S.B. No. 667

AN ACT

relating to probate and guardianship matters and certain procedures for persons who are incapacitated or have a mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 30.014(a), Civil Practice and Remedies Code, is amended to read as follows:

(a)  In a civil action, including a probate or guardianship proceeding, filed in a district court, county court, [~~or~~] statutory county court, or statutory probate court, each party or the party's attorney shall include in its initial pleading:

(1)  the last three numbers of the party's driver's license number, if the party has been issued a driver's license; and

(2)  the last three numbers of the party's social security number, if the party has been issued a social security number.

SECTION 2.  Section 33.101, Estates Code, is amended to read as follows:

Sec. 33.101.  TRANSFER TO OTHER COUNTY IN WHICH VENUE IS PROPER. If probate proceedings involving the same estate are commenced in more than one county and the court making a determination of venue as provided by Section 33.053 determines that venue is proper in another county, the court clerk shall make and retain a copy of the entire file in the case and transmit the original file in electronic or paper form to the court in the county in which venue is proper. The court to which the file is transmitted shall conduct the proceeding in the same manner as if the proceeding had originally been commenced in that county.

SECTION 3.  Section 33.102(a), Estates Code, is amended to read as follows:

(a)  If it appears to the court at any time before the final order in a probate proceeding is rendered that the court does not have priority of venue over the proceeding, the court shall, on the application of an interested person, transfer the proceeding to the proper county by transmitting to the proper court in that county in electronic or paper form:

(1)  the original file in the case; and

(2)  certified copies of all entries that have been made in the judge's probate docket in the proceeding.

SECTION 4.  Section 33.103, Estates Code, is amended by adding Subsection (c) to read as follows:

(c)  The transmittal under Subsection (b) of the original file and the certified copy of the index may be in electronic or paper form, except that an original will filed in the probate proceeding, if any, must be delivered to the court to which the proceeding is transferred.

SECTION 5.  Section 51.003(b), Estates Code, is amended to read as follows:

(b)  A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's [~~clerk's~~] seal.

SECTION 6.  Section 202.054, Estates Code, is amended to read as follows:

Sec. 202.054.  PERSONAL SERVICE OF CITATION MAY BE REQUIRED. (a)  The court may require that service of citation in a proceeding to declare heirship be made by personal service on some or all of those named as distributees in the application filed under Section 202.005.

(b)  If a distributee to be cited under Subsection (a) is absent from or is not a resident of this state, any disinterested person competent to make an oath that the citation was served may serve the citation.

SECTION 7.  Section 351.351, Estates Code, is amended to read as follows:

Sec. 351.351.  APPLICABILITY. This subchapter does not apply to:

(1)  the appointment of an independent executor or administrator under Section 401.002 or 401.003(a); or

(2)  the appointment of a successor independent administrator [~~executor~~] under Section 404.005.

SECTION 8.  Section 404.0036(b), Estates Code, is amended to read as follows:

(b)  If an independent executor is removed by the court under Section 404.003 or 404.0035, the court may, on application, appoint a successor independent administrator [~~executor~~] as provided by Section 404.005.

SECTION 9.  The heading to Section 404.005, Estates Code, is amended to read as follows:

Sec. 404.005.  COURT-APPOINTED SUCCESSOR INDEPENDENT ADMINISTRATOR [~~EXECUTOR~~].

SECTION 10.  Sections 404.005(a), (b), (c), (h), and (i), Estates Code, are amended to read as follows:

(a)  If the will of a person who dies testate names an independent executor who, having qualified, fails for any reason to continue to serve, or is removed for cause by the court, and the will does not name a successor independent executor or if each successor executor named in the will fails for any reason to qualify as executor or indicates by affidavit filed with the application for an order continuing independent administration the successor executor's inability or unwillingness to serve as successor independent executor, all of the distributees of the decedent as of the filing of the application for an order continuing independent administration may apply to the probate court for the appointment of a qualified person, firm, or corporation to serve as successor independent administrator [~~executor~~]. If the probate court finds that continued administration of the estate is necessary, the court shall enter an order continuing independent administration and appointing the person, firm, or corporation designated in the application as successor independent administrator [~~executor~~], unless the probate court finds that it would not be in the best interest of the estate to do so. The successor independent administrator [~~executor~~] shall serve with all of the powers and privileges granted to the successor's predecessor independent executor.

(b)  Except as otherwise provided by this subsection, if a distributee described in this section is an incapacitated person, the guardian of the person of the distributee may sign the application on behalf of the distributee. If the probate court finds that either the continuing of independent administration or the appointment of the person, firm, or corporation designated in the application as successor independent administrator [~~executor~~] would not be in the best interest of the incapacitated person, then, notwithstanding Subsection (a), the court may not enter an order continuing independent administration of the estate. If the distributee is an incapacitated person and has no guardian of the person, the court may appoint a guardian ad litem to make application on behalf of the incapacitated person if the probate court considers such an appointment necessary to protect the interest of that distributee. If a distributee described in this section is a minor and has no guardian of the person, a natural guardian of the minor may sign the application for the order continuing independent administration on the minor's behalf unless a conflict of interest exists between the minor and the natural guardian.

(c)  Except as otherwise provided by this subsection, if a trust is created in the decedent's will or if the decedent's will devises property to a trustee as described by Section 254.001, the person or class of persons entitled to receive property outright from the trust on the decedent's death and those first eligible to receive the income from the trust, determined as if the trust were to be in existence on the date of the filing of the application for an order continuing independent administration, shall, for the purposes of this section, be considered to be the distributee or distributees on behalf of the trust, and any other trust or trusts coming into existence on the termination of the trust, and are authorized to apply for an order continuing independent administration on behalf of the trust without the consent or agreement of the trustee or any other beneficiary of the trust, or the trustee or any beneficiary of any other trust which may come into existence on the termination of the trust. If a person considered to be a distributee under this subsection is an incapacitated person, the trustee or cotrustee may apply for the order continuing independent administration or sign the application on the incapacitated person's behalf if the trustee or cotrustee is not the person proposed to serve as the independent administrator [~~executor~~].

(h)  If a successor independent administrator [~~executor~~] is appointed under this section, then, unless the probate court shall waive bond on application for waiver, the successor independent administrator [~~executor~~] shall be required to enter into bond payable to and to be approved by the judge and the judge's successors in a sum that is found by the judge to be adequate under all circumstances, or a bond with one surety in an amount that is found by the judge to be adequate under all circumstances, if the surety is an authorized corporate surety.

(i)  Absent proof of fraud or collusion on the part of a judge, the judge may not be held civilly liable for the commission of misdeeds or the omission of any required act of any person, firm, or corporation designated as a successor independent administrator [~~executor~~] under this section. Section 351.354 does not apply to an appointment of a successor independent administrator [~~executor~~] under this section.

SECTION 11.  Section 452.006, Estates Code, is amended by adding Subsection (c) to read as follows:

(c)  The appointee shall file with the court proof of service of the notice required under Subsection (a) in the manner provided by Section 51.103(b)(3).

SECTION 12.  Section 503.002, Estates Code, is amended to read as follows:

Sec. 503.002.  RECORDING OF CERTAIN FOREIGN TESTAMENTARY INSTRUMENTS IN LANGUAGE OTHER THAN ENGLISH [~~ORIGINAL SIGNATURES NOT REQUIRED~~]. (a)  An authenticated copy of a will or other testamentary instrument described by Section 503.001(a), along with a copy of the judgment, order, or decree by which the instrument was admitted to probate that has the attestation and certificate required by Section 501.002(c), that is written in whole or in part in a language other than English may be filed for recording in the deed records in any county in this state in which the land conveyed or disposed of in the instrument is located if:

(1)  a correct English translation is recorded with the authenticated copies of the will or other testamentary instrument and judgment, order, or decree by which the instrument was admitted to probate; and

(2)  the accuracy of the translation is sworn to before an officer authorized to administer oaths [~~Notwithstanding Section 501.002(c), the original signatures required by that section may not be required for a recordation in the deed records in accordance with Section 503.001 or for a purpose described by Section 503.051 or 503.052~~].

(b)  The recording of an authenticated copy of a will or other testamentary instrument and a copy of the judgment, order, or decree in the manner provided by Subsection (a) operates as constructive notice from the date of filing to all persons of the:

(1)  existence of the instrument; and

(2)  title or titles conferred by the instrument.

SECTION 13.  Chapter 1002, Estates Code, is amended by adding Sections 1002.0215 and 1002.0265 to read as follows:

Sec. 1002.0215.  OFFICE OF PUBLIC GUARDIAN. "Office of public guardian" means an office of public guardian established by the commissioners court of a county under Subchapter G-1, Chapter 1104.

Sec. 1002.0265.  PUBLIC GUARDIAN. "Public guardian" means a person:

(1)  appointed to administer an office of public guardian by the commissioners court of a county under Subchapter G-1, Chapter 1104; or

(2)  with which one or more counties enter into an agreement under Section 1104.327(a)(2) or (d).

SECTION 14.  Section 1021.001, Estates Code, is amended to read as follows:

Sec. 1021.001.  MATTERS RELATED TO GUARDIANSHIP PROCEEDING. (a)  For purposes of this code, in a county in which there is no statutory probate court or county court of law exercising original probate jurisdiction, a matter related to a guardianship proceeding includes:

(1)  the granting of letters of guardianship;

(2)  the settling of an account of a guardian and all other matters relating to the settlement, partition, or distribution of a ward's estate;

(3)  a claim brought by or against a guardianship estate;

(4)  an action for trial of title to real property that is guardianship estate property, including the enforcement of a lien against the property;

(5)  an action for trial of the right of property that is guardianship estate property;

(6)  after a guardianship of the estate of a ward is required to be settled as provided by Section 1204.001:

(A)  an action brought by or on behalf of the former ward against a former guardian of the ward for alleged misconduct arising from the performance of the person's duties as guardian;

(B)  an action calling on the surety of a guardian or former guardian to perform in place of the guardian or former guardian, which may include the award of a judgment against the guardian or former guardian in favor of the surety;

(C)  an action against a former guardian of the former ward that is brought by a surety that is called on to perform in place of the former guardian;

(D)  a claim for the payment of compensation, expenses, and court costs, and any other matter authorized under Chapter 1155; and

(E)  a matter related to an authorization made or duty performed by a guardian under Chapter 1204; and

(7)  the appointment of a trustee for a trust created under Section 1301.053 or 1301.054, the settling of an account of the trustee, and all other matters relating to the trust.

(a-1)  For purposes of this code, in a county in which there is no statutory probate court, but in which there is a county court at law exercising original probate jurisdiction, a matter related to a guardianship proceeding includes:

(1)  all matters and actions described in Subsection (a);

(2)  the interpretation and administration of a testamentary trust in which a ward is an income or remainder beneficiary; and

(3)  the interpretation and administration of an inter vivos trust in which a ward is an income or remainder beneficiary.

(b)  For purposes of this code, in a county in which there is a statutory probate court, a matter related to a guardianship proceeding includes:

(1)  all matters and actions described in Subsections [~~Subsection~~] (a) and (a-1);

(2)  a suit, action, or application filed against or on behalf of a guardianship or a trustee of a trust created under Section 1301.053 or 1301.054; and

(3)  a cause of action in which a guardian in a guardianship pending in the statutory probate court is a party.

SECTION 15.  Section 1023.006, Estates Code, is amended to read as follows:

Sec. 1023.006.  TRANSFER OF RECORD. When an order of transfer is made under Section 1023.005, the clerk shall record any unrecorded papers of the guardianship required to be recorded. On payment of the clerk's fee, the clerk shall transmit in electronic or paper form to the county clerk of the county to which the guardianship was ordered transferred:

(1)  the case file of the guardianship proceedings; and

(2)  a certified copy of the index of the guardianship records.

SECTION 16.  Section 1023.007, Estates Code, is amended to read as follows:

Sec. 1023.007.  TRANSFER EFFECTIVE. The order transferring a guardianship does not take effect until:

(1)  the case file and a certified copy of the index required by Section 1023.006 are filed in electronic or paper form in the office of the county clerk of the county to which the guardianship was ordered transferred; and

(2)  a certificate under the clerk's official seal and reporting the filing of the case file and a certified copy of the index is filed in electronic or paper form in the court ordering the transfer by the county clerk of the county to which the guardianship was ordered transferred.

SECTION 17.  Section 1051.003(b), Estates Code, is amended to read as follows:

(b)  A citation or notice issued by the county clerk must be styled "The State of Texas" and be signed by the clerk under the court's [~~clerk's~~] seal.

SECTION 18.  The heading to Chapter 1054, Estates Code, is amended to read as follows:

CHAPTER 1054. COURT OFFICERS, [~~AND~~] COURT-APPOINTED PERSONS, AND ATTORNEYS

SECTION 19.  The heading to Subchapter E, Chapter 1054, Estates Code, is amended to read as follows:

SUBCHAPTER E. QUALIFICATIONS TO SERVE AS [~~COURT-APPOINTED~~] ATTORNEY

SECTION 20.  Section 1054.201, Estates Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  Except as provided by Subsection (c), an [~~An~~] attorney representing any person's interests [~~for an applicant for guardianship and a court-appointed attorney~~] in a guardianship proceeding, including an attorney ad litem, must be certified by the State Bar of Texas, or a person or other entity designated by the state bar, as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or the state bar's designee.

(c)  An attorney may commence representation of a person's interests and file an appearance in a guardianship proceeding before completing the course required for certification under Subsection (a), but must complete the course not later than the 14th day after the date of filing the appearance and before filing any substantive motion in the guardianship proceeding.

SECTION 21.  Section 1101.001(b), Estates Code, is amended to read as follows:

(b)  The application must be sworn to by the applicant and state:

(1)  the proposed ward's name, sex, date of birth, and address;

(2)  the name, former name, if any, relationship, and address of the person the applicant seeks to have appointed as guardian;

(3)  whether guardianship of the person or estate, or both, is sought;

(3-a)  whether alternatives to guardianship and available supports and services to avoid guardianship were considered;

(3-b)  whether any alternatives to guardianship and supports and services available to the proposed ward considered are feasible and would avoid the need for a guardianship;

(4)  the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A)  the right of a proposed ward who is 18 years of age or older to vote in a public election;

(B)  the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code; and

(C)  the right of a proposed ward to make personal decisions regarding residence;

(5)  the facts requiring the appointment of a guardian;

(6)  the interest of the applicant in the appointment of a guardian;

(7)  the nature and description of any kind of guardianship existing for the proposed ward in any other state;

(8)  the name and address of any person or institution having the care and custody of the proposed ward;

(9)  the approximate value and a detailed description of the proposed ward's property, including:

(A)  liquid assets, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled; and

(B)  non-liquid assets, including real property;

(10)  the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;

(11)  for a proposed ward who is a minor, the following information if known by the applicant:

(A)  the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(B)  the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and

(C)  if each of the proposed ward's parents and adult siblings are deceased, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(12)  for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:

(A)  the court involved;

(B)  the nature of the proceeding; and

(C)  any final disposition of the proceeding;

(13)  for a proposed ward who is an adult, the following information if known by the applicant:

(A)  the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;

(B)  the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(C)  the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;

(D)  the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and

(E)  if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's other living relatives who are related to the proposed ward within the third degree by consanguinity and who are adults;

(14)  facts showing that the court has venue of the proceeding; and

(15)  if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION 22.  Section 1101.153(a), Estates Code, is amended to read as follows:

(a)  A court order appointing a guardian must:

(1)  specify:

(A) [~~(1)~~]  the name of the person appointed;

(B) [~~(2)~~]  the name of the ward;

(C) [~~(3)~~]  whether the guardian is of the person or estate of the ward, or both;

(D) [~~(4)~~]  the amount of any bond required;

(E) [~~(5)~~]  if it is a guardianship of the estate of the ward and the court considers an appraisal to be necessary, one, two, or three disinterested persons to appraise the estate and to return the appraisement to the court; and

(F) [~~(6)~~]  that the clerk will issue letters of guardianship to the person appointed when the person has qualified according to law; and

(2)  if the court waives the guardian's training requirement, contain a finding that the waiver is in accordance with rules adopted by the supreme court under Section 155.203, Government Code.

SECTION 23.  Section 1104.251(a), Estates Code, is amended to read as follows:

(a)  An individual must be certified under Subchapter C, Chapter 155, Government Code, if the individual:

(1)  is a private professional guardian;

(2)  will represent the interests of a ward as a guardian on behalf of a private professional guardian;

(3)  is providing guardianship services to a ward of a guardianship program on the program's behalf, except as provided by Section 1104.254; [~~or~~]

(4)  is an employee of the Health and Human Services Commission [~~Department of Aging and Disability Services~~] providing guardianship services to a ward of the commission;

(5)  is a public guardian; or

(6)  will represent the interests of a ward as a guardian on behalf of a public guardian [~~department~~].

SECTION 24.  Chapter 1104, Estates Code, is amended by adding Subchapter G-1 to read as follows:

SUBCHAPTER G-1. PUBLIC GUARDIANS

Sec. 1104.326.  DEFINITION. In this subchapter, unless the context otherwise requires, "office" means an office of public guardian established under this subchapter.

Sec. 1104.327.  ESTABLISHMENT OF OFFICES; PUBLIC GUARDIANS. (a)  The commissioners court of a county by order may:

(1)  create an office of public guardian to provide guardianship services described by Section 1104.334 to incapacitated persons; or

(2)  enter into an agreement with a person operating a nonprofit guardianship program or private professional guardianship program located in the county or in an adjacent county to act as a public guardian by providing guardianship services described by Section 1104.334 to incapacitated persons.

(b)  Subject to Subsection (c) and Section 1104.328, the commissioners court of a county shall appoint an individual as public guardian to administer the office of public guardian established under Subsection (a)(1) and may employ or authorize the public guardian to employ personnel necessary to perform the duties of the office, including personnel who will represent the interests of a ward as a guardian on behalf of the office if approved by the commissioners court.

(c)  The commissioners court of a county may enter into an agreement with an individual to act as public guardian under Subsection (b) on a part-time basis with appropriate compensation if:

(1)  the commissioners court determines a full-time appointment does not serve the needs of the county; and

(2)  the individual who is appointed on a part-time basis is not employed in or does not hold another position that presents a conflict of interest.

(d)  The commissioners courts of two or more counties may collectively enter into an agreement:

(1)  to create and fund an office of public guardian for purposes of Subsection (a)(1) and to appoint the same individual as public guardian to that office under Subsection (b); or

(2)  with a person operating a guardianship program described by Subsection (a)(2) to serve as a public guardian for purposes of that subdivision.

(e)  An individual appointed as public guardian under Subsection (b) serves a term of five years.

Sec. 1104.328.  QUALIFICATIONS OF PUBLIC GUARDIAN. To be appointed as public guardian under Section 1104.327(b), an individual must:

(1)  be a licensed attorney or be certified under Subchapter C, Chapter 155, Government Code; and

(2)  have demonstrable guardianship experience.

Sec. 1104.329.  CONFLICT OF INTEREST. (a)  Except as provided by Subsection (b), an office or public guardian must be independent from providers of services to wards and proposed wards and may not directly provide housing, medical, legal, or other direct, non-surrogate decision-making services to a ward or proposed ward, unless approved by the court.

(b)  An office or public guardian may provide money management services described by Section 531.125, Government Code, or other representative payee services to a ward or proposed ward.

Sec. 1104.330.  COMPENSATION. A person appointed or acting as public guardian under Section 1104.327 shall receive compensation as set by the commissioners court and is not entitled to compensation under Subchapter A, Chapter 1155, unless approved by the court or the person is appointed as guardian of a ward in accordance with Section 1104.334(a)(2)(B).

Sec. 1104.331.  BOND REQUIREMENT. (a)  A public guardian shall file with the court clerk a general bond in an amount fixed by the commissioners court payable to the county and issued by a surety company approved by the county judge. The bond must be conditioned on the faithful performance by the person of the person's duties and, if the public guardian administers an office, the office's duties.

(b)  The bond required by this section satisfies any bond required under Chapter 1105.

Sec. 1104.332.  VACANCY. If an individual appointed as public guardian under Section 1104.327(b) vacates the position, the commissioners court shall appoint, subject to Section 1104.328, an individual to serve as public guardian for the unexpired term.

Sec. 1104.333.  POWERS AND DUTIES. (a)  An office or public guardian shall:

(1)  if applicable, evaluate the financial status of a proposed ward to determine whether the proposed ward is eligible to have the office or public guardian appointed guardian of the ward under Section 1104.334(a)(2)(A); and

(2)  serve as guardian of the person or of the estate of a ward, or both, on appointment by a court in accordance with the requirements of this title.

(b)  In connection with a financial evaluation under Subsection (a)(1) and on the request of an office or public guardian, a court with jurisdiction over the guardianship proceeding may order the release of public and private records, including otherwise confidential records, to the office or public guardian.

(c)  Notwithstanding Section 552.261, Government Code, a state agency may not charge an office or public guardian for providing the office or public guardian with a copy of public information requested from the agency by the office or public guardian.

Sec. 1104.334.  APPOINTMENT OF OFFICE OR PUBLIC GUARDIAN AS GUARDIAN. (a)  In accordance with applicable law, including Subchapter C, Chapter 1101, a court may appoint an office or public guardian to serve as guardian of the person or of the estate of a ward, or both, if:

(1)  on the date the guardianship application is filed, the ward resides in or is located in the county served by the office or public guardian; and

(2)  the court finds that the ward:

(A)  does not have sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian and the appointment is in the ward's best interest; or

(B)  has sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian, the appointment is in the ward's best interest, and:

(i)  the ward's family members who are eligible for appointment as the ward's guardian agree to the appointment of an office or public guardian to serve as the ward's guardian or are unable to agree on the person or persons that should be appointed as the ward's guardian; or

(ii)  the ward does not have a family member, friend, or other suitable person willing and able to serve as the ward's guardian.

(b)  For purposes of Subsection (a)(2), the determination of a ward's ability to pay a private professional guardian is dependent on:

(1)  the nature, extent, and liquidity of the ward's assets;

(2)  the ward's disposable net income, including income of a recipient of medical assistance that is used to pay expenses under Section 1155.202(a);

(3)  the nature of the guardianship;

(4)  the type, duration, and complexity of services required by the ward; and

(5)  additional, foreseeable expenses.

(c)  The number of appointments of an office under this section may not exceed 35 wards for each guardian representing the interests of wards on behalf of the office.

(d)  If each guardian representing the interests of wards on behalf of an office reaches the limitation provided by Subsection (c), the office shall immediately give notice to the courts.

Sec. 1104.335.  CONFIDENTIALITY AND DISCLOSURE OF INFORMATION. (a)  All files, reports, records, communications, or working papers used or developed by an office or public guardian in the performance of duties relating to a financial evaluation under Section 1104.333(a)(1) or the provision of guardianship services are confidential and not subject to disclosure under Chapter 552, Government Code.

(b)  Confidential information may be disclosed only for a purpose consistent with this subchapter, as required by other state or federal law, or as necessary to enable an office or public guardian to exercise the powers and duties as guardian of the person or of the estate of a ward, or both.

(c)  A court on its own motion or on the motion of an interested person may order disclosure of confidential information only if:

(1)  a hearing on the motion is conducted;

(2)  notice of the hearing is served on the office or public guardian and each interested person; and

(3)  the court determines after the hearing and an in camera review of the information that disclosure is essential to the administration of justice and will not endanger the life or safety of any individual who:

(A)  is being assessed for guardianship services;

(B)  is a ward of the office or public guardian; or

(C)  provides services to a ward of the office or public guardian.

(d)  The Office of Court Administration of the Texas Judicial System shall establish policies and procedures for the exchange of information between offices, public guardians, and other appropriate governmental entities, as necessary for offices, public guardians, and governmental entities to properly execute their respective duties and responsibilities relating to guardianship services or other needed services for a ward. An exchange of information under this subsection does not constitute a release for purposes of waiving the confidentiality of the information exchanged.

(e)  To the extent consistent with policies and procedures adopted by an office or public guardian, the office or public guardian on request may release confidential information in the record of an individual who is a former ward of the office or public guardian to:

(1)  the individual;

(2)  the individual's guardian; or

(3)  an executor or administrator of the individual's estate.

(f)  Before releasing confidential information under Subsection (e), an office or public guardian shall edit the information to protect the identity of any individual whose life or safety may be endangered by the release. A release of information under Subsection (e) does not constitute a release for purposes of waiving the confidentiality of the information released.

Sec. 1104.336.  CERTAIN ADMINISTRATIVE COSTS. (a)  If an office or public guardian is appointed guardian of the person or of the estate of a ward, or both, the administrative costs of the guardianship services provided to the ward may not be charged to the ward's estate unless the court determines, subject to Subsection (b), that the ward is financially able to pay all or part of the costs.

(b)  A court shall measure a ward's ability to pay for costs under Subsection (a) by whether the ward has sufficient assets or other resources to pay a private professional guardian to serve as the ward's guardian in accordance with Section 1104.334(b).

Sec. 1104.337.  OFFICE OF COURT ADMINISTRATION OF THE TEXAS JUDICIAL SYSTEM; REPORT. (a)  Not later than December 1 of each even-numbered year, the Office of Court Administration of the Texas Judicial System shall submit a report to the governor and the legislature that contains an evaluation of public guardians established under this subchapter, including the establishment and operation of offices of public guardians under this subchapter and the provision of guardianship services by the offices. The report must include:

(1)  an analysis of costs and offsetting savings or other benefits to the state as a result of the establishment and operation of offices and public guardians under this subchapter; and

(2)  recommendations for legislation, if any.

(b)  If it is cost-effective and feasible, the Office of Court Administration of the Texas Judicial System may contract with an appropriate research or public policy entity with expertise in gerontology, disabilities, and public administration to conduct the analysis described by Subsection (a)(1).

Sec. 1104.338.  RULES. The supreme court, in consultation with the Office of Court Administration of the Texas Judicial System and the presiding judge of the statutory probate courts elected under Section 25.0022, Government Code, shall adopt rules necessary to implement this subchapter.

SECTION 25.  Section 1104.402, Estates Code, is amended to read as follows:

Sec. 1104.402.  COURT CLERK'S DUTY TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION[~~; AUTHORITY TO CHARGE FEE~~]. [~~(a)~~]  Except as provided by Section [~~1104.403,~~] 1104.404[~~,~~] or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to:

(1)  a private professional guardian;

(2)  each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;

(3)  each person employed by a private professional guardian who will:

(A)  have personal contact with a ward or proposed ward;

(B)  exercise control over and manage a ward's estate; or

(C)  perform any duties with respect to the management of a ward's estate;

(4)  each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or

(5)  any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

[~~(b)  The clerk may charge a $10 fee to recover the costs of obtaining criminal history record information under Subsection (a).~~]

SECTION 26.  Section 1104.402(a), Estates Code, is amended to read as follows:

(a)  Except as provided by Section 1104.403, 1104.404, or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to:

(1)  a private professional guardian;

(2)  each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;

(3)  each person employed by a private professional guardian who will:

(A)  have personal contact with a ward or proposed ward;

(B)  exercise control over and manage a ward's estate; or

(C)  perform any duties with respect to the management of a ward's estate;

(4)  each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; [~~or~~]

(5)  a public guardian appointed under Section 1104.327(b);

(6)  each person who represents or plans to represent the interests of a ward as a guardian on behalf of an office of public guardian;

(7)  each person employed by an office of public guardian who will:

(A)  have personal contact with a ward or proposed ward;

(B)  exercise control over and manage a ward's estate; or

(C)  perform any duties with respect to the management of a ward's estate; or

(8)  any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION 27.  Section 1104.405(a), Estates Code, is amended to read as follows:

(a)  Criminal history record information obtained or provided under Section 1104.402[~~, 1104.403,~~] or 1104.404 is privileged and confidential and is for the exclusive use of the court. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order or consent of the person being investigated.

SECTION 28.  Section 1104.409, Estates Code, is amended to read as follows:

Sec. 1104.409.  USE OF INFORMATION BY COURT. The court shall use the information obtained under this subchapter only in determining whether to:

(1)  appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, an office of public guardian, or the Health and Human Services Commission [~~department~~]; or

(2)  appoint any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION 29.  Subchapter A, Chapter 1151, Estates Code, is amended by adding Section 1151.005 to read as follows:

Sec. 1151.005.  LEGAL PROCEEDINGS IN WHICH WARD IS PARTY OR WITNESS. The guardian of the person or of the estate of a ward may not be excluded from attending a legal proceeding in which the ward is:

(1)  a party; or

(2)  participating as a witness.

SECTION 30.  Section 1151.351(b), Estates Code, is amended to read as follows:

(b)  Unless limited by a court or otherwise restricted by law, a ward is authorized to the following:

(1)  to have a copy of the guardianship order and letters of guardianship and contact information for the probate court that issued the order and letters;

(2)  to have a guardianship that encourages the development or maintenance of maximum self-reliance and independence in the ward with the eventual goal, if possible, of self-sufficiency;

(3)  to be treated with respect, consideration, and recognition of the ward's dignity and individuality;

(4)  to reside and receive support services in the most integrated setting, including home-based or other community-based settings, as required by Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.);

(5)  to consideration of the ward's current and previously stated personal preferences, desires, medical and psychiatric treatment preferences, religious beliefs, living arrangements, and other preferences and opinions;

(6)  to financial self-determination for all public benefits after essential living expenses and health needs are met and to have access to a monthly personal allowance;

(7)  to receive timely and appropriate health care and medical treatment that does not violate the ward's rights granted by the constitution and laws of this state and the United States;

(8)  to exercise full control of all aspects of life not specifically granted by the court to the guardian;

(9)  to control the ward's personal environment based on the ward's preferences;

(10)  to complain or raise concerns regarding the guardian or guardianship to the court, including living arrangements, retaliation by the guardian, conflicts of interest between the guardian and service providers, or a violation of any rights under this section;

(11)  to receive notice in the ward's native language, or preferred mode of communication, and in a manner accessible to the ward, of a court proceeding to continue, modify, or terminate the guardianship and the opportunity to appear before the court to express the ward's preferences and concerns regarding whether the guardianship should be continued, modified, or terminated;

(12)  to have a court investigator or[~~,~~] guardian ad litem[~~, or attorney ad litem~~] appointed by the court to investigate a complaint received by the court from the ward or any person about the guardianship;

(13)  to participate in social, religious, and recreational activities, training, employment, education, habilitation, and rehabilitation of the ward's choice in the most integrated setting;

(14)  to self-determination in the substantial maintenance, disposition, and management of real and personal property after essential living expenses and health needs are met, including the right to receive notice and object about the substantial maintenance, disposition, or management of clothing, furniture, vehicles, and other personal effects;

(15)  to personal privacy and confidentiality in personal matters, subject to state and federal law;

(16)  to unimpeded, private, and uncensored communication and visitation with persons of the ward's choice, except that if the guardian determines that certain communication or visitation causes substantial harm to the ward:

(A)  the guardian may limit, supervise, or restrict communication or visitation, but only to the extent necessary to protect the ward from substantial harm; and

(B)  the ward may request a hearing to remove any restrictions on communication or visitation imposed by the guardian under Paragraph (A);

(17)  to petition the court and retain counsel of the ward's choice who holds a certificate required by Subchapter E, Chapter 1054, to represent the ward's interest for capacity restoration, modification of the guardianship, the appointment of a different guardian, or for other appropriate relief under this subchapter, including a transition to a supported decision-making agreement, except as limited by Section 1054.006;

(18)  to vote in a public election, marry, and retain a license to operate a motor vehicle, unless restricted by the court;

(19)  to personal visits from the guardian or the guardian's designee at least once every three months, but more often, if necessary, unless the court orders otherwise;

(20)  to be informed of the name, address, phone number, and purpose of Disability Rights Texas, an organization whose mission is to protect the rights of, and advocate for, persons with disabilities, and to communicate and meet with representatives of that organization;

(21)  to be informed of the name, address, phone number, and purpose of an independent living center, an area agency on aging, an aging and disability resource center, and the local mental health and intellectual and developmental disability center, and to communicate and meet with representatives from these agencies and organizations;

(22)  to be informed of the name, address, phone number, and purpose of the Judicial Branch Certification Commission and the procedure for filing a complaint against a certified guardian;

(23)  to contact the Department of Family and Protective Services to report abuse, neglect, exploitation, or violation of personal rights without fear of punishment, interference, coercion, or retaliation; and

(24)  to have the guardian, on appointment and on annual renewal of the guardianship, explain the rights delineated in this subsection in the ward's native language, or preferred mode of communication, and in a manner accessible to the ward.

SECTION 31.  Sections 1153.001(a) and (c), Estates Code, are amended to read as follows:

(a)  Within one month after receiving letters of guardianship, a guardian of an estate shall provide notice requiring each person who has a claim against the estate to present the claim within the period prescribed by law. The notice must be:

(1)  published in a newspaper of general circulation [~~printed~~] in the county in which the letters were issued; and

(2)  sent to the comptroller by certified or registered mail, if the ward remitted or should have remitted taxes administered by the comptroller.

(c)  If there is no [~~a~~] newspaper of general circulation [~~is not printed~~] in the county in which the letters of guardianship were issued, the notice must be posted and the return made and filed as otherwise required by this title.

SECTION 32.  Section 1155.054(d), Estates Code, is amended to read as follows:

(d)  If the court finds that a party in a guardianship proceeding acted in bad faith or without just cause in prosecuting or objecting to an application in the proceeding, the court may order [~~require~~] the party to reimburse the ward's estate for all or part of the attorney's fees awarded under this section and shall issue judgment against the party and in favor of the estate for the amount of attorney's fees ordered [~~required~~] to be reimbursed to the estate.

SECTION 33.  Section 1155.151(a), Estates Code, is amended to read as follows:

(a)  In a guardianship proceeding, the court costs of the proceeding, including the costs described by Subsection (a-1), shall, except as provided by Subsection (c), be paid as follows, and the court shall issue the judgment accordingly:

(1)  out of the guardianship estate, if a guardianship of the estate has been created for the benefit of the ward and the court determines it is in the ward's best interest;

(2)  out of the management trust, if a management trust has been created for the benefit of the ward under Chapter 1301 and the court determines it is in the ward's best interest;

(3)  by the party to the proceeding who incurred the costs, unless that party filed, on the party's own behalf, an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the party is unable to afford the costs, if:

(A)  there is no guardianship estate or no management trust has been created for the ward's benefit; or

(B)  the assets of the guardianship estate or management trust, as appropriate, are insufficient to pay the costs; or

(4)  out of the county treasury if:

(A)(i)  there is no guardianship estate or management trust;

(ii)  [~~or~~] the assets of the guardianship estate or management trust, as appropriate, are insufficient to pay the costs; or

(iii)  a guardianship of the estate has been created for the benefit of the ward and the court determines it is not in the ward's best interest to pay the costs; and

(B)  the party to the proceeding who incurred the costs filed, on the party's own behalf, an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the party is unable to afford the costs.

SECTION 34.  Section 1155.151(a-2), Estates Code, is amended to read as follows:

(a-2)  Notwithstanding any other law requiring the payment of court costs in a guardianship proceeding, the following are not required to pay court costs on the filing of or during a guardianship proceeding:

(1)  an attorney ad litem;

(2)  a guardian ad litem;

(3)  a person or entity who files an affidavit of inability to pay the costs under Rule 145, Texas Rules of Civil Procedure, that shows the person or entity is unable to afford the costs;

(4)  a nonprofit guardianship program;

(5)  a governmental entity, including an office of public guardian; and

(6)  a government agency or nonprofit agency providing guardianship services.

SECTION 35.  Section 1163.005(a), Estates Code, is amended to read as follows:

(a)  The guardian of the estate shall attach to an account the guardian's affidavit stating:

(1)  that the account contains a correct and complete statement of the matters to which the account relates;

(2)  that the guardian has paid the bond premium for the next accounting period;

(3)  that the guardian has filed all tax returns of the ward due during the accounting period;

(4)  that the guardian has paid all taxes the ward owed during the accounting period, the amount of the taxes, the date the guardian paid the taxes, and the name of the governmental entity to which the guardian paid the taxes; and

(5)  if the guardian is a private professional guardian, a guardianship program, an office of public guardian, or the Health and Human Services Commission [~~Department of Aging and Disability Services~~], whether the guardian or an individual certified under Subchapter C, Chapter 155 [~~111~~], Government Code, who is providing guardianship services to the ward and who is swearing to the account on the guardian's behalf, is or has been the subject of an investigation conducted by the Judicial Branch [~~Guardianship~~] Certification Commission [~~Board~~] during the accounting period.

SECTION 36.  Section 1163.101(c), Estates Code, is amended to read as follows:

(c)  The guardian of the person shall file a sworn affidavit that contains:

(1)  the guardian's current name, address, and telephone number;

(2)  the ward's date of birth and current name, address, telephone number, and age;

(3)  a description of the type of home in which the ward resides, which shall be described as:

(A)  the ward's own home;

(B)  a nursing home;

(C)  a guardian's home;

(D)  a foster home;

(E)  a boarding home;

(F)  a relative's home, in which case the description must specify the relative's relationship to the ward;

(G)  a hospital or medical facility; or

(H)  another type of residence;

(4)  statements indicating:

(A)  the length of time the ward has resided in the present home;

(B)  the reason for a change in the ward's residence, if a change in the ward's residence has occurred in the past year;

(C)  the date the guardian most recently saw the ward;

(D)  how frequently the guardian has seen the ward in the past year;

(E)  whether the guardian has possession or control of the ward's estate;

(F)  whether the ward's mental health has improved, deteriorated, or remained unchanged during the past year, including a description of the change if a change has occurred;

(G)  whether the ward's physical health has improved, deteriorated, or remained unchanged during the past year, including a description of the change if a change has occurred;

(H)  whether the ward has regular medical care; and

(I)  the ward's treatment or evaluation by any of the following persons during the past year, including the person's name and a description of the treatment:

(i)  a physician;

(ii)  a psychiatrist, psychologist, or other mental health care provider;

(iii)  a dentist;

(iv)  a social or other caseworker; or

(v)  any other individual who provided treatment;

(5)  a description of the ward's activities during the past year, including recreational, educational, social, and occupational activities, or a statement that no activities were available or that the ward was unable or refused to participate in activities;

(6)  the guardian's evaluation of:

(A)  the ward's living arrangements as excellent, average, or below average, including an explanation if the conditions are below average;

(B)  whether the ward is content or unhappy with the ward's living arrangements; and

(C)  unmet needs of the ward;

(7)  a statement indicating whether the guardian's power should be increased, decreased, or unaltered, including an explanation if a change is recommended;

(8)  a statement indicating that the guardian has paid the bond premium for the next reporting period;

(9)  if the guardian is a private professional guardian, a guardianship program, an office of public guardian, or the Health and Human Services Commission [~~Department of Aging and Disability Services~~], whether the guardian or an individual certified under Subchapter C, Chapter 155, Government Code, who is providing guardianship services to the ward and who is filing the affidavit on the guardian's behalf, is or has been the subject of an investigation conducted by the Judicial Branch [~~Guardianship~~] Certification Commission [~~Board~~] during the preceding year; and

(10)  any additional information the guardian desires to share with the court regarding the ward, including:

(A)  whether the guardian has filed for emergency detention of the ward under Subchapter A, Chapter 573, Health and Safety Code; and

(B)  if applicable, the number of times the guardian has filed for emergency detention and the dates of the applications for emergency detention.

SECTION 37.  Section 1253.001, Estates Code, is amended to read as follows:

Sec. 1253.001.  APPLICATION TO TRANSFER GUARDIANSHIP TO FOREIGN JURISDICTION. On application of the guardian or on the court's own motion, a [~~A guardian of the person or estate may apply to the~~] court that has jurisdiction over the guardianship may [~~to~~] transfer the guardianship to a court in a foreign jurisdiction to which the ward has permanently moved.

SECTION 38.  Subchapter B, Chapter 1301, Estates Code, is amended by adding Section 1301.0511 to read as follows:

Sec. 1301.0511.  NOTICE REQUIRED FOR APPLICATION FOR CREATION OF TRUST; CITATION OF APPLICANT NOT REQUIRED. (a)  On the filing of an application for creation of a management trust and except as provided by Subsection (d), notice shall be issued and served in the manner provided by Subchapter C, Chapter 1051, for the issuance and service of notice on the filing of an application for guardianship.

(b)  It is not necessary to serve a citation on a person who files an application for the creation of a management trust under this subchapter or for that person to waive the issuance and personal service of citation.

(c)  If the person for whom an application for creation of a management trust is filed is a ward, the sheriff or other officer, in addition to serving the persons described by Section 1051.103, shall personally serve each guardian of the ward with citation to appear and answer the application.

(d)  Notice under this section is not required if a proceeding for the appointment of a guardian is pending for the person for whom an application for creation of a management trust is filed.

SECTION 39.  Section 1301.101(a), Estates Code, is amended to read as follows:

(a)  Except as provided by Subsection (c), a management trust created for a ward or incapacitated person must provide that:

(1)  the ward or incapacitated person is the sole beneficiary of the trust;

(2)  the trustee may disburse an amount of the trust's principal or income as the trustee determines is necessary to spend for the health, education, maintenance, or support of the person for whom the trust is created;

(3)  the trust income that the trustee does not disburse under Subdivision (2) must be added to the trust principal;

(4)  a trustee that is a corporate fiduciary serves without giving a bond; [~~and~~]

(5)  subject to the court's approval and Subsection (b), a trustee is entitled to receive reasonable compensation for services the trustee provides to the person for whom the trust is created as the person's trustee; and

(6)  the trust terminates:

(A)  except as provided by Paragraph (B), if the person for whom the trust is created is a minor:

(i)  on the earlier of:

(a)  the person's death; or

(b)  the person's 18th birthday; or

(ii)  on the date provided by court order, which may not be later than the person's 25th birthday;

(B)  if the person for whom the trust is created is a minor and is also incapacitated for a reason other than being a minor:

(i)  on the person's death; or

(ii)  when the person regains capacity; or

(C)  if the person for whom the trust is created is not a minor:

(i)  according to the terms of the trust;

(ii)  on the date the court determines that continuing the trust is no longer in the person's best interests, subject to Section 1301.202(c); or

(iii)  on the person's death.

SECTION 40.  Section 1301.154(b), Estates Code, is amended to read as follows:

(b)  The trustee of a management trust created for a ward shall provide a copy of the annual account to each [~~the~~] guardian of the ward [~~ward's estate or person~~].

SECTION 41.  Section 1301.203, Estates Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Except as provided by Subsection (a-1), if [~~If~~] the person for whom a management trust is created is a minor, the trust terminates on:

(1)  the earlier of:

(A)  the person's death; or

(B)  the person's 18th birthday; or

(2)  the date provided by court order, which may not be later than the person's 25th birthday.

(a-1)  If the person for whom a management trust is created is a minor and is also incapacitated for a reason other than being a minor, the trust terminates:

(1)  on the person's death; or

(2)  when the person regains capacity.

SECTION 42.  Sections 1355.002(b), (c), (d), (e), and (f), Estates Code, are amended to read as follows:

(b)  This section applies only to a nonresident creditor who is:

(1)  a nonresident minor and has a nonresident guardian of the estate appointed by a foreign court;

(2)  [~~,~~] a nonresident person who is adjudged by a foreign court [~~of competent jurisdiction~~] to be incapacitated and has a nonresident guardian of the estate appointed by that court;[~~,~~] or

(3)  the nonresident former ward of a guardianship terminated under Chapter 1204 who has no legal guardian qualified in this state.

(c)  A debtor in this state who owes money to a nonresident creditor to whom this section applies may pay the money:

(1)  to the creditor's guardian of the estate qualified in the domiciliary jurisdiction; or

(2)  to the county clerk of:

(A)  any county in this state in which real property owned by the creditor is located; or

(B)  if the creditor is not known to own real property in this state, the county in which the debtor resides.

(d)  A payment made under this section is for the nonresident creditor's account and for the nonresident creditor's use and benefit.

(e)  A receipt for payment signed by the county clerk is binding on the nonresident creditor as of the date and to the extent of payment if the receipt states:

(1)  the creditor's name; and

(2)  the creditor's post office address, if the address is known.

(f)  A county clerk who receives a payment under Subsection (c) for a nonresident creditor shall handle the money in the same manner as provided for a payment to the account of a resident creditor under Sections 1355.001, 1355.051, 1355.052, 1355.102, 1355.103, and 1355.104. Those sections apply to the handling and disposition of money or any increase, dividend, or income paid to the clerk for the use, benefit, and account of the nonresident creditor to whom this section applies.

SECTION 43.  Section 1355.105, Estates Code, is amended to read as follows:

Sec. 1355.105.  WITHDRAWAL OF MONEY BY CREDITOR OR CREDITOR'S HEIR, [~~OR~~] REPRESENTATIVE, OR GUARDIAN. (a)  On presentation to the court clerk of an order of a county or probate court of the county in which the money is held, money that is not withdrawn by an authorized person as provided by this chapter may be withdrawn by:

(1)  the creditor, after termination of the creditor's disability;

(2)  a subsequent personal representative of the creditor; [~~or~~]

(3)  the creditor's heirs; or

(4)  a nonresident guardian of the estate appointed by a foreign court for a creditor who is:

(A)  a nonresident minor; or

(B)  a nonresident person who is adjudged to be incapacitated.

(b)  Except as provided by Subsection (b-1), a [~~A~~] withdrawal under Subsection (a) may be made at any time and without a special bond for that purpose.

(b-1)  A court may require a nonresident guardian of the estate of a creditor who is a nonresident minor or nonresident incapacitated person as described by Subsection (a)(4) to provide proof that the nonresident guardian of the estate gave an adequate bond in the foreign jurisdiction if the court determines that it is in the nonresident minor's or nonresident incapacitated person's best interest.

(c)  The order presented under Subsection (a) must direct the court clerk to deliver the money to:

(1)  the creditor;

(2)  [~~,~~] the creditor's personal representative;

(3)  [~~, or~~] the creditor's heirs named in the order; or

(4)  if the creditor is a nonresident minor or nonresident person who is adjudged to be incapacitated, the creditor's nonresident guardian of the estate.

(d)  Before the court may issue an order under this section, the person's identity and credentials must be proved to the court's satisfaction. For purposes of this subsection, a nonresident guardian of the estate described by Subsection (c)(4) must present to the court exemplified copies of the order of a foreign court appointing the guardian and current letters of guardianship issued in the foreign jurisdiction.

SECTION 44.  Section 25.0006, Government Code, is amended by amending Subsection (a) and adding Subsection (a-5) to read as follows:

(a)  Notwithstanding any other law except Subsection (a-4), Subsections (a-1), (a-2), [~~and~~] (a-3), and (a-5) control over a specific provision for a particular court or county that attempts to create a requirement for a bond or insurance that conflicts with those subsections.

(a-5)  A bond executed under Subsection (a-1) by the judge elected or appointed to a statutory county court or an insurance policy obtained under Subsection (a-3) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION 45.  Section 25.00231, Government Code, is amended by adding Subsection (f) to read as follows:

(f)  Notwithstanding Subsection (e), a bond executed under Subsection (b) by the judge elected or appointed to a statutory probate court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION 46.  Section 26.001, Government Code, is amended by adding Subsection (d) to read as follows:

(d)  A bond executed under Subsection (a) by the judge elected or appointed to a county court or an insurance policy obtained under Subsection (c) shall provide the same coverage to a visiting judge assigned to the court as the bond or insurance policy provides to the judge elected or appointed to the court.

SECTION 47.  Section 81.114, Government Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a)  The state bar shall provide a course of instruction for attorneys who represent any person's interests [~~parties~~] in guardianship cases or who serve as court-appointed guardians.

(e)  The course of instruction described by this section must be low-cost and available to persons throughout this state, including on the Internet provided through the state bar.

SECTION 48.  Section 101.0814, Government Code, is amended to read as follows:

Sec. 101.0814.  STATUTORY COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall collect fees and costs under the Local Government Code as follows:

(1)  additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed $5;

(2)  civil court actions (Sec. 118.052, Local Government Code):

(A)  filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i)  garnishment after judgment (Sec. 118.052, Local Government Code) . . . $15; and

(ii)  all others (Sec. 118.052, Local Government Code) . . . $40;

(B)  filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . $30; and

(C)  services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):

(i)  abstract of judgment (Sec. 118.052, Local Government Code) . . . $5; and

(ii)  execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . $5;

(3)  probate court actions (Sec. 118.052, Local Government Code):

(A)  probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i)  probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . $40;

(ii)  community survivors (Sec. 118.052, Local Government Code) . . . $40;

(iii)  small estates (Sec. 118.052, Local Government Code) . . . $40;

(iv)  declarations of heirship (Sec. 118.052, Local Government Code) . . . $40;

(v)  mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . $40; and

(vi)  additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . $5;

(B)  services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):

(i)  filing an inventory and appraisement (Secs. 118.052 and 118.056(d), Local Government Code) . . . $25;

(ii)  approving and recording bond (Sec. 118.052, Local Government Code) . . . $3;

(iii)  administering oath (Sec. 118.052, Local Government Code) . . . $2;

(iv)  filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . $25;

(v)  filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . $25;

(vi)  filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . $10; and

(vii)  filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . $25;

(C)  adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . $40;

(D)  claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . $10;

(E)  supplemental public [~~court-initiated~~] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . $20; and

(F)  supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . $10;

(4)  other fees (Sec. 118.052, Local Government Code):

(A)  issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i)  original document and one copy (Sec. 118.052, Local Government Code) . . . $4; and

(ii)  each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . $4;

(B)  certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i)  for the clerk's certificate (Sec. 118.052, Local Government Code) . . . $5; and

(ii)  a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . $1;

(C)  noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . $1;

(D)  letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . $2;

(E)  safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . $5;

(F)  mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G)  records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) . . . $5;

(5)  additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . $10;

(6)  on the filing of a civil suit, an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . $42;

(7)  additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed $5;

(8)  additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . $1;

(9)  additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed $20; and

(10)  court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed $35.

SECTION 49.  Section 101.1013, Government Code, is amended to read as follows:

Sec. 101.1013.  STATUTORY PROBATE COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall collect fees and costs under the Local Government Code as follows:

(1)  additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . $10;

(2)  additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed $5;

(3)  probate court actions (Sec. 118.052, Local Government Code):

(A)  probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i)  probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . $40;

(ii)  community survivors (Sec. 118.052, Local Government Code) . . . $40;

(iii)  small estates (Sec. 118.052, Local Government Code) . . . $40;

(iv)  declarations of heirship (Sec. 118.052, Local Government Code) . . . $40;

(v)  mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . $40; and

(vi)  additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . $5;

(B)  services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):

(i)  filing an inventory and appraisement (Secs. 118.052 and 118.056(d), Local Government Code) . . . $25;

(ii)  approving and recording bond (Sec. 118.052, Local Government Code) . . . $3;

(iii)  administering oath (Sec. 118.052, Local Government Code) . . . $2;

(iv)  filing annual or final account of estate (Sec. 118.052, Local Government Code). . . $25;

(v)  filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . $25;

(vi)  filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . $10; and

(vii)  filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . $25;

(C)  adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . $40;

(D)  claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . $10;

(E)  supplemental public [~~court-initiated~~] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . $20; and

(F)  supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . $10;

(4)  other fees (Sec. 118.052, Local Government Code):

(A)  issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i)  original document and one copy (Sec. 118.052, Local Government Code) . . . $4; and

(ii)  each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . $4;

(B)  certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i)  for the clerk's certificate (Sec. 118.052, Local Government Code) . . . $5; and

(ii)  a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . $1;

(C)  noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . $1;

(D)  letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . $2;

(E)  safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . $5;

(F)  mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G)  records management and preservation fee (Secs. 118.052 and 118.0645, Local Government Code) . . . $5; and

(5)  court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed $35.

SECTION 50.  Section 101.1214, Government Code, is amended to read as follows:

Sec. 101.1214.  COUNTY COURT FEES AND COSTS: LOCAL GOVERNMENT CODE. The clerk of a county court shall collect the following fees and costs under the Local Government Code:

(1)  additional filing fee to fund contingency fund for liability insurance, if authorized by the county commissioners court (Sec. 82.003, Local Government Code) . . . not to exceed $5;

(2)  civil court actions (Sec. 118.052, Local Government Code):

(A)  filing of original action (Secs. 118.052 and 118.053, Local Government Code):

(i)  garnishment after judgment (Sec. 118.052, Local Government Code) . . . $15; and

(ii)  all others (Sec. 118.052, Local Government Code) . . . $40;

(B)  filing of action other than original (Secs. 118.052 and 118.054, Local Government Code) . . . $30; and

(C)  services rendered after judgment in original action (Secs. 118.052 and 118.0545, Local Government Code):

(i)  abstract of judgment (Sec. 118.052, Local Government Code) . . . $5; and

(ii)  execution, order of sale, writ, or other process (Sec. 118.052, Local Government Code) . . . $5;

(3)  probate court actions (Sec. 118.052, Local Government Code):

(A)  probate original action (Secs. 118.052 and 118.055, Local Government Code):

(i)  probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title (Sec. 118.052, Local Government Code) . . . $40;

(ii)  community survivors (Sec. 118.052, Local Government Code) . . . $40;

(iii)  small estates (Sec. 118.052, Local Government Code) . . . $40;

(iv)  declarations of heirship (Sec. 118.052, Local Government Code) . . . $40;

(v)  mental health or chemical dependency services (Sec. 118.052, Local Government Code) . . . $40; and

(vi)  additional, special fee (Secs. 118.052 and 118.064, Local Government Code) . . . $5;

(B)  services in pending probate action (Secs. 118.052 and 118.056, Local Government Code):

(i)  filing an inventory and appraisement (Secs. 118.052 and 118.056(d), Local Government Code) . . . $25;

(ii)  approving and recording bond (Sec. 118.052, Local Government Code) . . . $3;

(iii)  administering oath (Sec. 118.052, Local Government Code) . . . $2;

(iv)  filing annual or final account of estate (Sec. 118.052, Local Government Code) . . . $25;

(v)  filing application for sale of real or personal property (Sec. 118.052, Local Government Code) . . . $25;

(vi)  filing annual or final report of guardian of a person (Sec. 118.052, Local Government Code) . . . $10; and

(vii)  filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first (Secs. 118.052 and 191.007, Local Government Code), if more than 25 pages . . . $25;

(C)  adverse probate action (Secs. 118.052 and 118.057, Local Government Code) . . . $40;

(D)  claim against estate (Secs. 118.052 and 118.058, Local Government Code) . . . $10;

(E)  supplemental public [~~court-initiated~~] guardianship and related services fee (Secs. 118.052 and 118.067, Local Government Code) . . . $20; and

(F)  supplemental public probate administrator fee (Secs. 118.052 and 118.068, Local Government Code) . . . $10;

(4)  other fees (Sec. 118.052, Local Government Code):

(A)  issuing document (Secs. 118.052 and 118.059, Local Government Code):

(i)  original document and one copy (Sec. 118.052, Local Government Code) . . . $4; and

(ii)  each additional set of an original and one copy (Sec. 118.052, Local Government Code) . . . $4;

(B)  certified papers (Secs. 118.052 and 118.060, Local Government Code):

(i)  for the clerk's certificate (Sec. 118.052, Local Government Code) . . . $5; and

(ii)  a fee per page or part of a page (Sec. 118.052, Local Government Code) . . . $1;

(C)  noncertified papers, for each page or part of a page (Secs. 118.052 and 118.0605, Local Government Code) . . . $1;

(D)  letters testamentary, letter of guardianship, letter of administration, or abstract of judgment (Secs. 118.052 and 118.061, Local Government Code) . . . $2;

(E)  safekeeping of wills (Secs. 118.052 and 118.062, Local Government Code) . . . $5;

(F)  mail service of process (Secs. 118.052 and 118.063, Local Government Code) . . . same as sheriff; and

(G)  records management and preservation fee (Secs. 118.052, 118.0546, and 118.0645, Local Government Code) . . . $5;

(5)  deposit on filing petition requesting permission to create a municipal civic center authority (Sec. 281.013, Local Government Code) . . . $200;

(6)  additional filing fee to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . not to exceed $5;

(7)  additional filing fee for filing documents not subject to certain filing fees to fund the courthouse security fund, if authorized by the county commissioners court (Sec. 291.008, Local Government Code) . . . $1;

(8)  additional filing fee to fund the courthouse security fund in Webb County, if authorized by the county commissioners court (Sec. 291.009, Local Government Code) . . . not to exceed $20;

(9)  court cost in civil cases other than suits for delinquent taxes to fund the county law library fund, if authorized by the county commissioners court (Sec. 323.023, Local Government Code) . . . not to exceed $35;

(10)  additional filing fee for filing any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee, to fund civil legal services for the indigent (Sec. 133.153, Local Government Code) . . . $10; and

(11)  on the filing of a civil suit an additional filing fee to be used for court-related purposes for the support of the judiciary (Sec. 133.154, Local Government Code) . . . $42.

SECTION 51.  Section 155.001, Government Code, is amended by amending Subdivisions (4), (6), and (6-a) and adding Subdivisions (5-a) and (6-b) to read as follows:

(4)  "Guardianship program" means a local, county, or regional program, other than an office of public guardian, that provides guardianship and related services to an incapacitated person or other person who needs assistance in making decisions concerning the person's own welfare or financial affairs.

(5-a)  "Office of public guardian" has the meaning assigned by Section 1002.0215, Estates Code.

(6)  "Private professional guardian" means a person, other than an attorney, [~~or~~] a corporate fiduciary, or an office of public guardian, who is engaged in the business of providing guardianship services.

(6-a)  "Public guardian" has the meaning assigned by Section 1002.0265, Estates Code.

(6-b)  Notwithstanding Section 151.001, "registration" means registration of a guardianship under this chapter.

SECTION 52.  Subchapter B, Chapter 155, Government Code, is amended by adding Section 155.053 to read as follows:

Sec. 155.053.  MONITORING OF COUNTY PUBLIC GUARDIANSHIP AND RELATED SERVICES FUNDS. The office shall monitor counties to ensure money is appropriately deposited into the public guardianship and related services funds established by counties under Section 118.067, Local Government Code, and being used in compliance with that section. Not later than December 1 of each year, the office shall submit a report to the legislature detailing how money in the funds is being used by counties across the state.

SECTION 53.  Section 155.101(a), Government Code, is amended to read as follows:

(a)  The commission shall adopt minimum standards for:

(1)  the provision of guardianship services or other similar but less restrictive types of assistance or services by:

(A)  individuals employed by or contracting with guardianship programs to provide the assistance or services on behalf of the programs; and

(B)  private professional guardians; [~~and~~]

(2)  the provision of guardianship services by the Health and Human Services Commission; and

(3)  the provision of guardianship services by offices of public guardians [~~Department of Aging and Disability Services or its successor agency~~].

SECTION 54.  Section 155.102(a), Government Code, is amended to read as follows:

(a)  To provide guardianship services in this state, the following individuals must hold a certificate issued under this section:

(1)  an individual who is a private professional guardian;

(2)  an individual who will provide those services to a ward of a private professional guardian on the guardian's behalf; [~~and~~]

(3)  an individual, other than a volunteer, who will provide those services or other services under Section 161.114, Human Resources Code, to a ward of a guardianship program or the Health and Human Services Commission [~~Department of Aging and Disability Services~~] on the program's or commission's [~~department's~~] behalf;

(4)  an individual who is a public guardian; and

(5)  an individual who will provide those services to a ward of an office of public guardian.

SECTION 55.  Section 155.105, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  Not later than January 31 of each year, each office of public guardian shall provide to the commission a report containing for the preceding year:

(1)  the number of wards served by the office;

(2)  the total amount of any money received from this state for the provision of guardianship services; and

(3)  the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

SECTION 56.  Section 155.205(b), Government Code, is amended to read as follows:

(b)  The commission shall obtain:

(1)  fingerprint-based criminal history record information of a proposed guardian [~~an applicant~~] if:

(A)  the liquid assets of the estate of a ward exceed $50,000; or

(B)  the proposed guardian is not a resident of this state; or

(2)  name-based criminal history record information of a proposed guardian, including any criminal history record information under the current name and all former names of the proposed guardian, [~~an applicant~~] if:

(A)  the liquid assets of the estate of a ward are $50,000 or less; and

(B)  the proposed guardian is a resident of this state.

SECTION 57.  Section 411.1386(a), Government Code, is amended to read as follows:

(a)  Except as provided by Subsections (a-1), (a-5), and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, shall obtain from the department criminal history record information maintained by the department that relates to:

(1)  a private professional guardian;

(2)  each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;

(3)  each person employed by a private professional guardian who will:

(A)  have personal contact with a ward or proposed ward;

(B)  exercise control over and manage a ward's estate; or

(C)  perform any duties with respect to the management of a ward's estate;

(4)  each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; [~~or~~]

(5)  a public guardian, as defined by Section 1002.0265(1), Estates Code;

(6)  each person who represents or plans to represent the interests of a ward as a guardian on behalf of an office of public guardian;

(7)  each person employed by an office of public guardian, as defined by Section 1002.0215, Estates Code, who will:

(A)  have personal contact with a ward or proposed ward;

(B)  exercise control over and manage a ward's estate; or

(C)  perform any duties with respect to the management of a ward's estate; or

(8)  any other person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

SECTION 58.  Section 571.013, Health and Safety Code, is amended to read as follows:

Sec. 571.013.  METHOD OF GIVING NOTICE. Except as otherwise provided by this subtitle, notice required under this subtitle may be given by:

(1)  personal delivery of [~~delivering~~] a copy of the notice or document by a constable or sheriff of the county; [~~in person~~] or

(2)  [~~in~~] another manner directed by the court that is reasonably calculated to give actual notice.

SECTION 59.  Section 571.014(c), Health and Safety Code, is amended to read as follows:

(c)  A person may [~~initially~~] file a paper with the county clerk by the use of reproduced, photocopied, or electronically transmitted paper copies of [~~if the person files~~] the original signed copies of the paper. A person who files a reproduced, photocopied, or electronically transmitted paper must maintain possession of the original signed copies of the paper and shall make the original paper available for inspection on request by the parties or the court [~~with the clerk not later than the 72nd hour after the hour on which the initial filing is made. If the 72-hour period ends on a Saturday, Sunday, or legal holiday, the filing period is extended until 4 p.m. on the first succeeding business day. If extremely hazardous weather conditions exist or a disaster occurs, the presiding judge or magistrate may by written order made each day extend the filing period until 4 p.m. on the first succeeding business day. The written order must declare that an emergency exists because of the weather or the occurrence of a disaster. If a person detained under this subtitle would otherwise be released because the original signed copy of a paper is not filed within the 72-hour period but for the extension of the filing period under this section, the person may be detained until the expiration of the extended filing period. This subsection does not affect another provision of this subtitle requiring the release or discharge of a person~~].

SECTION 60.  Section 161.103, Human Resources Code, is amended to read as follows:

Sec. 161.103.  CONTRACT FOR GUARDIANSHIP SERVICES. (a)  If appropriate, the commission [~~department~~] may contract with a political subdivision of this state, a guardianship program as defined by Section 1002.016, Estates Code, a private agency, or another state agency for the provision of guardianship services under this section.

(b)  A contract under Subsection (a) may allow for the provision of guardianship services by an office of public guardian, as defined by Section 1002.0215, Estates Code.

SECTION 61.  Section 118.052, Local Government Code, is amended to read as follows:

Sec. 118.052.  FEE SCHEDULE. Each clerk of a county court shall collect the following fees for services rendered to any person:

(1)  CIVIL COURT ACTIONS

(A)  Filing of Original Action (Sec. 118.053):

(i)  Garnishment after judgment . . . $15.00

(ii)  All others . . . $40.00

(B)  Filing of Action Other than Original (Sec. 118.054) . . . $30.00

(C)  Services Rendered After Judgment in Original Action (Sec. 118.0545):

(i)  Abstract of judgment . . . $5.00

(ii)  Execution, order of sale, writ, or other process . . . $5.00

(2)  PROBATE COURT ACTIONS

(A)  Probate Original Action (Sec. 118.055):

(i)  Probate of a will with independent executor, administration with will attached, administration of an estate, guardianship or receivership of an estate, or muniment of title . . . $40.00

(ii)  Community survivors . . . $40.00

(iii)  Small estates . . . $40.00

(iv)  Declarations of heirship . . . $40.00

(v)  Mental health or chemical dependency services . . . $40.00

(vi)  Additional, special fee (Sec. 118.064) . . . $5.00

(B)  Services in Pending Probate Action (Sec. 118.056):

(i)  Filing an inventory and appraisement as provided by Section 118.056(d) . . . $25.00

(ii)  Approving and recording bond . . . $3.00

(iii)  Administering oath . . . $2.00

(iv)  Filing annual or final account of estate . . . $25.00

(v)  Filing application for sale of real or personal property . . . $25.00

(vi)  Filing annual or final report of guardian of a person . . . $10.00

(vii)  Filing a document not listed under this paragraph after the filing of an order approving the inventory and appraisement or after the 120th day after the date of the initial filing of the action, whichever occurs first, if more than 25 pages . . . $25.00

(C)  Adverse Probate Action (Sec. 118.057) . . . $40.00

(D)  Claim Against Estate (Sec. 118.058) . . . $10.00

(E)  Supplemental Public [~~Court-Initiated~~] Guardianship and Related Services Fee in Probate Original Actions and Adverse Probate Actions (Sec. 118.067) . . . $20.00

(F)  Supplemental Public Probate Administrator Fee For Counties That Have Appointed a Public Probate Administrator (Sec. 118.068) . . . $10.00

(3)  OTHER FEES

(A)  Issuing Document (Sec. 118.059):

original document and one copy . . . $4.00

each additional set of an original and one copy . . . $4.00

(B)  Certified Papers (Sec. 118.060):

for the clerk's certificate . . . $5.00

plus a fee per page or part of a page of . . . $1.00

(C)  Noncertified Papers (Sec. 118.0605):

for each page or part of a page . . . $1.00

(D)  Letters Testamentary, Letter of Guardianship, Letter of Administration, or Abstract of Judgment (Sec. 118.061) . . . $2.00

(E)  Deposit and Safekeeping of Wills (Sec. 118.062) . . . $5.00

(F)  Mail Service of Process (Sec. 118.063) . . . same as sheriff

(G)  Records Management and Preservation Fee . . . $5.00

(H)  Records Technology and Infrastructure Fee if authorized by the commissioners court of the county (Sec. 118.026) . . . $2.00

SECTION 62.  Section 118.067, Local Government Code, is amended to read as follows:

Sec. 118.067.  SUPPLEMENTAL PUBLIC [~~COURT-INITIATED~~] GUARDIANSHIP AND RELATED SERVICES FEE. (a)  The "supplemental public [~~court-initiated~~] guardianship and related services fee" under Section 118.052(2)(E) is for the support of guardianship services provided by public guardians, as defined by Section 1002.0265 [~~the judiciary in guardianships initiated under Chapter 1102~~], Estates Code, or guardianship and other less restrictive alternative services provided to indigent incapacitated persons who do not have family members suitable and willing to serve as guardians or provide less restrictive alternative services. Fees collected under Section 118.052(2)(E) shall be deposited in a public [~~court-initiated~~] guardianship and related services fund in the county treasury and may be used only to supplement, rather than supplant, other available county funds used to fund guardianship services or other less restrictive alternative services provided to individuals who are indigent[~~:~~

[~~(1)  pay the compensation of a guardian ad litem appointed by a court under Section 1102.001, Estates Code;~~

[~~(2)  pay the compensation of an attorney ad litem appointed by a court to represent a proposed ward in a guardianship proceeding initiated under Chapter 1102, Estates Code; and~~

[~~(3)  fund local guardianship programs that provide guardians for indigent incapacitated persons who do not have family members suitable and willing to serve as guardians~~].

(b)  The supplemental public [~~court-initiated~~] guardianship and related services fee is charged for:

(1)  a probate original action described by Section 118.055 and for which a fee is charged in accordance with Section 118.052(2)(A)(i), (ii), (iii), (iv), or (v); and

(2)  an adverse probate action described by Section 118.057 and for which a fee is charged in accordance with Section 118.052(2)(C).

(c)  The supplemental public [~~court-initiated~~] guardianship and related services fee must be paid by the person against whom the fee for a probate original action or adverse probate action, as applicable, is charged and is due at the time that fee is due.

(d)  The supplemental public [~~court-initiated~~] guardianship and related services fee is in addition to all other fees charged in probate original actions and adverse probate actions.

SECTION 63.  Section 1104.403, Estates Code, is repealed.

SECTION 64.  Section 571.014(d), Health and Safety Code, is repealed.

SECTION 65.  (a)  Section 202.054, Estates Code, as amended by this Act, applies only to a proceeding to declare heirship commenced on or after the effective date of this Act. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(b) Section 452.006(c), Estates Code, as added by this Act, applies only to a temporary administrator appointed on or after the effective date of this Act. A temporary administrator appointed before the effective date of this Act is governed by the law in effect on the date the administrator was appointed, and the former law is continued in effect for that purpose.

(c)  Section 503.002, Estates Code, as amended by this Act, applies only to a copy of a testamentary instrument or other document filed for recording on or after the effective date of this Act. A copy of a testamentary instrument or other document filed before the effective date of this Act is governed by the law in effect on the date the instrument or document was filed, and the former law is continued in effect for that purpose.

(d)  The changes in law made by this Act to Sections 25.0006, 25.00231, and 26.001, Government Code, apply only to an insurance policy delivered, issued for delivery, or renewed on or after January 1, 2020. An insurance policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 66.  (a)  Except as otherwise provided by this section, the changes in law made by this Act apply to:

(1)  a guardianship created before, on, or after the effective date of this Act; and

(2)  an application for a guardianship pending on, or filed on or after, the effective date of this Act.

(b)  The changes in law made by this Act to Section 1021.001, Estates Code, apply only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act is governed by the law in effect on the date the action was filed, and the former law is continued in effect for that purpose.

(c)  The changes in law made by this Act to Sections 1054.201, 1101.153, 1155.054(d), and 1155.151(a), Estates Code, and Section 155.205(b), Government Code, apply only to a guardianship proceeding commenced on or after the effective date of this Act. A guardianship proceeding commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(d)  Section 1301.0511, Estates Code, as added by this Act, applies only to an application for creation of a management trust filed on or after the effective date of this Act. An application for creation of a management trust filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(e)  The changes in law made by this Act to Sections 1301.101 and 1301.203, Estates Code, apply only to an application for the creation or modification of a management trust filed on or after the effective date of this Act. An application for the creation or modification of a management trust filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(f)  The changes in law made by this Act to Section 1355.105, Estates Code, apply only to an application for an order for the delivery of money that is filed on or after the effective date of this Act. An application for an order for the delivery of money that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(g)  Section 1101.001, Estates Code, as amended by this Act, applies only to an application for the appointment of a guardian filed on or after the effective date of this Act. An application for the appointment of a guardian filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(h)  The following provisions of this Act apply only to the appointment of a guardian of the person or of the estate of a ward, or both, made on or after July 1, 2020:

(1)  Sections 1002.0215 and 1002.0265 and Subchapter G-1, Chapter 1104, Estates Code, as added by this Act;

(2)  Sections 1104.251(a), 1104.402(a), 1104.409, 1155.151(a-2), 1163.005(a), and 1163.101(c), Estates Code, as amended by this Act;

(3)  Sections 101.0814, 101.1013, 101.1214, 155.001(4), (6), and (6-a), 155.101(a), 155.102(a), and 411.1386(a), Government Code, as amended by this Act;

(4)  Sections 155.001(5-a) and (6-b), 155.053, and 155.105(b-1), Government Code, as added by this Act;

(5)  Section 161.103, Human Resources Code, as amended by this Act; and

(6)  Sections 118.052 and 118.067, Local Government Code, as amended by this Act.

(i)  Notwithstanding any other law, a person who, immediately before July 1, 2020, is serving as guardian of the person or of the estate of a ward, or both, and who, under Section 1104.334, Estates Code, as added by this Act, would be eligible for appointment of an office of public guardian as the ward's guardian, may continue to serve as guardian of the person or of the estate of the ward, or both, unless otherwise removed as provided by law.

SECTION 67.  Not later than January 1, 2020, the supreme court shall adopt rules necessary to implement Subchapter G-1, Chapter 1104, Estates Code, as added by this Act, including rules governing the transfer of a guardianship of the person or of the estate of a ward, or both, if appropriate, to an office of public guardian established under that subchapter or a public guardian contracted under that subchapter.

SECTION 68.  This Act takes effect September 1, 2019.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_President of the Senate             Speaker of the House

I hereby certify that S.B. No. 667 passed the Senate on March 26, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 667 passed the House, with amendments, on May 21, 2019, by the following vote: Yeas 115, Nays 26, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor