

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

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**February 16, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

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

**IN RE: SB271** by Harris (Relating to the appointment of a successor guardian for certain wards adjudicated as totally incapacitated.), **As Introduced**

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

The bill would amend Section 695, Texas Probate Code, to allow the court under certain circumstances to appoint the Department of Aging and Disability Services (DADS) as a successor guardian of a ward who has been adjudicated totally incapacitated. The number of appointments is subject to an annual limit of 55. The bill would also amend Section 161.101, Human Resources Code, to require DADS to agree to serve as the successor guardian.

The agency estimates there would be a minimal cost associated with implementing the provisions of the bill in fiscal years 2010 and 2011. The agency indicates potentially higher caseloads in fiscal years 2012 through 2014 if attrition does not occur. It is assumed that these costs could be absorbed by the agency within available resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 530 Family and Protective Services, Department of, 539 Aging and Disability Services, Department of

**LBB Staff:** JOB, TP, ML, LR