

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 10, 2015**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

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

**IN RE: HB1438** by Thompson, Senfronia (Relating to guardianships and other matters related to incapacitated persons.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Estates Code related to guardianships and incapacitated persons. The bill would provide that when an existing guardianship is transferred to another county, the receiving court, rather than the transferring court, shall order the guardian to give a new bond or file a rider to an existing bond. The bill would also amend to whom a notice of application of guardianship must be sent if the proposed ward has no living spouse, parent, adult sibling, or adult child and would provide that reimbursements could be made from a management trust created to manage the estate of a ward if the assets of the guardianship estate are insufficient.

The bill would add a definition for relatives within the third degree of consanguinity and to provide that a court may order the deposit of a ward's assets in a financial institution for safekeeping and reduce the guardian's bond proportionately. The bill would also expand the sources from which a court cost could be paid to include a management trust and would require initial accounting by a trustee of a ward's management trust for wards with an existing guardianship. Finally, the bill would allow a court to appoint an attorney ad litem or guardian ad litem to act on the minor's behalf if the minor did not have a willing and able parent or managing conservator.

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, FR, GDz, KVe