
3-64 published.

3-65 SECTION 9. Section 1057.002(b), Estates Code, is amended to
3-66 read as follows:

3-67 (b) The resident agent shall send, by a qualified delivery
3-68 method ~~[certified mail, return receipt requested]~~, a copy of a
3-69 resignation statement filed under Subsection (a) to:

4-1 (1) the guardian at the address most recently known by
4-2 the resident agent; and

4-3 (2) each party in the case or the party's attorney or
4-4 other designated representative of record.

4-5 SECTION 10. Section 1104.103, Estates Code, is amended by
4-6 amending Subsections (a) and (b) and adding Subsection (a-1) to
4-7 read as follows:

4-8 (a) The surviving parent of an adult individual who is an
4-9 incapacitated person may, if the parent is the guardian of the
4-10 person or estate of the adult individual, by will or written
4-11 declaration appoint an eligible person to serve as guardian of the
4-12 person or estate, as applicable, of the adult individual:

4-13 (1) after the parent dies;

4-14 (2) in the event the parent resigns as guardian of the
4-15 person or estate; or

4-16 (3) in the event of the parent's incapacity.

4-17 (a-1) If the surviving parent is both the guardian of the
4-18 person and estate of the adult individual, the surviving parent may
4-19 by will or written declaration appoint different eligible persons
4-20 to serve as guardian of the person and guardian of the estate.

4-21 (b) After the surviving parent dies or resigns as guardian,
4-22 or if the court finds the surviving parent has become an
4-23 incapacitated person after being appointed the adult individual's
4-24 guardian, the court shall appoint the person or persons designated
4-25 in the will or declaration to serve as guardian of the person,
4-26 guardian of the estate, or both, in preference to any other person
4-27 otherwise entitled to serve as guardian under this title, unless
4-28 the court finds that the person designated to serve as guardian:

4-29 (1) is disqualified;

4-30 (2) is deceased;

4-31 (3) refuses to serve; or

4-32 (4) would not serve the adult individual's best
4-33 interests.

4-34 SECTION 11. Section 1105.002(a), Estates Code, is amended
4-35 to read as follows:

4-36 (a) Except as provided by Subsection (b), a guardian is
4-37 considered to have qualified when the guardian has:

4-38 (1) taken and filed the oath, or made and filed the
4-39 declaration, required under Section 1105.051;

4-40 (2) given the required bond;

4-41 (3) ~~filed the bond with the clerk; and~~

4-42 ~~[(4)]~~ obtained the judge's approval of the bond; and

4-43 ~~(4)~~ filed the bond with the clerk.

4-44 SECTION 12. Section 1106.001(a), Estates Code, is amended
4-45 to read as follows:

4-46 (a) When a person who is appointed guardian has qualified
4-47 under Section 1105.002, the clerk shall issue to the guardian a
4-48 certificate under the court's seal stating:

4-49 (1) the fact of the appointment and of the
4-50 qualification;

4-51 (2) the date of the appointment and of the
4-52 qualification; and

4-53 (3) the date the letters of guardianship expire.

4-54 SECTION 13. Section 1106.005, Estates Code, is amended to
4-55 read as follows:

4-56 Sec. 1106.005. EFFECT OF LETTERS [OR
4-57 ~~CERTIFICATE~~]. (a) Letters of guardianship [~~or a certificate~~]
4-58 issued as prescribed by ~~under~~ Section 1106.001 under the court's
4-59 seal by ~~of~~ the clerk of the court that granted the letters are
4-60 ~~is~~ sufficient evidence of:

4-61 (1) the appointment and qualification of the guardian;
4-62 and

4-63 (2) the date of qualification.

4-64 (b) The court order that appoints the guardian is evidence
4-65 of the authority granted to the guardian and of the scope of the
4-66 powers and duties that the guardian may exercise only after the date
4-67 letters of guardianship [~~or a certificate has~~] have been issued
4-68 under Section 1106.001.

4-69 SECTION 14. Subchapter B, Chapter 1151, Estates Code, is

5-1 amended by adding Section 1151.0525 to read as follows:

5-2 Sec. 1151.0525. ACCESS AND MANAGEMENT OF WARD'S FUNDS BY
 5-3 GUARDIAN OF PERSON. (a) This section applies only to the guardian
 5-4 of the person of a ward for whom the court has not appointed a
 5-5 guardian of the estate.

5-6 (b) On application to and order from the court, the guardian
 5-7 of the person of a ward may access, manage, and spend the ward's
 5-8 funds in an amount not to exceed \$20,000 per year for the ward's
 5-9 benefit. The court shall require the guardian to file a new bond or
 5-10 a rider to an existing bond that meets the surety requirements for a
 5-11 guardian of the estate's bond under Section 1105.160.

5-12 (c) A guardian of the person shall include any expenditures
 5-13 made for the benefit of the ward if authorized by court order under
 5-14 Subsection (b) in the annual report required by Section 1163.101.

5-15 (d) When there is no longer a need for the guardian of the
 5-16 person to access, manage, or spend the ward's funds, the guardian of
 5-17 the person shall file a sworn affidavit of fulfillment with the
 5-18 court. After the filing of the affidavit, the court, on motion
 5-19 filed with the court, may authorize the guardian to file a new bond
 5-20 or a rider to an existing bond that meets the requirements for a
 5-21 guardian of the person's bond under Section 1105.102, and may
 5-22 discharge the guardian of the person and the guardian's sureties on
 5-23 a bond required by Subsection (b).

5-24 SECTION 15. Section 1153.001(a), Estates Code, is amended
 5-25 to read as follows:

5-26 (a) Within one month after receiving letters of
 5-27 guardianship, a guardian of an estate shall provide notice
 5-28 requiring each person who has a claim against the estate to present
 5-29 the claim within the period prescribed by law. The notice must be:

5-30 (1) published in a newspaper of general circulation in
 5-31 the county in which the letters were issued; and

5-32 (2) sent to the comptroller by a qualified delivery
 5-33 method [~~certified or registered mail~~], if the ward remitted or
 5-34 should have remitted taxes administered by the comptroller.

5-35 SECTION 16. Sections 1153.003(b) and (c), Estates Code, are
 5-36 amended to read as follows:

5-37 (b) Notice provided under this section must be:

5-38 (1) sent by a qualified delivery method [~~certified or~~
 5-39 ~~registered mail, return receipt requested~~]; and

5-40 (2) addressed to the record holder of the claim at the
 5-41 record holder's last known post office address.

5-42 (c) The following shall be filed in the court from which the
 5-43 letters of guardianship were issued:

5-44 (1) a copy of each notice required by Subsection
 5-45 (a)(1) with the return receipt or other proof of delivery, if
 5-46 available; and

5-47 (2) the guardian's affidavit stating:

5-48 (A) that the notice was sent [~~mailed~~] as required
 5-49 by law; and

5-50 (B) the name of the person to whom the notice was
 5-51 sent [~~mailed~~], if that name is not shown on the notice or receipt.

5-52 SECTION 17. Section 1153.005(a), Estates Code, is amended
 5-53 to read as follows:

5-54 (a) A guardian of an estate is not required to give a notice
 5-55 required by Section 1153.001 or 1153.003 if another person also
 5-56 appointed as guardian or a former guardian has given that notice.

5-57 SECTION 18. Section 1155.002(a), Estates Code, is amended
 5-58 to read as follows:

5-59 (a) The court may authorize compensation for a guardian
 5-60 serving as a guardian of the person alone from available funds of
 5-61 the ward's estate or other funds available for that purpose. The
 5-62 court may set the compensation in an amount not to exceed the
 5-63 greater of \$3,000 per year or five percent of the ward's gross
 5-64 income.

5-65 SECTION 19. Section 1156.052(c), Estates Code, is amended
 5-66 to read as follows:

5-67 (c) A person who makes an application to the court under
 5-68 this section shall send [~~mail~~] notice of the application by a
 5-69 qualified delivery method [~~certified mail~~] to all interested

6-1 persons.

6-2 SECTION 20. Section 1162.003, Estates Code, is amended to
6-3 read as follows:

6-4 Sec. 1162.003. NOTICE OF APPLICATION FOR ESTABLISHMENT OF
6-5 ESTATE OR OTHER TRANSFER PLAN. A person who makes an application
6-6 to the court under Section 1162.001 shall send [mail] notice of the
6-7 application by a qualified delivery method [~~certified mail~~] to:

6-8 (1) all devisees under a will, trust, or other
6-9 beneficial instrument relating to the ward's estate;

6-10 (2) the ward's spouse;

6-11 (3) the ward's dependents; and

6-12 (4) any other person as directed by the court.

6-13 SECTION 21. Section 1162.006(b), Estates Code, is amended
6-14 to read as follows:

6-15 (b) Notice required by Subsection (a) must be sent
6-16 [~~delivered~~] by a qualified delivery method [+

6-17 [~~(1) registered or certified mail to a person~~
6-18 ~~described by Subsection (a)(1), and~~

6-19 [~~(2) certified mail to a person described by~~
6-20 ~~Subsection (a)(2), (3), (4), or (5)].~~

6-21 SECTION 22. Section 1202.054(b-2), Estates Code, is amended
6-22 to read as follows:

6-23 (b-2) Not later than the 30th day after the date the court
6-24 receives an informal letter from a ward under Subsection (a), the
6-25 court shall send the ward a letter by a qualified delivery method
6-26 [~~certified mail~~]:

6-27 (1) acknowledging receipt of the informal letter; and

6-28 (2) advising the ward of the date on which the court
6-29 appointed the court investigator or guardian ad litem as required
6-30 under Subsection (b) and the contact information for the court
6-31 investigator or guardian ad litem.

6-32 SECTION 23. Sections 1203.052(a-1) and (b), Estates Code,
6-33 are amended to read as follows:

6-34 (a-1) The court may remove a guardian for a reason listed in
6-35 Subsection (a) on the:

6-36 (1) court's own motion, after the guardian has been
6-37 notified[~~7~~] by a qualified delivery method [~~certified mail, return~~
6-38 ~~receipt requested,7~~] to answer at a time and place set in the notice;
6-39 or

6-40 (2) complaint of an interested person, after the
6-41 guardian has been cited by personal service to answer at a time and
6-42 place set in the notice.

6-43 (b) In addition to the authority granted to the court under
6-44 Subsection (a), the court may, on the complaint of the guardianship
6-45 certification program of the Judicial Branch Certification
6-46 Commission, remove a guardian who would be ineligible for
6-47 appointment under Subchapter H, Chapter 1104, because of the
6-48 guardian's failure to maintain the certification required under
6-49 Subchapter F, Chapter 1104. The guardian shall be given notice[~~7~~]
6-50 by a qualified delivery method [~~certified mail, return receipt~~
6-51 ~~requested,7~~] to appear and contest the request for removal under
6-52 this subsection at a time and place set in the notice.

6-53 SECTION 24. Section 1351.001(a), Estates Code, is amended
6-54 to read as follows:

6-55 (a) A parent or managing conservator of a minor who is not a
6-56 ward may apply to the court under this subchapter for an order to
6-57 sell an interest of the minor in property without being appointed
6-58 guardian if the net value of the interest does not exceed \$250,000
6-59 [~~\$100,000~~].

6-60 SECTION 25. Section 1351.052, Estates Code, is amended to
6-61 read as follows:

6-62 Sec. 1351.052. AUTHORITY TO SELL WARD'S INTEREST IN
6-63 PROPERTY WITHOUT APPOINTMENT AS GUARDIAN OF THE ESTATE IN THIS
6-64 STATE. A guardian of the person of a ward or a guardian of the
6-65 person or estate of a ward appointed by a foreign court may apply to
6-66 the court under this subchapter for an order to sell an interest in
6-67 property in the ward's estate without being appointed guardian of
6-68 the ward's estate in this state if the net value of the interest
6-69 does not exceed \$250,000 [~~\$100,000~~].

7-1 SECTION 26. Section 1352.052(a), Estates Code, is amended
7-2 to read as follows:

7-3 (a) If the net value of a minor's interest in a residence
7-4 homestead does not exceed \$250,000 [~~\$100,000~~], a parent, subject to
7-5 Subsection (b), or managing conservator of the minor may apply to
7-6 the court under this subchapter for an order authorizing the parent
7-7 or managing conservator to receive on the minor's behalf, without
7-8 being appointed guardian, an extension of credit that is secured
7-9 wholly or partly by a lien on the homestead.

7-10 SECTION 27. Section 1352.102, Estates Code, is amended to
7-11 read as follows:

7-12 Sec. 1352.102. AUTHORITY TO MORTGAGE MINOR WARD'S INTEREST
7-13 WITHOUT GUARDIANSHIP OF THE ESTATE. If the net value of a minor
7-14 ward's interest in a residence homestead does not exceed \$250,000
7-15 [~~\$100,000~~], the guardian of the person of the ward may apply to the
7-16 court under this subchapter for an order authorizing the guardian
7-17 to receive on the ward's behalf an extension of credit that is
7-18 secured wholly or partly by a lien on the homestead.

7-19 SECTION 28. Section 1353.004, Estates Code, is amended by
7-20 adding Subsection (c-1) to read as follows:

7-21 (c-1) If the court finds that the ward's spouse fails to
7-22 comply with an order described by Subsection (c), the court may,
7-23 after notice and a hearing, order any third party or entity in
7-24 possession to deliver to the incapacitated spouse's guardian of the
7-25 estate the community property described by Subsection (c).

7-26 SECTION 29. Section 1355.001(a), Estates Code, is amended
7-27 to read as follows:

7-28 (a) In this section, "resident creditor" means a person who:
7-29 (1) is a resident of this state; and
7-30 (2) is entitled to money in an amount that is \$250,000
7-31 [~~\$100,000~~] or less, the right to which is liquidated and is
7-32 uncontested in any pending lawsuit.

7-33 SECTION 30. Sections 1355.002(a) and (b), Estates Code, are
7-34 amended to read as follows:

7-35 (a) In this section, "creditor" means a person who is
7-36 entitled to money in an amount that is not more than \$250,000
7-37 [~~\$100,000~~] owing as a result of transactions in this state, the
7-38 right to which is liquidated and is uncontested in any pending
7-39 lawsuit in this state.

7-40 (b) This section applies only to a nonresident creditor who
7-41 is:

7-42 (1) a nonresident minor [~~and has a nonresident~~
7-43 ~~guardian of the estate appointed by a foreign court];~~

7-44 (2) a nonresident person who is adjudged by a foreign
7-45 court to be incapacitated [~~and has a nonresident guardian of the~~
7-46 ~~estate appointed by that court]; or~~

7-47 (3) the nonresident former ward of a guardianship
7-48 terminated under Chapter 1204 who has no legal guardian qualified
7-49 in this state.

7-50 SECTION 31. Section 1104.103(c), Estates Code, is repealed.

7-51 SECTION 32. (a) The changes in law made by this Act to the
7-52 following provisions of the Estates Code apply only to an action
7-53 filed or a guardianship proceeding commenced on or after the
7-54 effective date of this Act:

7-55 (1) Sections 1023.004(c), 1051.153(b), 1057.002(b),
7-56 1153.001(a), 1153.005(a), 1156.052(c), 1162.006(b),
7-57 1202.054(b-2), and 1353.004;

7-58 (2) Sections 1051.052(b), (c), (d), (e), (f), and (h);

7-59 (3) Sections 1051.055(a) and (b);

7-60 (4) Sections 1051.056 and 1162.003;

7-61 (5) Sections 1051.104(a) and (b);

7-62 (6) Sections 1153.003(b) and (c); and

7-63 (7) Sections 1203.052(a-1) and (b).

7-64 (b) Sections 1105.002(a), 1106.001(a), 1106.005, and
7-65 1155.002(a), Estates Code, as amended by this Act, and Section
7-66 1151.0525, Estates Code, as added by this Act, apply to a
7-67 guardianship created before, on, or after the effective date of
7-68 this Act.

7-69 (c) Sections 1351.001(a), 1351.052, 1352.052(a), and

8-1 1352.102, Estates Code, as amended by this Act, apply only to an
8-2 application for a court order filed on or after the effective date
8-3 of this Act. An application for a court order filed before the
8-4 effective date of this Act is governed by the law in effect on the
8-5 date the application was filed, and the former law is continued in
8-6 effect for that purpose.

8-7 (d) Sections 1355.001(a) and 1355.002(a) and (b), Estates
8-8 Code, as amended by this Act, apply only to a payment made by a
8-9 debtor on or after the effective date of this Act. A payment made by
8-10 a debtor before the effective date of this Act is governed by the
8-11 law in effect on the date the payment was made, and the former law is
8-12 continued in effect for that purpose.

8-13 SECTION 33. This Act takes effect September 1, 2023.

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