

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 29, 2003**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB2189** by Rodriguez (Relating to temporary guardianship procedures.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

This bill would revise several subsections of Texas Probate Code Section 875, the section creating temporary guardianships. Most of the proposed changes would eliminate temporary guardianships granted without application, notice or hearing (ex parte). This bill would also strike the language regarding presumptions of incapacity; shorten the time for postponement of temporary hearings; clarify the court's authority to issue temporary restraining orders; add a bond requirement and require stated reasons for the guardianship in the order.

According to the Department of Protective and Regulatory Services (PRS), the changes in the bill would slow the process of obtaining guardianship but would result in more protection of the client's right to due process in the legal system. Implementation of this bill would require changes in PRS policy, procedures, forms, and staff training. PRS indicates that the changes proposed by this bill could be managed with existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 530 Department of Protective and Regulatory Services

**LBB Staff:** JK, GO, WP, SJS