

CHAPTER 135

H.B. No. 475

AN ACT

relating to the selection of a guardian by a minor.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 118, Texas Probate Code, is amended to read as follows:

Sec. 118. SELECTION OF GUARDIAN BY MINOR. (a) When No Other Guardian Has Been Appointed. When an application has been filed for the guardianship of the person or estate, or of both, of a minor who has attained the age of *twelve* [~~fourteen~~] years, such minor may, by writing filed with the clerk, make choice of the guardian *if the court approves the choice and finds that the choice is in the best interest of the minor* [~~subject to the court's approval of such choice~~].

(b) When Another Guardian Has Been Appointed. A minor upon attaining the age of fourteen years may select another guardian either of his person or estate, or both, if such minor has a guardian appointed by the court, or if, having a guardian appointed by will or written declaration of the parent of such minor, such last named guardian dies, resigns, or is removed from guardianship; and the court shall, if satisfied that the person selected is suitable and competent *and that the appointment of the person is in the best interest of the minor*, make such appointment and revoke the letters of guardianship to the former guardian. Such selection shall be made in open court, in person or by attorney, by making application therefor.

SECTION 2. This Act takes effect September 1, 1993.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 1, 1993, by a non-record vote; passed by the Senate on April 30, 1993: Yeas 28, Nays 0.

Approved May 12, 1993.

Effective Sept. 1, 1993.