

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

February 25, 2011

TO: Honorable Chris Harris, Chair, Senate Committee on Jurisprudence

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

IN RE: SB286 by Harris (Relating to attorney's fees and other amounts taxed as costs in guardianship proceedings.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill amends the Texas Probate Code, Chapter 665, relating to attorney's fees and other amounts taxed as costs in guardianship proceedings. The bill would authorize a court to allocate attorney's fees taxed as costs among the parties as the court finds is fair and just in guardianship proceedings. If the court determines the proposed ward is unable to pay for costs allocated to the proposed ward for services by an attorney, a mental health professional or an interpreter, the county would be responsible for those costs.

The bill would allow a court to authorize amounts allocated to the ward's estate or amounts to be paid from available funds of the management trust to instead be paid from the county treasury, if the ward's estate or trust is insufficient to pay the amounts.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house; otherwise the effective date of the bill is September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Three counties were contacted for impacts and costs of the bill on their counties.

Tarrant County currently assesses attorney and professional fees against ward's trust/estate if applicable. According to Tarrant County, by expanding to include parties to the guardianship proceedings, it would result in a reduction of expenditures of approximately \$30,000 per year. The amount would vary by year based on the number and complexity of guardianship cases filed.

McLennan County currently performs similar duties. McLennan County projects an additional cost of \$5,000 each year for FY2012-2016.

Aransas County already pays attorneys or interpreters for ad litem and mental health services to those who cannot afford it. Aransas County projects a cost of \$500 per year for FY2012-2016 and estimated revenue of \$500 per year during the same time period.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JOB, JT, JP, TB, JJO