

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 21, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

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

IN RE: **SB667** by Zaffirini (Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Estates Code to make various changes concerning guardianships, management trusts, and certain other procedures and proceedings for incapacitated persons.

The bill would amend several codes concerning the electronic transfer of case files for guardianship and probate cases, the recording of wills or testimony written in whole or partly in a language other than English, the elimination of a \$10 fee that a clerk may charge for fingerprinting proposed guardians, the requirement of guardianship training for all attorneys that represent a party in a guardianship proceeding, and the requirement of bonds or insurance issued to a judge of certain courts to cover any visiting judge assigned to a court.

The bill would amend several codes to authorize counties to establish public offices to provide guardianship services, would reallocate a pre-existing fee charged on probate actions to allow local governments to fund these public offices, would require the Office of Court Administration (OCA) to promulgate policies and procedures for the exchange of information with these offices and other guardian stakeholders, and would require OCA to submit a biennial report on the analysis of costs and benefits of these programs.

The bill would amend the Health and Safety Code by removing the timeline requirement for a person with a mental illness to submit original signed copies of reproduced, photocopied, or electronically transmitted paper filed with the county clerk and by providing that a person must maintain possession of the original signed copies and make them available for inspection on request of the court. The bill would require that notice may be given, as required under the Texas Mental Health Code, by personal delivery by a constable or county sheriff.

Based on the analysis of the Office of Court Administration and the Health and Human Services Commission, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 529 Health and Human Services Commission

LBB Staff: WP, SLE, CMa, MW, GDz, SB, DA