

Amend CSHB 3485 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 632(f)(1), Texas Probate Code, is amended to read as follows:

(1) In cases in which it is provided that personal service shall be had with respect to a citation or notice, the citation or notice must be served on the attorney of record for the person who is being cited or notified. Notwithstanding the requirement of personal service, service may be made on the attorney by any method specified under this chapter for service on an attorney. If there is no attorney of record in the proceeding for the person who is being cited or notified, or if an attempt to make service on the attorney was unsuccessful, a citation or notice directed to a person within this state must be served ~~[in person by the sheriff or constable]~~ on the person who is being cited or notified by delivering to the person a true copy of the citation or notice at least 10 days before the return day on the citation or notice, exclusive of the date of service. If the person who is being cited or notified is absent from the state or is a nonresident, the citation or notice may be served by a disinterested person competent to make oath of the fact. The citation or notice served by a disinterested person shall be returnable at least 10 days after the date of service, exclusive of the date of service. The return of the person serving the citation or notice shall be endorsed on or attached to the citation or notice. The return must show the time and place of service, certify that a true copy of the citation or notice was delivered to the person directed to be served, be subscribed and sworn to before an officer authorized by the laws of this state to take affidavits, under the hand and official seal of the officer, and returned to the county clerk who issued the citation or notice. If the citation or notice is returned with the notation that the person sought to be served, whether or not within this state, cannot be found, the clerk shall issue a new citation or notice directed to the person sought to be served and service shall be by publication.

SECTION _____. Section 633(c), Texas Probate Code, is

amended to read as follows:

(c) The sheriff, constable, or other person authorized by law ~~[officer]~~ shall personally serve citation to appear and answer the application for guardianship on:

- (1) a proposed ward who is 12 years of age or older;
- (2) the parents of a proposed ward if the whereabouts of the parents are known or can be reasonably ascertained;
- (3) any court-appointed conservator or person having control of the care and welfare of the proposed ward;
- (4) a proposed ward's spouse if the whereabouts of the spouse are known or can be reasonably ascertained; and
- (5) the person named in the application to be appointed guardian, if that person is not the applicant.

SECTION _____. Section 875(e), Texas Probate Code, is amended to read as follows:

(e) On the filing of an application for temporary guardianship, the clerk shall issue citation to be served in any manner authorized by law ~~[notice that shall be served]~~ on the respondent, the respondent's appointed attorney, and the proposed temporary guardian named in the application, if that person is not the applicant. The citation ~~[notice]~~ must describe the rights of the parties and the date, time, place, purpose, and possible consequences of a hearing on the application. A copy of the application must be attached to the citation ~~[notice]~~.

SECTION _____. The changes in law made by this Act to Sections 632(f)(1), 633(c), and 875(e), Texas Probate Code, apply to a guardianship proceeding that is pending or commenced on or after the effective date of this Act.