

By: Zaffirini

S.B. No. 1426

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the establishment by a county of public guardians for  
3 certain incapacitated persons, funding for guardianships by public  
4 guardians and related services, and compensation deductions in  
5 certain guardianships.

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

7 SECTION 1. Chapter 1002, Estates Code, is amended by adding  
8 Sections 1002.0215 and 1002.0265 to read as follows:

9 Sec. 1002.0215. OFFICE OF PUBLIC GUARDIAN. "Office of  
10 public guardian" means an office of public guardian established by  
11 the commissioners court of a county under Subchapter G-1, Chapter  
12 1104.

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

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

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

20 SECTION 2. Section 1104.251(a), Estates Code, is amended to  
21 read as follows:

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

24 (1) is a private professional guardian;

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

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

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

9 (5) is a public guardian; or

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

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

14 SUBCHAPTER G-1. PUBLIC GUARDIANS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           (2) have demonstrable guardianship experience.

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

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

16       Sec. 1104.330. COMPENSATION. A person appointed or acting  
17 as public guardian under Section 1104.327 shall receive  
18 compensation as set by the commissioners court and is not entitled  
19 to compensation under Subchapter A, Chapter 1155, unless approved  
20 by the court.

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:

9 (A) the ward does not have sufficient assets or  
10 other resources to pay a private professional guardian to serve as  
11 the ward's guardian;

12 (B) the ward does not have a family member,  
13 friend, or other suitable person or entity willing and able to serve  
14 as the ward's guardian; or

15 (C) the appointment of an office or public  
16 guardian is in the ward's best interest.

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

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

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

25 (3) the nature of the guardianship;

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

1           (5) additional, foreseeable expenses.

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

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

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

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

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

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

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

26                   (3) the court determines after the hearing and an in  
27 camera review of the information that disclosure is essential to

1 the administration of justice and will not endanger the life or  
2 safety of any individual who:

3 (A) is being assessed for guardianship services;

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

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

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

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

22 (1) the individual;

23 (2) the individual's guardian; or

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

26 (f) Before releasing confidential information under  
27 Subsection (e), an office or public guardian shall edit the



1 information to protect the identity of any individual whose life or  
2 safety may be endangered by the release. A release of information  
3 under Subsection (e) does not constitute a release for purposes of  
4 waiving the confidentiality of the information released.

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

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

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

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

1 and

2 (2) recommendations for legislation, if any.

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

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

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

15 (a) Except as provided by Section 1104.403, 1104.404, or  
16 1104.406(a), the clerk of the county having venue of the proceeding  
17 for the appointment of a guardian shall obtain criminal history  
18 record information that is maintained by the Department of Public  
19 Safety or the Federal Bureau of Investigation identification  
20 division relating to:

21 (1) a private professional guardian;

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

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

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

1 ward;

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

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

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

9 (5) a public guardian appointed under Section  
10 1104.327(b);

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

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

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

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

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

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

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

27 Sec. 1104.409. USE OF INFORMATION BY COURT. The court shall

1 use the information obtained under this subchapter only in  
2 determining whether to:

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

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

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

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

16 (1) an attorney ad litem;

17 (2) a guardian ad litem;

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

22 (4) a nonprofit guardianship program;

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

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

27 SECTION 7. Section 1163.005(a), Estates Code, is amended to

1 read as follows:

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

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

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

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

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

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

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

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

- 1           (1) the guardian's current name, address, and  
2 telephone number;
- 3           (2) the ward's date of birth and current name, address,  
4 telephone number, and age;
- 5           (3) a description of the type of home in which the ward  
6 resides, which shall be described as:
- 7                   (A) the ward's own home;
- 8                   (B) a nursing home;
- 9                   (C) a guardian's home;
- 10                  (D) a foster home;
- 11                  (E) a boarding home;
- 12                  (F) a relative's home, in which case the  
13 description must specify the relative's relationship to the ward;
- 14                   (G) a hospital or medical facility; or
- 15                   (H) another type of residence;
- 16           (4) statements indicating:
- 17                   (A) the length of time the ward has resided in the  
18 present home;
- 19                   (B) the reason for a change in the ward's  
20 residence, if a change in the ward's residence has occurred in the  
21 past year;
- 22                   (C) the date the guardian most recently saw the  
23 ward;
- 24                   (D) how frequently the guardian has seen the ward  
25 in the past year;
- 26                   (E) whether the guardian has possession or  
27 control of the ward's estate;

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

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

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

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

12 (i) a physician;

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

15 (iii) a dentist;

16 (iv) a social or other caseworker; or

17 (v) any other individual who provided  
18 treatment;

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

24 (6) the guardian's evaluation of:

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

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

3 (C) unmet needs of the ward;

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

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

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

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

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

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

26 SECTION 9. Section 101.0814, Government Code, is amended to  
27 read as follows:



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

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

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

10           (A) filing of original action (Secs. 118.052 and  
11 118.053, Local Government Code):

12           (i) garnishment after judgment (Sec.  
13 118.052, Local Government Code) . . . \$15; and

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

16           (B) filing of action other than original (Secs.  
17 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

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

26           (A) probate original action (Secs. 118.052 and  
27 118.055, Local Government Code):

- 1 (i) probate of a will with independent  
2 executor, administration with will attached, administration of an  
3 estate, guardianship or receivership of an estate, or muniment of  
4 title (Sec. 118.052, Local Government Code) . . . \$40;
- 5 (ii) community survivors (Sec. 118.052,  
6 Local Government Code) . . . \$40;
- 7 (iii) small estates (Sec. 118.052, Local  
8 Government Code) . . . \$40;
- 9 (iv) declarations of heirship (Sec.  
10 118.052, Local Government Code) . . . \$40;
- 11 (v) mental health or chemical dependency  
12 services (Sec. 118.052, Local Government Code) . . . \$40; and
- 13 (vi) additional, special fee (Secs. 118.052  
14 and 118.064, Local Government Code) . . . \$5;
- 15 (B) services in pending probate action (Secs.  
16 118.052 and 118.056, Local Government Code):
- 17 (i) filing an inventory and appraisement  
18 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
- 19 (ii) approving and recording bond (Sec.  
20 118.052, Local Government Code) . . . \$3;
- 21 (iii) administering oath (Sec. 118.052,  
22 Local Government Code) . . . \$2;
- 23 (iv) filing annual or final account of  
24 estate (Sec. 118.052, Local Government Code) . . . \$25;
- 25 (v) filing application for sale of real or  
26 personal property (Sec. 118.052, Local Government Code) . . . \$25;
- 27 (vi) filing annual or final report of

1 guardian of a person (Sec. 118.052, Local Government Code) . . .  
2 \$10; and

3 (vii) filing a document not listed under  
4 this paragraph after the filing of an order approving the inventory  
5 and appraisement or after the 120th day after the date of the  
6 initial filing of the action, whichever occurs first (Secs. 118.052  
7 and 191.007, Local Government Code), if more than 25 pages . . .  
8 \$25;

9 (C) adverse probate action (Secs. 118.052 and  
10 118.057, Local Government Code) . . . \$40;

11 (D) claim against estate (Secs. 118.052 and  
12 118.058, Local Government Code) . . . \$10;

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

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

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

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

21 (i) original document and one copy (Sec.  
22 118.052, Local Government Code) . . . \$4; and

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

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

27 (i) for the clerk's certificate (Sec.

1 118.052, Local Government Code) . . . \$5; and

2 (ii) a fee per page or part of a page (Sec.  
3 118.052, Local Government Code) . . . \$1;

4 (C) noncertified papers, for each page or part of  
5 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
6 \$1;

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

10 (E) safekeeping of wills (Secs. 118.052 and  
11 118.062, Local Government Code) . . . \$5;

12 (F) mail service of process (Secs. 118.052 and  
13 118.063, Local Government Code) . . . same as sheriff; and

14 (G) records management and preservation fee  
15 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
16 . . . \$5;

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

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

26 (7) additional filing fee to fund the courthouse  
27 security fund, if authorized by the county commissioners court

1 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

2 (8) additional filing fee for filing documents not  
3 subject to certain filing fees to fund the courthouse security  
4 fund, if authorized by the county commissioners court (Sec.  
5 291.008, Local Government Code) . . . \$1;

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

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

14 SECTION 10. Section 101.1013, Government Code, is amended  
15 to read as follows:

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

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

26 (2) additional filing fee to fund contingency fund for  
27 liability insurance, if authorized by the county commissioners

1 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (i) for the clerk's certificate (Sec.  
6 118.052, Local Government Code) . . . \$5; and

7 (ii) a fee per page or part of a page (Sec.  
8 118.052, Local Government Code) . . . \$1;

9 (C) noncertified papers, for each page or part of  
10 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
11 \$1;

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

15 (E) safekeeping of wills (Secs. 118.052 and  
16 118.062, Local Government Code) . . . \$5;

17 (F) mail service of process (Secs. 118.052 and  
18 118.063, Local Government Code) . . . same as sheriff; and

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

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

25 SECTION 11. Section 101.1214, Government Code, is amended  
26 to read as follows:

27 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL



1 GOVERNMENT CODE. The clerk of a county court shall collect the  
2 following fees and costs under the Local Government Code:

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

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

8 (A) filing of original action (Secs. 118.052 and  
9 118.053, Local Government Code):

10 (i) garnishment after judgment (Sec.  
11 118.052, Local Government Code) . . . \$15; and

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

14 (B) filing of action other than original (Secs.  
15 118.052 and 118.054, Local Government Code) . . . \$30; and

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

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

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

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

24 (A) probate original action (Secs. 118.052 and  
25 118.055, Local Government Code):

26 (i) probate of a will with independent  
27 executor, administration with will attached, administration of an

1 estate, guardianship or receivership of an estate, or muniment of  
2 title (Sec. 118.052, Local Government Code) . . . \$40;  
3 (ii) community survivors (Sec. 118.052,  
4 Local Government Code) . . . \$40;  
5 (iii) small estates (Sec. 118.052, Local  
6 Government Code) . . . \$40;  
7 (iv) declarations of heirship (Sec.  
8 118.052, Local Government Code) . . . \$40;  
9 (v) mental health or chemical dependency  
10 services (Sec. 118.052, Local Government Code) . . . \$40; and  
11 (vi) additional, special fee (Secs. 118.052  
12 and 118.064, Local Government Code) . . . \$5;  
13 (B) services in pending probate action (Secs.  
14 118.052 and 118.056, Local Government Code):  
15 (i) filing an inventory and appraisalment  
16 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;  
17 (ii) approving and recording bond (Sec.  
18 118.052, Local Government Code) . . . \$3;  
19 (iii) administering oath (Sec. 118.052,  
20 Local Government Code) . . . \$2;  
21 (iv) filing annual or final account of  
22 estate (Sec. 118.052, Local Government Code) . . . \$25;  
23 (v) filing application for sale of real or  
24 personal property (Sec. 118.052, Local Government Code) . . . \$25;  
25 (vi) filing annual or final report of  
26 guardian of a person (Sec. 118.052, Local Government Code) . . .  
27 \$10; and

1 (vii) filing a document not listed under  
2 this paragraph after the filing of an order approving the inventory  
3 and appraisement or after the 120th day after the date of the  
4 initial filing of the action, whichever occurs first (Secs. 118.052  
5 and 191.007, Local Government Code), if more than 25 pages . . .  
6 \$25;

7 (C) adverse probate action (Secs. 118.052 and  
8 118.057, Local Government Code) . . . \$40;

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

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

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

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

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

19 (i) original document and one copy (Sec.  
20 118.052, Local Government Code) . . . \$4; and

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

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

25 (i) for the clerk's certificate (Sec.  
26 118.052, Local Government Code) . . . \$5; and

27 (ii) a fee per page or part of a page (Sec.

- 1 118.052, Local Government Code) . . . \$1;
- 2 (C) noncertified papers, for each page or part of  
3 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .  
4 \$1;
- 5 (D) letters testamentary, letter of  
6 guardianship, letter of administration, or abstract of judgment  
7 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 8 (E) safekeeping of wills (Secs. 118.052 and  
9 118.062, Local Government Code) . . . \$5;
- 10 (F) mail service of process (Secs. 118.052 and  
11 118.063, Local Government Code) . . . same as sheriff; and
- 12 (G) records management and preservation fee  
13 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)  
14 . . . \$5;
- 15 (5) deposit on filing petition requesting permission  
16 to create a municipal civic center authority (Sec. 281.013, Local  
17 Government Code) . . . \$200;
- 18 (6) additional filing fee to fund the courthouse  
19 security fund, if authorized by the county commissioners court  
20 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
- 21 (7) additional filing fee for filing documents not  
22 subject to certain filing fees to fund the courthouse security  
23 fund, if authorized by the county commissioners court (Sec.  
24 291.008, Local Government Code) . . . \$1;
- 25 (8) additional filing fee to fund the courthouse  
26 security fund in Webb County, if authorized by the county  
27 commissioners court (Sec. 291.009, Local Government Code) . . . not

1 to exceed \$20;

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

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

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

15 SECTION 12. Section 155.001, Government Code, is amended by  
16 amending Subdivisions (4), (6), and (6-a) and adding Subdivisions  
17 (5-a) and (6-b) to read as follows:

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

23 (5-a) "Office of public guardian" has the meaning  
24 assigned by Section 1002.0215, Estates Code.

25 (6) "Private professional guardian" means a person,  
26 other than an attorney, ~~or~~ a corporate fiduciary, or an office of  
27 public guardian, who is engaged in the business of providing

1 guardianship services.

2 (6-a) "Public guardian" has the meaning assigned by  
3 Section 1002.0265, Estates Code.

4 (6-b) Notwithstanding Section 151.001, "registration"  
5 means registration of a guardianship under this chapter.

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

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

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

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

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

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

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

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

27 (3) the provision of guardianship services by offices

1 of public guardians [~~Department of Aging and Disability Services or~~  
2 ~~its successor agency~~].

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

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

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

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

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

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

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

22 SECTION 16. Section 155.105, Government Code, is amended by  
23 adding Subsection (b-1) to read as follows:

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

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

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

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

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

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

14                   (1) a private professional guardian;

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

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

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

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

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

26                   (4) each person employed by or volunteering or  
27 contracting with a guardianship program to provide guardianship



1 services to a ward of the program on the program's behalf; [~~or~~]

2 (5) a public guardian, as defined by Section  
3 1002.0265(1), Estates Code;

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

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

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

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

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

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

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

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

26 (b) A contract under Subsection (a) may allow for the  
27 provision of guardianship services by an office of public guardian,

1 as defined by Section 1002.0215, Estates Code.

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

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

7 (1) CIVIL COURT ACTIONS

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

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

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

11 (B) Filing of Action Other than Original (Sec.  
12 118.054) . . . \$30.00

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

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

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

18 (2) PROBATE COURT ACTIONS

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

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

24 (ii) Community survivors . . . \$40.00

25 (iii) Small estates . . . \$40.00

26 (iv) Declarations of heirship . . . \$40.00

27 (v) Mental health or chemical dependency

1 services . . . \$40.00

2 (vi) Additional, special fee (Sec. 118.064)

3 . . . \$ 5.00

4 (B) Services in Pending Probate Action (Sec.

5 118.056):

6 (i) Filing an inventory and appraisement as

7 provided by Section 118.056(d) . . . \$25.00

8 (ii) Approving and recording bond . . . \$

9 3.00

10 (iii) Administering oath . . . \$ 2.00

11 (iv) Filing annual or final account of

12 estate . . . \$25.00

13 (v) Filing application for sale of real or

14 personal property . . . \$25.00

15 (vi) Filing annual or final report of

16 guardian of a person . . . \$10.00

17 (vii) Filing a document not listed under

18 this paragraph after the filing of an order approving the inventory

19 and appraisement or after the 120th day after the date of the

20 initial filing of the action, whichever occurs first, if more than

21 25 pages . . . \$25.00

22 (C) Adverse Probate Action (Sec. 118.057) . . .

23 \$40.00

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

25 \$10.00

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

27 Guardianship and Related Services Fee in Probate Original Actions

1 and Adverse Probate Actions (Sec. 118.067) . . . \$20.00  
2 (F) Supplemental Public Probate Administrator  
3 Fee For Counties That Have Appointed a Public Probate Administrator  
4 (Sec. 118.068) . . . \$10.00  
5 (3) OTHER FEES  
6 (A) Issuing Document (Sec. 118.059):  
7 original document and one copy . . . \$ 4.00  
8 each additional set of an original and one copy . . . \$ 4.00  
9 (B) Certified Papers (Sec. 118.060):  
10 for the clerk's certificate . . . \$ 5.00  
11 plus a fee per page or part of a page of . . . \$ 1.00  
12 (C) Noncertified Papers (Sec. 118.0605):  
13 for each page or part of a page . . . \$ 1.00  
14 (D) Letters Testamentary, Letter of  
15 Guardianship, Letter of Administration, or Abstract of Judgment  
16 (Sec. 118.061) . . . \$ 2.00  
17 (E) Deposit and Safekeeping of Wills (Sec.  
18 118.062) . . . \$ 5.00  
19 (F) Mail Service of Process (Sec. 118.063) . . .  
20 same as sheriff  
21 (G) Records Management and Preservation Fee  
22 . . . \$ 5.00  
23 (H) Records Technology and Infrastructure Fee if  
24 authorized by the commissioners court of the county (Sec. 118.026)  
25 . . . \$ 2.00  
26 SECTION 20. Section 118.067, Local Government Code, is  
27 amended to read as follows:

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

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

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

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

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

27                   (1) a probate original action described by Section

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

3 (2) an adverse probate action described by Section  
4 118.057 and for which a fee is charged in accordance with Section  
5 118.052(2)(C).

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

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

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

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

23 (b) Notwithstanding any other law, a person who,  
24 immediately before July 1, 2020, is serving as guardian of the  
25 person or of the estate of a ward, or both, who, under Section  
26 1104.334, Estates Code, as added by this Act, would be eligible for  
27 appointment of an office of public guardian as the ward's guardian,

1 may continue to serve as guardian of the person or of the estate of  
2 the ward, or both, unless otherwise removed as provided by law.

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