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Ms. Elorduy is an associate of Osborne, Helman, Scott, Knisely & Stanton, LLP. She focuses her practice in the area of fiduciary litigation, primarily involving trust, estate, and guardianship disputes, representing parties on both sides of the docket. Ms. Elorduy also represents fiduciaries and beneficiaries in connection with probate procedures, trust and estate administration, guardian administration, and trust terminations and modifications.

Education

- The University of Texas School of Law (J.D., 2020)
- Bucerus Law School (Exchange Program, 2019)
- Saint Edward's University (B.A., Political Science, *Magna Cum Laude*, 2017)

Practice Areas

- Fiduciary Litigation
- International Litigation
- Probate, Estate & Trust Administration

Professional Memberships

- Member, State Bar of Texas (Litigation Section; Real Estate, Probate and Trust Law & Tax Section)
- Member, American Bar Association
- Member, Austin Bar Association
- Member, International Bar Association
- Member, Austin Young Lawyers Association
- Member, Texas Young Lawyers Association
- Attorney Co-Coordinator, Arc of the Capital Area Guardianship Program

Publications

- Co-Author, "Accessing and Managing Digital Assets after Death" University of Texas Law CLE, Estate Planning, Guardianship, and Elder Law Conference (2023).
- Co-Author, "The Role of the Guardian Under Texas Law" University of Texas Law CLE, Estate Planning, Guardianship, and Elder Law Conference (2023, 2022)
- Co-Author, "Voiding Transactions: A Guide for Guardians" State Bar of Texas, Advanced Guardianship Law Course (2021)

2023 Legislative Session

Trusts, Estates, Guardianship, Powers of Attorney & Advanced Directives

Presented by:
Maite Elorduy Gomez
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October 19, 2023 Osborne Helman Scott Knisely & Stanton LLP

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SECTION OF THE STATE BAR OF TEXAS



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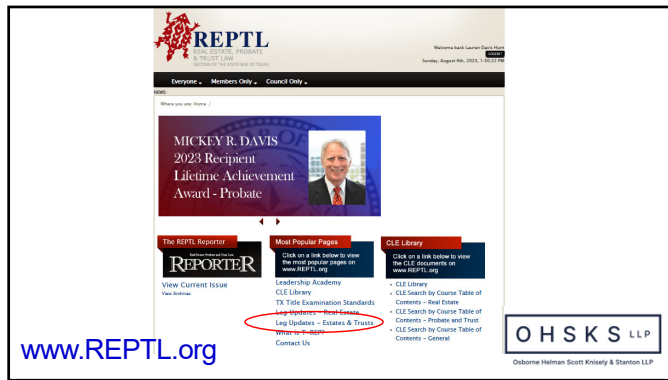
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- **Mission:** support attorneys practicing in real estate, probate, trust and guardianship law
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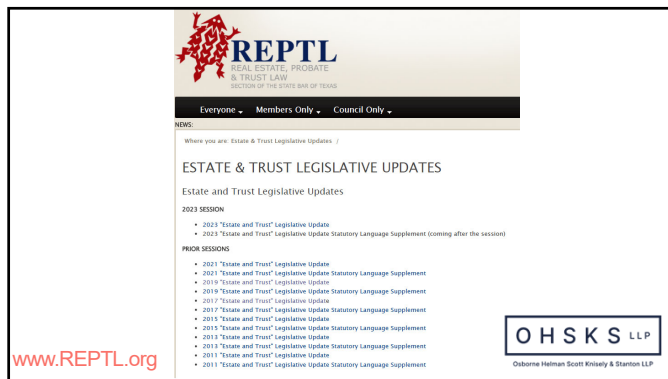
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Legislative Session

2023 T-REP Chair of Estate and Trust Legislative Affairs:

Lauren Davis Hunt, ldhunt@ohkslaw.com

2023 Chairs

Trusts – Chris Jones

Estates – Arielle Prangner

Guardianship – Gus Tamborello

Powers of Attorney & Advanced Directives - Lori Leu



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T-REP's 2023 Legislative Session

• **6 bills signed by Governor:**

- Decedent's Estates
- Guardianship
- Durable Power of Attorney
- Disposition of Remains
- Anatomical Gifts
- Trusts



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T-REP's 2023 Legislative Session

Representatives:

- Donna Howard
- John Smithere
- Senfronia Thompson

Senators:

- Bryan Hughes
- Tan Parker
- Judith Zaffirini




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SB 1373 (Sen. Hughes)
HB 2821 (Rep. Smithee) was the House companion bill

T-REP 2023 DECEDENT'S ESTATES BILL – SB 1373

Arielle Prangner
Chair of Decedents' Estates Committee
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T-REP's 2023 Decedents' Estates Bill: SB 1373

- Alternative to Certified Mail-Return Receipt Requested
 - Current law:** Multiple sections in Estates Code require notice be given by "registered or certified mail"
 - The Problem:** difficulty getting green cards returned





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T-REP's 2023 Decedents' Estates Bill: SB 1373

- Alternative to Certified Mail-Return Receipt Requested
 - Solution:** Replace "registered or certified mail" with "qualified delivery method"
 - "Qualified delivery method" includes:
 - a) hand delivery with proof;
 - b) CM-RRR; or
 - c) "any private delivery service"
 - Private Delivery Service:**
 - Is available to general public
 - Is as timely and reliable on a regular basis as the U.S. Mail; and
 - Keeps an electronic database of deliveries



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T-REP's 2023 Decedents' Estates Bill: SB 1373

"Private Delivery Service" (as of 6/1/23):

<u>DHL Express:</u>	<u>FedEx:</u>	<u>UPS:</u>
1. DHL Express 9:00	1. FedEx First Overnight	1. UPS Next Day Air Early AM
2. DHL Express 10:30	2. FedEx Priority Overnight	2. UPS Next Day Air
3. DHL Express 12:00	3. FedEx Standard Overnight	3. UPS Next Day Air Saver
4. DHL Express Worldwide	4. FedEx 2 Day	4. UPS 2nd Day Air
5. DHL Express Envelope	5. FedEx International Next Flight Out	5. UPS 2nd Day Air A.M.
6. DHL Import Express 10:30	6. FedEx International Priority	6. UPS Worldwide Express Plus
7. DHL Import Express 12:00	7. FedEx International First	7. UPS Worldwide Express.
8. DHL Import Express Worldwide	8. FedEx International Economy	



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T-REP's 2023 Decedents' Estates Bill: SB 1373

Community Property Subject to Creditors' Claims

Current Law:

- Probate Code 156 was titled "Liability of Community Property for Debts"
- When moved to EC 101.052, it was named "Liability of Community Property for Debts of **Deceased Spouse**"


Problem:

- Section should apply to debts of surviving spouse, too.
- Language of statute should conform to language of Ch. 453 re: Administration of Community Property

New Legislation:

- Changes title, clarifies language, but no substantive change.

Statutes amended: EC 101.052



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T-REP's 2023 Decedents' Estates Bill: SB 1373

Multi-Party Accounts

Clarifies that **brokerage accounts** are included in the types of accounts governed by TEC Ch. 113 regarding multi-party accounts.

Statute amended: EC 113.001



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T-REP's 2023 Decedents' Estates Bill: SB 1373

List of Property in Heirship Proceeding
Clarifies that you only have to list property subject to court's jurisdiction (i.e. within Texas) in proceeding to declare heirship



Statute amended: EC 202.005



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T-REP's 2023 Decedents' Estates Bill: SB 1373

Affidavit of Heirship as Evidence
Current Law:, testimony regarding a decedent's heirs must be taken from two disinterested and credible witnesses

Problem: In heirship proceeding, some practitioners think testimony of the disinterested witnesses can only be by live testimony or a deposition on written questions.

2023 Legislation: clarify that an affidavit of heirship or judgment complying with 203.001 (of record at least 5 years) can serve as "testimony" of disinterested witnesses

Statute amended: EC 202.151



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T-REP's 2023 Decedents' Estates Bill: SB 1373

New procedures for serving minors 12+ years of age
Current Law:

- Minors 12 or older must be personally served in a guardianship (no waiver allowed);
- Minors under 12: parents can waive service.

2023 Legislation:

- Certain persons can waive personal service on behalf of minor under age of 16
- Minors 16+ can waive personal service



Statutes amended: EC 202.056 & 258.002

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T-REP's 2023 Decedents' Estates Bill: SB 1373

Foreign Wills Exception

TEC 251.051 lists requirements for written, signed and attested will

TEC 251.053 says 251.051 does not apply to a written will executed in compliance with the law of a state or foreign country where the will was executed

Amendment: The 251.053 exception only applies if the foreign will does not meet the TX requirements listed in 251.051

Statute amended: EC 251.053

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T-REP's 2023 Decedents' Estates Bill: SB 1373

Felons and Estate Administration

Would allow a person convicted of a felony to qualify as executor of an estate IF:

- The person is named as executor in Decedent's will
- The person is otherwise qualified, and
- The Court approves the person serving as Executor

(this language is not TREP's language; a representative amended TREP's bill to add this language)

Statute amended: EC 304.003

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T-REP's 2023 Decedents' Estates Bill: SB 1373

Unsworn Declarations in Lieu of Sworn Oath

- **Current Law:** CPRC 132.001: unsworn declarations don't apply to "an oath of office"
- **2023 Legislation:**
- Allow an unsworn declaration in lieu of a sworn oath to qualify as personal representative.

Statutes amended: Multiple

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T-REP's 2023 Decedents' Estates Bill: SB 1373

Sales of Personal Property in Dependent Administration

- **2019 Session:** Updated language in statutes for sale of real property in **dependent administrations** to make more user-friendly (no substantive change)
- **2023 Legislation:** Update language in statutes for sale of personal property in **dependent administrations** to make more user-friendly (no substantive change)

Statute amended: EC 356.105

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T-REP's 2023 Decedents' Estates Bill: SB 1373

"Community Debts" are OUT!

- **Current Law:**
 - There are references to "community debts" in several sections of the EC related to administration of a decedent's estate
- **Problem:** there's no such thing as "community debts"
- **New Legislation:**
 - Removes reference to "community debts" and instead says "debts for which some community property is liable for payment"

Statutes amended: 453.003, 453.006, 453.007

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NON-T-REP 2023 DECEDENTS' ESTATES BILLS

- **New Statutory Probate Courts:**
 - Travis County
 - Harris County
 - Bexar County
 - Montgomery County
 - Cameron County

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County	Population	Probate Courts
Harris County	4,731,145	4-5
Dallas County	2,613,539	3
Tarrant County	2,110,640	2
Bexar County	2,009,324	3-3
Travis County	1,290,188	1-2
Collin County	1,064,465	1
Denton County	906,422	2
Hidalgo County	870,781	1
El Paso County	865,657	2
Fort Bend County	822,779	
Montgomery County	620,443	1
Williamson County	609,017	
Cameron County	421,017	1
Brazoria County	372,031	
Bell County	370,647	
Nueces County	353,178	
Galveston County	350,682	1
Lubbock County	310,639	

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NON-T-REP 2023 DECEDENTS' ESTATES BILLS: HB 3474

Emergency Intervention for Reimbursement of Funeral Expenses

Prior Law

- Apply for emergency order for payment of decedent's funeral/burial expense
- Must file application no later than 90 days after death

Amended law:

- Apply for emergency order for reimbursement of decedent's funeral/burial expense
- File application no later than 9 months after death

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HB 2196 (Rep. Smithee)
SB 1049 (Sen. Parker) was the Senate companion bill

T-REP 2023 TRUST BILL – HB 2196

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Chair of Trusts Committee
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T-REP's 2023 Trust Bill: HB 2196

Revocable Trusts Qualifying as Homesteads

Benefits of homestead status:

- Creditor protection (Property Code)
- Tax exemption (Tax Code)

Tex. Prop. Code 41.0021(a)(1)

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T-REP's 2023 Trust Bill: HB 2196

Revocable Trusts Qualifying as Homesteads

Current statutes: To qualify as a homestead, Trust must say:

- Prop Code 41.0021(a)(1): settlor/beneficiary has right to occupy property "at no cost"
- Tax Code 11.13(j)(3)(A): settlor/beneficiary has right to occupy property "rent free and without charge."

Tex. Prop. Code 41.0021(a)(1)

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T-REP's 2023 Trust Bill: HB 2196

Revocable Trusts Qualifying as Homesteads

The Fix: Harmonize the provisions of the Tax Code and the Property Code.

- Prop Code 41.0021(a)(1): settlor/beneficiary has right to occupy property "at no cost OR rent free and without charge"

Tex. Prop. Code 41.0021(a)(1)

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T-REP's 2023 Trust Bill: HB 2196

Spendthrift Provisions and Testamentary GPOAs

Trust beneficiary holds a testamentary general power of appointment over Trust property

Question: Is the Trust property that is subject to the power of appointment subject to creditor's claims?

Tex. Prop. Code 112.035

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T-REP's 2023 Trust Bill: HB 2196

Spendthrift Provisions and Testamentary GPOAs

Restatement 2nd: Property **NOT** subject to claims of creditors **unless** power is exercised

Restatement 3rd: Property **IS ALWAYS** subject to claims of creditors regardless whether power is exercised

Tex. Prop. Code 112.035

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T-REP's 2023 Trust Bill: HB 2196

Spendthrift Provisions and Testamentary GPOAs

Clarify the Law:

Trust property subject to a testamentary general power of appointment is **not** subject to claims of the powerholder's creditor, UNLESS the power is exercised.

Tex. Prop. Code 112.035

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T-REP's 2023 Trust Bill: HB 2196

RULE AGAINST PERPETUITIES EFFECTIVE DATE

- (c) "an interest in a trust must vest, if at all, not later than 300 years after the **effective date** of the trust..."
- (b) The **effective date** of a trust is the date the trust becomes irrevocable.

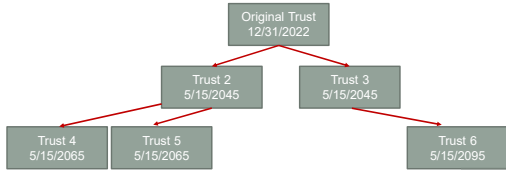
Tex. Trust Code 112.036(b)



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T-REP's 2023 Trust Bill: HB 2196

RULE AGAINST PERPETUITIES EFFECTIVE DATE



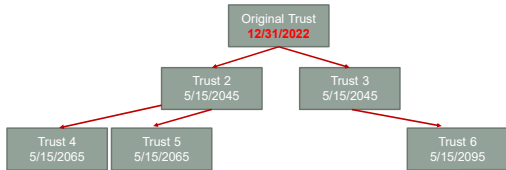
Tex. Trust Code 112.036(b)



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T-REP's 2023 Trust Bill: HB 2196

RULE AGAINST PERPETUITIES EFFECTIVE DATE






Tex. Trust Code 112.036(b)



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T-REP's 2023 Trust Bill: HB 2196
Rule Against Perpetuities

Legislation clarifies when an interest in a trust must vest, if at all:
the Fertile Octogenarian and Methuselah issue

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T-REP's 2023 Trust Bill: HB 2196
Decanting

Tweaks a 2019 revision to clarify that assets can be decanted into a second trust with the same name and EIN of the first trust.

Tex. Trust Code 112.0715




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T-REP's 2023 Trust Bill: HB 2196
Appointing Attorney ad Litem to Trust Proceeding

Before court can appoint an attorney ad litem, court must determine that representation of the minor or incompetent beneficiary would otherwise be inadequate

Tex. Trust Code 115.014(b)



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NON-T-REP 2023 TRUST BILLS: HB 2333

HB 2333 – Noncharitable Trust Without Ascertainable Beneficiary

- Authorizes creation of a “purpose trust”
- Trust designed to accomplish a particular purpose
 - Preservation of collections
 - Maintenance of a family compound
 - Continuation of a business for employees
- No beneficiary to enforce its terms
- Trust enforcer(s) appointed to ensure purposes met

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NON-T-REP 2023 TRUST BILLS: SB 801

Conveyance to “Trust”

- **When applies:** A conveyance is made to a “trust” rather than to the trustee
- **New law:** such conveyance is considered a conveyance to the trustee of the identified trust

Tex. Trust Code 115.014(b)

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SB 1457 (Sen. Zaffirini)
HB 3184 (Rep. Stefironia Thompson) was the House companion bill

T-REP 2023 GUARDIANSHIP BILL – SB 1457

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Chair of T-REP Guardianships Committee
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T-REP's 2023 Guardianship Bill: SB 1457

- Alternative to Certified Mail-Return Receipt Requested

Solution: Replace "registered or certified mail" with "qualified delivery method"

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T-REP's 2023 Guardianship Bill: SB 1457

Service on Attorney ad Litem

Change: Attorney ad Litem could accept service on behalf of Proposed Ward for pleadings filed after appointment of AAL.

Statute Amended: EC 1051.055



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T-REP's 2023 Guardianship Bill: SB 1457


Appointment of Successor Guardian

Current law: Surviving parent appointed guardian of adult incapacitated child can designate successor if surviving parent (1) dies, or (2) incapacitated.

* Current law only applies to parent appointed (a) guardian of the person, or (b) guardian of the person & estate, **but not** if only appointed guardian of estate

2023 Legislation:

- (1) Allow surviving parent solely serving as GE to appoint successor;
- (2) Allow surviving parent to appoint if they resign



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T-REP's 2023 Guardianship Bill: SB 1457


Guardian of Person Access to up to \$20,000

Change: allow guardian of person, upon motion and order of court, to manage and expend funds of ward up to \$20,000

Purpose: avoid need for guardian of estate when limited funds

Safety net: GP would file a bond and report annually each receipt/disbursement

Statute Amended: EC 1151.051(c)



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T-REP's 2023 Guardianship Bill: SB 1457

Notices to Unsecured Creditors

Amendment: A successor guardian would not have to publish another notice to unsecured creditors if a predecessor guardian already published notice

* This is already the law for notice to *secured* creditors.

Statute Amended: EC 1153.005



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T-REP's 2023 Guardianship Bill: SB 1457


Compensation to Guardian of Person

Amendment: a guardian of the person only could receive compensation the greater of

- \$3,000 annually, paid in monthly installments of \$250 per month*
- 5% of ward's annual income

* This is the same amount allowed by 1155.202(a) for guardian of recipient of medical assistance

Statute Amended: EC 1155.002(a)



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T-REP's 2023 Guardianship Bill: SB 1457

Sale & Mortgage of Real Property up to \$250,000

Current law: permits sale and mortgage of real property by minors or wards without necessity of guardianship of the estate for property worth \$100,000 or less.

Amendment: increases amount to \$250,000

Statute Amended: EC 1351.001 et seq.



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T-REP's 2023 Guardianship Bill: SB 1457

Orders re: Community Property

Situation: spouse who is not incapacitated is unable to comply with order to deliver incapacitated spouse's 1/2 community property to guardian of the estate

Solution: allow court to order third party in possession of such assets to deliver them to the guardian of the estate

Statute Amended: EC 1353.004




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T-REP's 2023 Guardianship Bill: SB 1457

Withdrawal of Funds by Non-Resident

Issue: withdrawal of funds owing to a nonresident minor or incapacitated person

Statute Amended: EC 1355.002



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Non-T-REP 2023 Guardianship Bills: SB 1624

Attorney ad Litem or Attorney retained by ward/proposed ward:

- Duty includes representing ward/proposed wards **expressed wishes**
- Has access to proposed ward's relevant records

If ward/proposed ward retains an attorney

- On motion by any party, court can hold hearing to determine whether ward has capacity to retain attorney
- If ward does not have capacity, court can appoint attorney ad litem

Guardian ad Litem

- Must not be an interested person
- Can't be also be the attorney ad litem (with exceptions)



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Non-T-REP 2023 Guardianship Bills: SB 1624 con't

Examination of Proposed Ward: Sec 1101.103

- Psychologist can perform incapacity exam on adult proposed ward IF alleged incapacity results from a mental condition

Ward's Bill of Rights: Sec 1151.351

- Adds Ward's right to have private communication with medical professionals unless the court, after a hearing, orders private communications limited due to risk of substantial harm to ward, or unduly burdening medical professional

Annual Report: Sec 1163.101

- GP's annual report must include:
 - Description of supports & services ward receives, including action guardian is taking to encourage development of ward's maximum self-reliance and independence
 - Guardian's opinion whether ward has sufficient capacity with supports and services to have capacity restored or guardianship modified

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Non-T-REP 2023 Guardianship Bills: SB 1624 con't

Annual Review: Sec 1201.052 & 1201.053

- A court may conduct a hearing regarding an annual review
- In a statutory probate court, the annual review should include a follow-up report by court investigator or court visitor at least every 3 years.

Judicial, Investigator and Visitor Training: Gov't Code Sec. 22.0133 & TEC 1054.157

- At least every 2 years, every judge with jurisdiction over guardianship proceedings must have 1 hour training related to guardianship alternatives and supports and services.
- Court investigators and court visitors must also complete 2 hours of training, including 1 hour training related to guardianship alternatives and supports and services.



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Non-T-REP 2023 Guardianship Bills: SB 1624 con't

Restoration Proceedings: Evidence of Capacity With or Without Supports and Services: Secs 1202.152

- **In a restoration proceeding, a court must consider:**
 - A letter signed by licensed physician or psychologist certified by HHSC
 - Statement from local mental health or intellectual and developmental disability authority listing services received by ward and their effectiveness
 - Affidavits of treating physicians re: effectiveness of supports and services
 - Other documents listed in statute
- **If incapacity based on intellectual disability, letter must instead provide:**
 - Physician/psychologist's opinion re: whether ward has capacity with supports & services to provide food, clothing, shelter, care for ward's physical health and manage financial affairs;
 - How ward's ability to communicate decisions is affected by ward's mental capacity

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NON-T-REP 2023 GUARDIANSHIP BILLS: HB 266

Guardianship Application

- Applicant in guardianship proceeding **must** file an affidavit with **court** (not the clerk) containing known contact info for each person entitled to notice of proceeding
- Information remains confidential and privileged
- Copy of info goes to guardian on appointment



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NON-T-REP 2023 GUARDIANSHIP BILLS: HB 3009

Guardianships & APRNs

- Authorizes *Advanced Practice Registered Nurse* acting under physician's supervision
- To prepare letter or certificate to the court re: proposed ward's incapacity or restoration of capacity
- Opinion of APRN must be signed by supervising physician
- Letter is considered opinion of the physician



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SB 1650 (Sen. Parker)
HB 3562 (Rep. Smithee) was the House companion bill

T-REP 2023 DURABLE POWER OF ATTORNEY BILL – SB 1650

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Co-Chairs of PAAD Committee

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T-REP's 2023 DPOA Bill: SB 1650

Effect of Appointment of Guardian on Validity of DPOA

	Temporary Guardian	Permanent Guardian
Authority of DPOA:	Automatically suspended	Automatically revoked
	Unless court orders otherwise	

Amendment: adds "unless court orders that the powers of the agent be suspended during pendency of guardianship of the estate"

Statute Amended: EC 751.133(a)

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T-REP's 2023 DPOA Bill: SB 1650

Statutory Durable Power of Attorney

Current Section 751.251: allows certain persons to "bring an action requesting a court to:

- construe, or determine the validity of or enforceability of a DPOA, or
- review an agent's conduct under a DPOA and grant appropriate relief

Statute Amended: EC 751.251

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T-REP's 2023 DPOA Bill: SB 1650


Statutory Durable Power of Attorney

Current Section 751.251: allows certain persons to "bring an action requesting a court to:

- construe, or determine the validity of or enforceability of a DPOA, or
- review an agent's conduct under a DPOA and grant appropriate relief

Amended Section 751.251:

- Specifies that the TX Dept. of Family Protective Services is a person who can bring this type of action, and
- Allows a court to award reasonable and necessary costs and attorney's fees as deemed equitable and just




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T-REP's 2023 DPOA Bill: SB 1650

Statutory Durable Power of Attorney

Clarifies that where an agent has power over "Business Operation Transactions," the agent can act with respect to business interests other than just partnerships



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T-REP's 2023 DPOA Bill: SB 1650

Statutory Durable Power of Attorney

Clarifies: a principal who signs a durable power of attorney must be an adult "individual" rather than a "person" (which can include a lot more than an adult "individual").

Statute Amended: EC 751.002(5)



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SB 2186 (Sen. Zaffirini)
HB 3041(Rep. Senfronia Thompson) was the House companion bill

T-REP's 2023 Anatomical Gifts Bill – SB 2186

When someone signs statement of anatomical gift for another person, the statement may be executed before two witnesses or a notary


OR





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SB 1300 (Sen. Hughes)
HB 2980 (Rep. Senfronia Thompson) was the House companion bill

T-REP's 2023 Disposition of Remains Bill – SB 1300

The order and identity of persons who must consent to remove decedent's remains is the same as the persons who have right to control initial disposition of remains





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NON-T-REP BILLS IN 2023



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NON-T-REP BILLS IN 2023

HB 1547 – Reimbursement Claims

- Modifies Chapter 3 of Family Code (applies to probate)
- Defines a claim for reimbursement
- Addresses:
 - Required proof
 - Calculation of the value of and offsets against benefit conferred
 - The court's determination of whether unjust enrichment will occur in absence of reimbursement.



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NON-T-REP 2023 MISC. BILLS: HB 5010

Grievances Involving Guardianships, Estates & Trusts

"Complaints" – grievances that merit full investigation and disposition

"Inquiries" – grievances that on their face do not rise to the level of a complaint and do not receive same level of investigation

- A grievance will only be classified as a "complaint" if it is submitted by:
 - 1. person with a cognizable interest in the legal matter, or
 - 2. family member of ward in a guardianship proceeding that's subject of the grievance;
 - 3. family member of a decedent in a probate matter that is subject of the grievance
 - 4. trustee of a trust or executor of an estate if the matter subject of the grievance relates to the trust or estate
 - 5. the judge, prosecuting attorney, defense attorney, court staff member or juror in the legal matter that is subject of the grievance; or
 - 6. a trustee in a bankruptcy that is subject of the grievance

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NON-T-REP 2023 MISC. BILLS: HB 3474

Transfers of Probate & Guardianship Cases

- Probate clerk of a transferring court must use electronic filing system to transfer case to transferee court
- Transferring clerk must record any unrecorded documents in a guardianship within 10 working days after date of transfer order



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NON-T-REP 2023 MISC. BILLS: HB 525

Delivery of Court Orders Through Electronic Filing System

Requires the following to deliver copies of orders to the parties through the electronic filing system:

- Statutory County Courts
- District Courts
- Appellate Courts

Note – this does not apply to Statutory Probate Courts



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NON-T-REP 2023 GUARDIANSHIP BILLS: SB 944

Commitment of Individual with Intellectual Disability to State Supported Living Center

- A guardian or parent of a person with intellectual disability, or an interdisciplinary team recommending placement,
- Can petition court to commit the person to long-term placement in a state supported living center IF
- the court determines beyond a reasonable doubt that proposed resident meets the requirements for commitment to a residential facility



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NON-T-REP 2023 GUARDIANSHIP BILLS: SB 1785

Criminal History Records

- County clerk will be liable if damage results to a ward because of clerk's failure to obtain required criminal history record of proposed guardian
- Court can use criminal record information only to determine whether to appoint, remove or continue the appointment of a guardian
- If JBCC obtained DPS criminal history, clerk does not have to get another one, but still is required to obtain an FBI criminal history for proposed guardian



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NON-T-REP BILLS IN 2023

SB 1780 – Online Notaries

- Expands authority of online notaries (but not traditional notaries) to notarize wet ink signatures
- REMINDER: the Covid-era ability to notarize documents with traditional notary appearing on Zoom no longer exists



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2023 Legislative Session

Trusts, Estates, Guardianship, Powers of Attorney & Advanced Directives

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