

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 29, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1472 by Casteel (Relating to the creation of a management trust by a probate court.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

This bill would amend Section 867(b), (c), (d) and (f) of the Texas Probate Code to specify who may apply for the creation of a management trust and how the court shall proceed once such an application is made. Any person interested in the welfare of an incapacitated person can apply for the creation of a management trust for the benefit of the incapacitated person. Currently, only a ward's guardian, a ward's attorney ad litem, and an incapacitated person's guardian ad litem may make such an application.

The bill also amends other sections of the Probate Code including Sections 868, 869, 870, 871, and 873 primarily to add incapacitated persons to the existing language regarding wards.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Department of Family and Protective Services, 539 Department of Aging and Disability Services

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