AN ACT

relating to a written declaration to designate a guardian before
the need for a guardian arises.

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

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

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

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

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

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

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

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

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

STATE OF ____________________________

COUNTY OF __________________________

This instrument was acknowledged before me on the ___ day of __________, 20___, by _________________ (Declarant).

_________________________________________________________________
Notary Public, in and for the State of Texas

Notary's printed name:

_________________________________________________________________
My commission expires:

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

SECTION 3. The changes in law made by this Act apply only to a declaration to designate a guardian executed on or after the effective date of this Act. A declaration to designate a guardian executed before the effective date of this Act is governed by the
S.B. No. 511

1 law in effect on the date the declaration was executed, and the
2 former law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

I hereby certify that S.B. No. 511 passed the Senate on
April 19, 2017, by the following vote: Yeas 31, Nays 0.

Speaker of the House

Secretary of the Senate

I hereby certify that S.B. No. 511 passed the House on
May 17, 2017, by the following vote: Yeas 129, Nays 14, two
present not voting.

Chief Clerk of the House

Approved:

5-29-2017

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 PM O’CLOCK
MAY 29, 2017
Secretary of State
TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB511 by Rodriguez (Relating to a written declaration to designate a guardian before the need for a guardian arises.), As Engrossed

| No fiscal implication to the State is anticipated. |

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:
LBB Staff: UP, LBO, AG, SJS
TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB511 by Rodriguez (Relating to a written declaration to designate a guardian before the need for a guardian arises.), As Introduced

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:
LBB Staff: UP, AG, SJS