

By: Murr, Spiller, Morales of Maverick

H.B. No. 4128

Substitute the following for H.B. No. 4128:

By: Schofield

C.S.H.B. No. 4128

A BILL TO BE ENTITLED

AN ACT

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

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 the state and 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 judge is appointed to serve in accordance with an order referring

1 the proceedings to the associate judge under Section 54A.309. The
2 judge's authority to oversee and monitor proceedings under this
3 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 judge considers
13 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 the state and 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 by
8 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
9 (d), and (e) to read as follows:

10 (a) The office of 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 monitoring and
22 oversight 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 accounts and annual reports
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 (d) The presiding judges of the administrative judicial
5 regions, state agencies, and counties may seek federal money
6 available from any source to reimburse costs and salaries
7 associated with associate judges and personnel appointed under this
8 section and may also use available state money and public or private
9 grants.

10 (e) 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 the action necessary
13 to 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 judges with the
21 oversight and monitoring of guardianship and protective services
22 proceedings in the courts the judges are appointed to serve.

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

27 SECTION 7. This Act takes effect September 1, 2023.