

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 10, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
 Legislative Budget Board

IN RE: HB1286 by Smithee (Relating to establishing a guardianship abuse, fraud, and exploitation deterrence program.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1286, As Introduced: a negative impact of (\$5,941,638) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$3,115,239)
2021	(\$2,826,399)
2022	(\$2,828,019)
2023	(\$2,837,619)
2024	(\$2,877,219)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2019
2020	(\$3,115,239)	24.0
2021	(\$2,826,399)	24.0
2022	(\$2,828,019)	24.0
2023	(\$2,837,619)	24.0
2024	(\$2,877,219)	24.0

Fiscal Analysis

The bill would amend the Government Code to require the Office of Court Administration (OCA) to establish a guardianship abuse, fraud, and exploitation Program. The program would provide resources and assistance to courts with jurisdiction over guardianships and provide guardianship compliance specialists to review guardianship cases. The agency would be authorized to notify the State Commission on Judicial Conduct if the office has reason to believe a judge's actions or failure to act with respect to a report from a guardianship compliance specialist would indicate the possibility of judicial misconduct. The bill would require the agency to provide an annual report on the program to the Legislature.

The bill would take effect September 1, 2019.

Methodology

According to the OCA, there were 51,633 reported active guardianship cases as of August 31, 2018, with an estimated 21,000 being guardianships of the estate with an estimated value of \$5.0 billion. In addition, 3,570 new guardianships established in fiscal year 2018 with an estimated 1,785 of these being guardianships of the estate.

The OCA, estimates a need for 18 auditors (\$66,150 per year with benefits of \$23,106, or \$89,256 per year for each auditor position) and the following additional personnel: two managers (\$86,150 per year with benefits of \$30,092, or \$116,242 per year for each manager position), three training specialists (\$65,000 per year with benefits of \$22,705, or \$87,705 per year for each specialist position), and one administrative assistant (\$45,000 per year with benefits of \$15,719, or \$60,719 per year), for a total of 24.0 full time equivalent positions with associated consumables, utilities, travel, information technology resources, and other operating expenses.

Technology

According to the OCA, technology costs include purchase of notebook computers; wireless service equipment; software licenses; enhancement and maintenance of the statewide guardianship program that records financials, inventories, and reports.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, SLE, MW, DA, SD