<p style="text-align:center">**LEGISLATIVE BUDGET BOARD**
Austin, Texas</p>

<p style="text-align:center">**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**</p>

<p style="text-align:center">**May 23, 2017**</p>

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB39** by Zaffirini (Relating to guardianships, substitutes for guardianships, and durable powers of attorney for persons with disabilities or who are incapacitated.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend several sections of the Estates Code pertaining to guardianships for persons who have physical disabilities or who are incapacitated. The bill would amend the Estates Code to allow a court to remove an independent executor if the executor fails to timely file the required affidavit or certificates. The bill would also allow a court, with notice, to transfer guardianship to another county if the ward is residing in the county to which the transfer is made. The bill would require a court to provide notice to the sureties on the guardian's bond and requires personal service of the notice to the guardian, so that the surety or the guardian may appear and show cause why the guardianship should not be transferred. The bill would require notice to the guardian by certified mail if the transfer is on the court's motion and notice to the guardian by certified mail, if the transfer is proposed by the complaint of an interested person. Based on the analysis of the Office of Court Administration, Health and Human Services Commission, and Department of Family and Protective Services, 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, 529 Health and Human Services Commission, 530 Family and Protective Services, Department of

LBB Staff: UP, LBO, MW, GDz, AG, JLi, TBo