

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 8, 2011

TO: Honorable Jim Jackson, Chair, House Committee on Judiciary & Civil Jurisprudence

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

IN RE: HB2900 by Hartnett (relating to guardianship matters and proceedings.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill proposes changes to practices and procedures for guardianships that are transferred from one jurisdiction to another. Sections 1, 2, 3 and 6 do not have any changes that would have any fiscal impact. Section 4 requires the court to which the guardianship is transferred to hold a review hearing; this may have an impact on the court's time and resources. Section 5 authorizes the court to hold a hearing anywhere in the county; again, this may impact the court's time and resources. Section 7 proposes additions to Probate Code Section 894 clarifying the court's authority regarding its exercise of jurisdiction in certain matters involving unjustifiable conduct by parties to the guardianship proceeding. Section 8 adds Section 895 clarifying the most appropriate forum for certain guardianship proceedings. Section 8 also permits the court to assess costs and fees against the party seeking the action if the party engaged in unjustifiable conduct. Section 9 repeals Probate Code Section 893, but its provisions are included in the revisions under section 6; therefore, the fiscal impact is neutral.

Local Government Impact

The bill would require the court to which the guardianship is transferred to hold a review hearing. County courts with probate jurisdiction may have a greater demand on their time and resources which would vary by county; however, the fiscal impact is not expected to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

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