

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 5, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB647** by Rodríguez (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.), **As Introduced**

<p><b>No significant fiscal implication to the State is anticipated.</b></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 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.

The Department of Aging and Disability Services anticipates no fiscal impact resulting from the bill. The Office of Court Administration does not anticipate any significant fiscal impact to the court system resulting from the bill.

**Local Government Impact**

The Office of Court Administration anticipates that 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.

According to the Texas Association of Counties (TAC), the counties of Collin, El Paso, and DeWitt anticipate no fiscal impact associated with the bill. TAC reported that Harris County anticipates some savings associated with the bill, but the amount of savings could not be determined.

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

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