

## **BILL ANALYSIS**

H.B. 1295  
By: Hartnett  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Probate courts are obligated to appoint a guardian or court investigator for persons believed to be incapacitated. Not all courts, including county courts and county courts at law, have adequate budgets to pay guardians ad litem or attorneys ad litem and may not employ court investigators. Supporters of this bill believe that the costs associated with court initiated appointments of guardians and attorneys should be capable of being defrayed with adequate county funds. Courts also utilize approximately 20 local guardianship programs to address the problem of whom to appoint as guardian when there are no suitable family members. These programs are chronically short of funding. The purpose of the bill is to provide funds for costs of court initiated guardians and local guardianship programs through the imposition of a new fee on certain probate actions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill would amend the Local Government Code and the Government Code to provide for (and insert in appropriate statutory listings) a new fee of \$20 to be labeled the Supplemental Court-Initiated Guardianship Fee. The fee would be collected in specified probate original actions and adverse probate actions in addition to any other fees which may apply. The statutory purpose of the fee is to supplement, rather than supplant, other available county funds to compensate guardians and attorneys ad litem, and to fund local guardianship programs that provide guardians to certain indigent incapacitated persons.

### **EFFECTIVE DATE**

September 1, 2007.