

By: Zaffirini

S.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

relating to the establishment by a county of public guardians for certain incapacitated persons and funding for guardianships by public guardians and related services.

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

SECTION 1. 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 2. 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

1 guardian on behalf of a private professional guardian;

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

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

8 (5) is a public guardian; or

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

11 SECTION 3. Chapter 1104, Estates Code, is amended by adding
12 Subchapter G-1 to read as follows:

13 SUBCHAPTER G-1. PUBLIC GUARDIANS

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

17 Sec. 1104.327. ESTABLISHMENT OF OFFICES; PUBLIC GUARDIANS.

18 (a) The commissioners court of a county by order may:

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

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

27 (b) Subject to Subsection (c) and Section 1104.328, the

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

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

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

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

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

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

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

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

27 Sec. 1104.328. QUALIFICATIONS OF PUBLIC GUARDIAN. To be

1 appointed as public guardian under Section 1104.327(b), an
2 individual must:

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

5 (2) have demonstrable guardianship experience.

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 1104.334. APPOINTMENT OF OFFICE OR PUBLIC GUARDIAN AS

1 GUARDIAN. (a) In accordance with applicable law, including
2 Subchapter C, Chapter 1101, a court may appoint an office or public
3 guardian to serve as guardian of the person or of the estate of a
4 ward, or both, if:

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

8 (2) the court finds that the ward:

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

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

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

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

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

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

1 assets;

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

5 (3) the nature of the guardianship;

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

8 (5) additional, foreseeable expenses.

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

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

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

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

27 (c) A court on its own motion or on the motion of an

1 interested person may order disclosure of confidential information
2 only if:

3 (1) a hearing on the motion is conducted;

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

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

10 (A) is being assessed for guardianship services;

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

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

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

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

1 guardian to:

2 (1) the individual;

3 (2) the individual's guardian; or

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

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

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

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

23 Sec. 1104.337. OFFICE OF COURT ADMINISTRATION OF THE TEXAS
24 JUDICIAL SYSTEM; REPORT. (a) Not later than December 1 of each
25 even-numbered year, the Office of Court Administration of the Texas
26 Judicial System shall submit a report to the governor and the
27 legislature that contains an evaluation of public guardians

1 established under this subchapter, including the establishment and
2 operation of offices of public guardians under this subchapter and
3 the provision of guardianship services by the offices. The report
4 must include:

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

9 (2) recommendations for legislation, if any.

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

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

20 SECTION 4. Section 1104.402(a), Estates Code, is amended to
21 read as follows:

22 (a) Except as provided by Section 1104.403, 1104.404, or
23 1104.406(a), the clerk of the county having venue of the proceeding
24 for the appointment of a guardian shall obtain criminal history
25 record information that is maintained by the Department of Public
26 Safety or the Federal Bureau of Investigation identification
27 division relating to:

- 1 (1) a private professional guardian;
- 2 (2) each person who represents or plans to represent
3 the interests of a ward as a guardian on behalf of the private
4 professional guardian;
- 5 (3) each person employed by a private professional
6 guardian who will:
- 7 (A) have personal contact with a ward or proposed
8 ward;
- 9 (B) exercise control over and manage a ward's
10 estate; or
- 11 (C) perform any duties with respect to the
12 management of a ward's estate;
- 13 (4) each person employed by or volunteering or
14 contracting with a guardianship program to provide guardianship
15 services to a ward of the program on the program's behalf; ~~or~~
- 16 (5) a public guardian appointed under Section
17 1104.327(b);
- 18 (6) each person who represents or plans to represent
19 the interests of a ward as a guardian on behalf of an office of
20 public guardian;
- 21 (7) each person employed by an office of public
22 guardian who will:
- 23 (A) have personal contact with a ward or proposed
24 ward;
- 25 (B) exercise control over and manage a ward's
26 estate; or
- 27 (C) perform any duties with respect to the

1 management of a ward's estate; or

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

5 SECTION 5. Section 1104.409, Estates Code, is amended to
6 read as follows:

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

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

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

17 SECTION 6. Section 1155.151(a-2), Estates Code, is amended
18 to read as follows:

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

23 (1) an attorney ad litem;

24 (2) a guardian ad litem;

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

1 costs;

2 (4) a nonprofit guardianship program;

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

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

7 SECTION 7. Section 1163.005(a), Estates Code, is amended to
8 read as follows:

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

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

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

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

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

21 (5) if the guardian is a private professional
22 guardian, a guardianship program, an office of public guardian, or
23 the Health and Human Services Commission [~~Department of Aging and~~
24 ~~Disability Services~~], whether the guardian or an individual
25 certified under Subchapter C, Chapter 155 [~~111~~], Government Code,
26 who is providing guardianship services to the ward and who is
27 swearing to the account on the guardian's behalf, is or has been the

1 subject of an investigation conducted by the Judicial Branch
2 [~~Guardianship~~] Certification Commission [~~Board~~] during the
3 accounting period.

4 SECTION 8. Section 1163.101(c), Estates Code, is amended to
5 read as follows:

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

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

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

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

14 (A) the ward's own home;

15 (B) a nursing home;

16 (C) a guardian's home;

17 (D) a foster home;

18 (E) a boarding home;

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

21 (G) a hospital or medical facility; or

22 (H) another type of residence;

23 (4) statements indicating:

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

26 (B) the reason for a change in the ward's
27 residence, if a change in the ward's residence has occurred in the

1 past year;

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

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

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

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

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

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

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

19 (i) a physician;

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

22 (iii) a dentist;

23 (iv) a social or other caseworker; or

24 (v) any other individual who provided
25 treatment;

26 (5) a description of the ward's activities during the
27 past year, including recreational, educational, social, and

1 occupational activities, or a statement that no activities were
2 available or that the ward was unable or refused to participate in
3 activities;

4 (6) the guardian's evaluation of:

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

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

10 (C) unmet needs of the ward;

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

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

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

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

27 (A) whether the guardian has filed for emergency

1 detention of the ward under Subchapter A, Chapter 573, Health and
2 Safety Code; and

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

6 SECTION 9. Section 101.0814, Government Code, is amended to
7 read as follows:

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

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

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

16 (A) filing of original action (Secs. 118.052 and
17 118.053, Local Government Code):

18 (i) garnishment after judgment (Sec.
19 118.052, Local Government Code) . . . \$15; and

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

22 (B) filing of action other than original (Secs.
23 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

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

5 (A) probate original action (Secs. 118.052 and
6 118.055, Local Government Code):

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

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

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

15 (iv) declarations of heirship (Sec.
16 118.052, Local Government Code) . . . \$40;

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

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

21 (B) services in pending probate action (Secs.
22 118.052 and 118.056, Local Government Code):

23 (i) filing an inventory and appraisalment
24 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

25 (ii) approving and recording bond (Sec.
26 118.052, Local Government Code) . . . \$3;

27 (iii) administering oath (Sec. 118.052,

- 1 Local Government Code) . . . \$2;
- 2 (iv) filing annual or final account of
3 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 4 (v) filing application for sale of real or
5 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 6 (vi) filing annual or final report of
7 guardian of a person (Sec. 118.052, Local Government Code) . . .
8 \$10; and
- 9 (vii) filing a document not listed under
10 this paragraph after the filing of an order approving the inventory
11 and appraisal or after the 120th day after the date of the
12 initial filing of the action, whichever occurs first (Secs. 118.052
13 and 191.007, Local Government Code), if more than 25 pages . . .
14 \$25;
- 15 (C) adverse probate action (Secs. 118.052 and
16 118.057, Local Government Code) . . . \$40;
- 17 (D) claim against estate (Secs. 118.052 and
18 118.058, Local Government Code) . . . \$10;
- 19 (E) supplemental public [~~court-initiated~~]
20 guardianship and related services fee (Secs. 118.052 and 118.067,
21 Local Government Code) . . . \$20; and
- 22 (F) supplemental public probate administrator
23 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
- 24 (4) other fees (Sec. 118.052, Local Government Code):
- 25 (A) issuing document (Secs. 118.052 and 118.059,
26 Local Government Code):
- 27 (i) original document and one copy (Sec.

1 118.052, Local Government Code) . . . \$4; and
2 (ii) each additional set of an original and
3 one copy (Sec. 118.052, Local Government Code) . . . \$4;
4 (B) certified papers (Secs. 118.052 and 118.060,
5 Local Government Code):
6 (i) for the clerk's certificate (Sec.
7 118.052, Local Government Code) . . . \$5; and
8 (ii) a fee per page or part of a page (Sec.
9 118.052, Local Government Code) . . . \$1;
10 (C) noncertified papers, for each page or part of
11 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
12 \$1;
13 (D) letters testamentary, letter of
14 guardianship, letter of administration, or abstract of judgment
15 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
16 (E) safekeeping of wills (Secs. 118.052 and
17 118.062, Local Government Code) . . . \$5;
18 (F) mail service of process (Secs. 118.052 and
19 118.063, Local Government Code) . . . same as sheriff; and
20 (G) records management and preservation fee
21 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
22 . . . \$5;
23 (5) additional filing fee for filing any civil action
24 or proceeding requiring a filing fee, including an appeal, and on
25 the filing of any counterclaim, cross-action, intervention,
26 interpleader, or third-party action requiring a filing fee, to fund
27 civil legal services for the indigent (Sec. 133.153, Local

1 Government Code) . . . \$10;

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

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

8 (8) additional filing fee for filing documents not
9 subject to certain filing fees to fund the courthouse security
10 fund, if authorized by the county commissioners court (Sec.
11 291.008, Local Government Code) . . . \$1;

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

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

20 SECTION 10. Section 101.1013, Government Code, is amended
21 to read as follows:

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

25 (1) additional filing fee for filing any civil action
26 or proceeding requiring a filing fee, including an appeal, and on
27 the filing of any counterclaim, cross-action, intervention,

1 interpleader, or third-party action requiring a filing fee to fund
2 civil legal services for the indigent (Sec. 133.153, Local
3 Government Code) . . . \$10;

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

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

9 (A) probate original action (Secs. 118.052 and
10 118.055, Local Government Code):

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

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

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

19 (iv) declarations of heirship (Sec.
20 118.052, Local Government Code) . . . \$40;

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

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

25 (B) services in pending probate action (Secs.
26 118.052 and 118.056, Local Government Code):

27 (i) filing an inventory and appraisalment

- 1 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
- 2 (ii) approving and recording bond (Sec.
- 3 118.052, Local Government Code) . . . \$3;
- 4 (iii) administering oath (Sec. 118.052,
- 5 Local Government Code) . . . \$2;
- 6 (iv) filing annual or final account of
- 7 estate (Sec. 118.052, Local Government Code). . . \$25;
- 8 (v) filing application for sale of real or
- 9 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 10 (vi) filing annual or final report of
- 11 guardian of a person (Sec. 118.052, Local Government Code) . . .
- 12 \$10; and
- 13 (vii) filing a document not listed under
- 14 this paragraph after the filing of an order approving the inventory
- 15 and appraisement or after the 120th day after the date of the
- 16 initial filing of the action, whichever occurs first (Secs. 118.052
- 17 and 191.007, Local Government Code), if more than 25 pages . . .
- 18 \$25;
- 19 (C) adverse probate action (Secs. 118.052 and
- 20 118.057, Local Government Code) . . . \$40;
- 21 (D) claim against estate (Secs. 118.052 and
- 22 118.058, Local Government Code) . . . \$10;
- 23 (E) supplemental public [~~court-initiated~~]
- 24 guardianship and related services fee (Secs. 118.052 and 118.067,
- 25 Local Government Code) . . . \$20; and
- 26 (F) supplemental public probate administrator
- 27 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

- 1 (4) other fees (Sec. 118.052, Local Government Code):
- 2 (A) issuing document (Secs. 118.052 and 118.059,
- 3 Local Government Code):
- 4 (i) original document and one copy (Sec.
- 5 118.052, Local Government Code) . . . \$4; and
- 6 (ii) each additional set of an original and
- 7 one copy (Sec. 118.052, Local Government Code) . . . \$4;
- 8 (B) certified papers (Secs. 118.052 and 118.060,
- 9 Local Government Code):
- 10 (i) for the clerk's certificate (Sec.
- 11 118.052, Local Government Code) . . . \$5; and
- 12 (ii) a fee per page or part of a page (Sec.
- 13 118.052, Local Government Code) . . . \$1;
- 14 (C) noncertified papers, for each page or part of
- 15 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
- 16 \$1;
- 17 (D) letters testamentary, letter of
- 18 guardianship, letter of administration, or abstract of judgment
- 19 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 20 (E) safekeeping of wills (Secs. 118.052 and
- 21 118.062, Local Government Code) . . . \$5;
- 22 (F) mail service of process (Secs. 118.052 and
- 23 118.063, Local Government Code) . . . same as sheriff; and
- 24 (G) records management and preservation fee
- 25 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and
- 26 (5) court cost in civil cases other than suits for
- 27 delinquent taxes to fund the county law library fund, if authorized

1 by the county commissioners court (Sec. 323.023, Local Government
2 Code) . . . not to exceed \$35.

3 SECTION 11. Section 101.1214, Government Code, is amended
4 to read as follows:

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

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

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

13 (A) filing of original action (Secs. 118.052 and
14 118.053, Local Government Code):

15 (i) garnishment after judgment (Sec.
16 118.052, Local Government Code) . . . \$15; and

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

19 (B) filing of action other than original (Secs.
20 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

27 (3) probate court actions (Sec. 118.052, Local

1 Government Code):

2 (A) probate original action (Secs. 118.052 and
3 118.055, Local Government Code):

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

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

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

12 (iv) declarations of heirship (Sec.
13 118.052, Local Government Code) . . . \$40;

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

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

18 (B) services in pending probate action (Secs.
19 118.052 and 118.056, Local Government Code):

20 (i) filing an inventory and appraisalment
21 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

22 (ii) approving and recording bond (Sec.
23 118.052, Local Government Code) . . . \$3;

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

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

- 1 (v) filing application for sale of real or
2 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 3 (vi) filing annual or final report of
4 guardian of a person (Sec. 118.052, Local Government Code) . . .
5 \$10; and
- 6 (vii) filing a document not listed under
7 this paragraph after the filing of an order approving the inventory
8 and appraisal or after the 120th day after the date of the
9 initial filing of the action, whichever occurs first (Secs. 118.052
10 and 191.007, Local Government Code), if more than 25 pages . . .
11 \$25;
- 12 (C) adverse probate action (Secs. 118.052 and
13 118.057, Local Government Code) . . . \$40;
- 14 (D) claim against estate (Secs. 118.052 and
15 118.058, Local Government Code) . . . \$10;
- 16 (E) supplemental public [~~court-initiated~~]
17 guardianship and related services fee (Secs. 118.052 and 118.067,
18 Local Government Code) . . . \$20; and
- 19 (F) supplemental public probate administrator
20 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
- 21 (4) other fees (Sec. 118.052, Local Government Code):
- 22 (A) issuing document (Secs. 118.052 and 118.059,
23 Local Government Code):
- 24 (i) original document and one copy (Sec.
25 118.052, Local Government Code) . . . \$4; and
- 26 (ii) each additional set of an original and
27 one copy (Sec. 118.052, Local Government Code) . . . \$4;

- 1 (B) certified papers (Secs. 118.052 and 118.060,
2 Local Government Code):
- 3 (i) for the clerk's certificate (Sec.
4 118.052, Local Government Code) . . . \$5; and
- 5 (ii) a fee per page or part of a page (Sec.
6 118.052, Local Government Code) . . . \$1;
- 7 (C) noncertified papers, for each page or part of
8 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
9 \$1;
- 10 (D) letters testamentary, letter of
11 guardianship, letter of administration, or abstract of judgment
12 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 13 (E) safekeeping of wills (Secs. 118.052 and
14 118.062, Local Government Code) . . . \$5;
- 15 (F) mail service of process (Secs. 118.052 and
16 118.063, Local Government Code) . . . same as sheriff; and
- 17 (G) records management and preservation fee
18 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
19 . . . \$5;
- 20 (5) deposit on filing petition requesting permission
21 to create a municipal civic center authority (Sec. 281.013, Local
22 Government Code) . . . \$200;
- 23 (6) additional filing fee to fund the courthouse
24 security fund, if authorized by the county commissioners court
25 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
- 26 (7) additional filing fee for filing documents not
27 subject to certain filing fees to fund the courthouse security

1 fund, if authorized by the county commissioners court (Sec.
2 291.008, Local Government Code) . . . \$1;

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

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

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

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

20 SECTION 12. Section 155.001, Government Code, is amended by
21 amending Subdivisions (4), (6), and (6-a) and adding Subdivisions
22 (5-a) and (6-b) to read as follows:

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

1 (5-a) "Office of public guardian" has the meaning
2 assigned by Section 1002.0215, Estates Code.

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

7 (6-a) "Public guardian" has the meaning assigned by
8 Section 1002.0265, Estates Code.

9 (6-b) Notwithstanding Section 151.001, "registration"
10 means registration of a guardianship under this chapter.

11 SECTION 13. Subchapter B, Chapter 155, Government Code, is
12 amended by adding Section 155.053 to read as follows:

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

21 SECTION 14. Section 155.101(a), Government Code, is amended
22 to read as follows:

23 (a) The commission shall adopt minimum standards for:

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

26 (A) individuals employed by or contracting with
27 guardianship programs to provide the assistance or services on

1 behalf of the programs; and

2 (B) private professional guardians; ~~and~~

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

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

8 SECTION 15. Section 155.102(a), Government Code, is amended
9 to read as follows:

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

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

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

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

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

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

27 SECTION 16. Section 155.105, Government Code, is amended by

1 adding Subsection (b-1) to read as follows:

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

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

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

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

12 SECTION 17. Section 411.1386(a), Government Code, is
13 amended to read as follows:

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

19 (1) a private professional guardian;

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

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

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

27 (B) exercise control over and manage a ward's

1 estate; or

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

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

7 (5) a public guardian, as defined by Section
8 1002.0265(1), Estates Code;

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

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

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

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

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

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

23 SECTION 18. Section 161.103, Human Resources Code, is
24 amended to read as follows:

25 Sec. 161.103. CONTRACT FOR GUARDIANSHIP SERVICES. (a) If
26 appropriate, the commission ~~[department]~~ may contract with a
27 political subdivision of this state, a guardianship program as

1 defined by Section 1002.016, Estates Code, a private agency, or
2 another state agency for the provision of guardianship services
3 under this section.

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

7 SECTION 19. Section 118.052, Local Government Code, is
8 amended to read as follows:

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

12 (1) CIVIL COURT ACTIONS

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

14 (i) Garnishment after judgment . . . \$15.00

15 (ii) All others . . . \$40.00

16 (B) Filing of Action Other than Original (Sec.
17 118.054) . . . \$30.00

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

20 (i) Abstract of judgment . . . \$ 5.00

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

23 (2) PROBATE COURT ACTIONS

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

25 (i) Probate of a will with independent
26 executor, administration with will attached, administration of an
27 estate, guardianship or receivership of an estate, or muniment of

- 1 title . . . \$40.00
- 2 (ii) Community survivors . . . \$40.00
- 3 (iii) Small estates . . . \$40.00
- 4 (iv) Declarations of heirship . . . \$40.00
- 5 (v) Mental health or chemical dependency
- 6 services . . . \$40.00
- 7 (vi) Additional, special fee (Sec. 118.064)
- 8 . . . \$ 5.00
- 9 (B) Services in Pending Probate Action (Sec.
- 10 118.056):
- 11 (i) Filing an inventory and appraisalment as
- 12 provided by Section 118.056(d) . . . \$25.00
- 13 (ii) Approving and recording bond . . . \$
- 14 3.00
- 15 (iii) Administering oath . . . \$ 2.00
- 16 (iv) Filing annual or final account of
- 17 estate . . . \$25.00
- 18 (v) Filing application for sale of real or
- 19 personal property . . . \$25.00
- 20 (vi) Filing annual or final report of
- 21 guardian of a person . . . \$10.00
- 22 (vii) Filing a document not listed under
- 23 this paragraph after the filing of an order approving the inventory
- 24 and appraisalment or after the 120th day after the date of the
- 25 initial filing of the action, whichever occurs first, if more than
- 26 25 pages . . . \$25.00
- 27 (C) Adverse Probate Action (Sec. 118.057) . . .

1 \$40.00

2 (D) Claim Against Estate (Sec. 118.058) . . .

3 \$10.00

4 (E) Supplemental Public [~~Court-Initiated~~]

5 Guardianship and Related Services Fee in Probate Original Actions

6 and Adverse Probate Actions (Sec. 118.067) . . . \$20.00

7 (F) Supplemental Public Probate Administrator

8 Fee For Counties That Have Appointed a Public Probate Administrator

9 (Sec. 118.068) . . . \$10.00

10 (3) OTHER FEES

11 (A) Issuing Document (Sec. 118.059):

12 original document and one copy . . . \$ 4.00

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

14 (B) Certified Papers (Sec. 118.060):

15 for the clerk's certificate . . . \$ 5.00

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

17 (C) Noncertified Papers (Sec. 118.0605):

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

19 (D) Letters Testamentary, Letter of

20 Guardianship, Letter of Administration, or Abstract of Judgment

21 (Sec. 118.061) . . . \$ 2.00

22 (E) Deposit and Safekeeping of Wills (Sec.

23 118.062) . . . \$ 5.00

24 (F) Mail Service of Process (Sec. 118.063) . . .

25 same as sheriff

26 (G) Records Management and Preservation Fee

27 . . . \$ 5.00

1 (H) Records Technology and Infrastructure Fee if
2 authorized by the commissioners court of the county (Sec. 118.026)
3 . . . \$ 2.00

4 SECTION 20. Section 118.067, Local Government Code, is
5 amended to read as follows:

6 Sec. 118.067. SUPPLEMENTAL PUBLIC [COURT-INITIATED]
7 GUARDIANSHIP AND RELATED SERVICES FEE. (a) The "supplemental
8 public [court-initiated] guardianship and related services fee"
9 under Section 118.052(2)(E) is for the support of guardianship
10 services provided by public guardians, as defined by Section
11 1002.0265 [the judiciary in guardianships initiated under Chapter
12 1102], Estates Code, or guardianship and other less restrictive
13 alternative services provided to indigent incapacitated persons
14 who do not have family members suitable and willing to serve as
15 guardians or provide less restrictive alternative services. Fees
16 collected under Section 118.052(2)(E) shall be deposited in a
17 public [court-initiated] guardianship and related services fund in
18 the county treasury and may be used only to supplement, rather than
19 supplant, other available county funds used to fund guardianship
20 services or other less restrictive alternative services provided to
21 individuals who are indigent[+]

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

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

27 [~~(3) fund local guardianship programs that provide~~

1 ~~guardians for indigent incapacitated persons who do not have family~~
2 ~~members suitable and willing to serve as guardians].~~

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

5 (1) a probate original action described by Section
6 118.055 and for which a fee is charged in accordance with Section
7 118.052(2)(A)(i), (ii), (iii), (iv), or (v); and

8 (2) an adverse probate action described by Section
9 118.057 and for which a fee is charged in accordance with Section
10 118.052(2)(C).

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

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

18 SECTION 21. Not later than January 1, 2020, the supreme
19 court shall adopt rules necessary to implement Subchapter G-1,
20 Chapter 1104, Estates Code, as added by this Act, including rules
21 governing the transfer of a guardianship of the person or of the
22 estate of a ward, or both, if appropriate, to an office of public
23 guardian established under that subchapter or a public guardian
24 contracted under that subchapter.

25 SECTION 22. (a) The changes in law made by this Act apply
26 only to the appointment of a guardian of the person or of the estate
27 of a ward, or both, made on or after July 1, 2020.

1 (b) Notwithstanding any other law, a person who,
2 immediately before July 1, 2020, is serving as guardian of the
3 person or of the estate of a ward, or both, who, under Section
4 1104.334, Estates Code, as added by this Act, would be eligible for
5 appointment of an office of public guardian as the ward's guardian,
6 may continue to serve as guardian of the person or of the estate of
7 the ward, or both, unless otherwise removed as provided by law.

8 SECTION 23. This Act takes effect September 1, 2019.