

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 29, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB39 by Smithee (Relating to guardianships for incapacitated persons.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Estates Code to provide alternatives to guardianship for incapacitated persons that would meet the needs of a proposed ward and avoid the need for the appointment of a guardian. The bill would require a physician's certificate of medical examination accompanying a guardianship application to include additional information and would require judges and attorneys to consider if a ward could retain the right to make decisions for themselves about their personal residence. In addition, the bill would require a guardian to obtain a court's permission prior to moving a ward into a more restrictive environment and would require an attorney filing an application for guardianship to obtain continuing legal education in guardianship prior to filing. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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

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

LBB Staff: UP, AG, GDz, FR