

By: Hartnett

H.B. No. 1325

A BILL TO BE ENTITLED

AN ACT

relating to payment of the costs for services of a guardian ad litem and attorney ad litem in a guardianship proceeding.

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

SECTION 1. Section 665A, Texas Probate Code, is amended to read as follows:

Sec. 665A. PAYMENT FOR PROFESSIONAL SERVICES. (a) The court shall order the payment of a fee set by the court as compensation to the attorneys, mental health professionals, and interpreters appointed under this chapter, as applicable, to be taxed as costs in the case. If after examining the proposed ward's assets the court determines the proposed ward is unable to pay for services provided by an attorney, a mental health professional, or an interpreter appointed under this chapter, as applicable, the county is responsible for the cost of those services, except as provided by Subsection (b) of this section.

(b) If the proposed ward's assets are insufficient to pay for the cost of an attorney ad litem appointed under this chapter, the court may order the applicant in the guardianship proceeding to pay that cost.

SECTION 2. The heading to Section 669, Texas Probate Code, is amended to read as follows:

Sec. 669. COSTS IN [~~AGAINST~~] GUARDIANSHIP PROCEEDING GENERALLY.

1 SECTION 3. Section 669, Texas Probate Code, is amended by
2 amending Subsection (a) and adding Subsection (c) to read as
3 follows:

4 (a) Except as provided by Subsection (b) of this section, in
5 a guardianship matter, the cost of the proceeding, including the
6 cost of the guardian ad litem or court visitor, shall be paid out of
7 the guardianship estate, or, if the estate is insufficient to pay
8 for the cost of the proceeding, the cost of the proceeding shall be
9 paid out of the county treasury, except as provided by Subsection
10 (c) of this section, and the judgment of the court shall be issued
11 accordingly.

12 (c) If the guardianship estate is insufficient to pay for
13 the cost of the guardian ad litem in a guardianship proceeding, the
14 court may order the applicant in the proceeding to pay that cost.

15 SECTION 4. The changes in law made by this Act apply to a
16 guardianship created before, on, or after the effective date of
17 this Act.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2011.