

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

TO: Honorable Royce West, Chair, Senate Committee on Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2080 by Thompson, Senfronia (Relating to guardianships, including the assessment and payment of attorney's fees and other court costs in guardianships, and to court-created management trusts for persons who have physical disabilities or who are incapacitated; changing the amount of a fee and requiring the collection of a fee.),
Committee Report 2nd House, As Amended

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Estates Code as it relates to guardianships and court-created management trusts. The bill amends payment provisions relating to guardianship proceedings and allows the court to authorize court costs and attorney fee payments from the county treasury. The bill also specifies that if a party in the proceeding is found to have acted in bad faith, the court may require the party to reimburse the ward's estate for any court costs and attorney's fees. The bill amends requirements relating to information letters about persons believed to be incapacitated. The bill would repeal Estates Code Section 1155.051, relating to compensation in certain guardianship proceedings.

Except as otherwise provided, the changes in law would apply only to guardianships created or guardianships applications pending before, on, or after the bill's effective date. Certain changes in law contained in the bill would apply only to an application for the creation, modification, or termination of management trusts filed on or after the bill's effective date, and changes relating to management trust property transfer apply to a management trust created before, on, or after the bill's effective date. The bill would take effect January 1, 2014.

It is not anticipated that the bill will result in any significant fiscal impact to the court system.

Local Government Impact

Some of the proposed changes, particularly those relating to allocations of costs and fees and to mediation, may result in cost savings to counties because they may be assessed against the applicant, rather than the ward's estate or the county treasurer.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 539 Aging and Disability Services, Department of

LBB Staff: UP, AM, CL, ZS, KKR