

By: Zaffirini

S.B. No. 21

A BILL TO BE ENTITLED

1 AN ACT
2 relating to associate judges for guardianship proceedings and
3 protective services proceedings in certain courts.

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

5 SECTION 1. Section 54A.307, Government Code, is amended by
6 amending Subsection (b) and adding Subsection (c) to read as
7 follows:

8 (b) The associate judge's salary shall be paid from:

9 (1) money available from this state or the federal
10 government;

11 (2) county money available for payment of officers'
12 salaries, subject to the approval of the commissioners courts of
13 the counties in which the associate judge serves; or

14 (3) a combination of money specified by Subdivisions
15 (1) and (2).

16 (c) Notwithstanding any other law, an associate judge whose
17 salary is paid from money specified by Subsection (b)(1) or (3) is a
18 state employee for all purposes, including accrual of leave time,
19 insurance benefits, retirement benefits, and travel regulations.

20 SECTION 2. Section 54A.310, Government Code, is amended by
21 adding Subsection (c) to read as follows:

22 (c) An associate judge may oversee and monitor guardianship
23 proceedings and protective services proceedings in each court the
24 associate judge is appointed to serve in accordance with an order

1 referring the proceedings to the associate judge under Section
2 54A.309. The associate judge's authority to oversee and monitor
3 proceedings under this subsection includes the authority to:

4 (1) review the guardianship of wards and address any
5 reporting deficiencies of guardians under Section 1163.101,
6 Estates Code, and other applicable provisions of Chapter 1163,
7 Estates Code, that are reported to the court;

8 (2) obtain and review annual accounts guardians are
9 required to file under Sections 1163.001 and 1163.002, Estates
10 Code;

11 (3) address concerns about a ward's well-being; and

12 (4) take any other action the associate judge
13 considers necessary to:

14 (A) ensure the efficient administration of
15 justice in guardianship proceedings and protective services
16 proceedings; and

17 (B) curtail the risk of potential abuse, fraud,
18 or exploitation of wards under a guardianship.

19 SECTION 3. Section 54A.312, Government Code, is amended by
20 amending Subsection (b) and adding Subsection (c) to read as
21 follows:

22 (b) The salaries of the personnel shall be paid from:

23 (1) money available from this state or the federal
24 government;

25 (2) county money available for payment of officers'
26 salaries, subject to the approval of the commissioners courts of
27 the counties in which the associate judge serves; or

1 (3) a combination of money specified by Subdivisions
2 (1) and (2).

3 (c) Notwithstanding any other law, personnel whose salary
4 is paid from money specified by Subsection (b)(1) or (3) are state
5 employees for all purposes, including accrual of leave time,
6 insurance benefits, retirement benefits, and travel regulations.

7 SECTION 4. Section 54A.314, Government Code, is amended to
8 read as follows:

9 Sec. 54A.314. FUNDING AND PERSONNEL. (a) The office of
10 court administration may:

11 (1) contract for available county, state, and federal
12 money from any available source; and

13 (2) for each associate judge, employ personnel,
14 including investigators, auditors, court coordinators, and other
15 judicial staff, necessary to implement and administer this
16 subchapter.

17 (a-1) A court coordinator employed under this section shall
18 primarily assist the associate judge with administrative duties,
19 including managing caseloads.

20 (a-2) A court investigator employed under this section
21 shall primarily assist the associate judge with oversight and
22 monitoring of guardianship proceedings under Section 54A.310(c),
23 including by:

24 (1) visiting wards and guardians to address any
25 well-being concerns made known to the court; and

26 (2) reviewing annual reports and annual accounts
27 guardians are required to file under Chapter 1163, Estates Code.

1 (a-3) Personnel employed under this section are state
2 employees for all purposes, including accrual of leave time,
3 insurance benefits, retirement benefits, and travel regulations.

4 (b) The presiding judges of the administrative judicial
5 regions, state agencies, and counties may seek or contract for
6 federal money available from any source to reimburse the costs and
7 salaries of the associate judges and personnel appointed under this
8 subchapter and may also use state money and public or private
9 grants.

10 (c) The presiding judges of the administrative judicial
11 regions and the office of court administration in cooperation with
12 other state agencies and counties shall take action necessary to
13 maximize the amount of federal money available to fund the use of
14 associate judges under this subchapter.

15 SECTION 5. Section [72.122](#), Government Code, is amended by
16 adding Subsection (d) to read as follows:

17 (d) The office, on request, shall make available to
18 associate judges appointed under Subchapter D, Chapter [54A](#),
19 guardianship compliance specialists and other resources and
20 assistance under the program to assist those associate judges with
21 the oversight and monitoring of guardianship and protective
22 services proceedings in the courts the associate judges are
23 appointed to serve.

24 SECTION 6. Sections [54A.307\(c\)](#), [54A.312\(c\)](#), and
25 [54A.314\(a-3\)](#), Government Code, as added by this Act, apply only to
26 an associate judge appointed or court personnel employed on or
27 after the effective date of this Act.

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1 SECTION 7. This Act takes effect on the 91st day after the
2 last day of the legislative session.