

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

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

**May 4, 2015**

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

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

**IN RE: HB3914** by Klick (Relating to certain court-initiated guardianship proceedings involving individuals believed to be incapacitated persons including the appointment of a guardian ad litem or court investigator.), **As Introduced**

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

The bill would amend the Estates Code to establish additional requirements regarding court-initiated guardianship proceedings. These include giving the person believed to be incapacitated the right to petition the court to set aside the order, requiring the court order to include notice of such right, requiring the appointed individual to provide a copy to the subject individual within 48 hours, and requiring the court to conduct a preliminary hearing within certain time periods. The bill would amend the elements of probable cause to require an affidavit from an interested party alleging facts or a written letter or certificate from a physician meeting certain requirements. The bill would also repeal Estates Code, Section 1102.003 which provides that an interested person may submit an information letter to a court about a person believed to be incapacitated that does not need to be sworn before a notary unless the interested person is a family member of the person believed to be incapacitated.

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