

By: Hinojosa

S.B. No. 1555

A BILL TO BE ENTITLED

AN ACT

relating to compensation and payment of attorney's fees of attorneys serving as guardians of a ward.

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

SECTION 1. Subpart H, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 665D to read as follows:

Sec. 665D. COMPENSATION AND PAYMENT OF ATTORNEY'S FEES OF ATTORNEYS SERVING AS GUARDIANS. (a) An attorney who serves as guardian and provides legal services in connection with the guardianship is not entitled to compensation for guardianship services or payment of attorney's fees from the ward's estate or other funds available for that purpose unless the attorney files with the court a detailed description of the services performed that identifies which of those services are guardianship services and which are legal services.

(b) An attorney described by Subsection (a) of this section is not entitled to attorney's fees for services as guardian that are not legal services.

(c) Compensation of an attorney described by Subsection (a) of this section for guardianship services shall be determined in accordance with Section 665 of this code. Payment of attorney's fees for legal services provided by an attorney described by Subsection (a) of this section shall be determined in accordance with Section 666 of this code.

1 SECTION 2. Section 665D, Texas Probate Code, as added by
2 this Act, applies only to fees for services performed on or after
3 the effective date of this Act. Fees for services performed before
4 the effective date of this Act are covered by the law in effect when
5 the services were performed, and the former law is continued in
6 effect for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2007.