

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 24, 2019

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

IN RE: **SB1783** by Zaffirini (Relating to guardianships, alternatives to guardianship, and supports and services for incapacitated persons.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1783, As Introduced: a negative impact of (\$80,000) 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	(\$80,000)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
2020	(\$80,000)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

Fiscal Analysis

The bill would amend the Government Code to modify procedures for the transfer of a guardianships from one county to another. The bill would require the transferring court and the receiving court to approve and accept the transfer, respectively, if the person under guardianship

resides in the county to which the transfer is made. The bill would provide immunity to receiving and transferring judges for damages which occur before and after, respectively, the transfer. A court on its own motion or upon request of a proposed ward, attorney ad litem, guardian ad litem, or other interested party would refer a guardianship application to mediation to determine if a less restrictive alternative to guardianship is available to the proposed ward. A party would also be permitted to request mediation to determine if a guardianship should be terminated in favor of less restrictive alternatives. In order to become a guardianship mediator, a person would be required to complete a specialized 24-hour training on guardianship mediation with the Office of Court Administration required to develop the training, a training curriculum, and approve the trainers who would teach the mediation course.

Methodology

According to the Office of Court Administration (OCA), the bill's provisions would require the agency to develop a 24-hour guardianship mediation training, a course curriculum, and approve and monitor the delivery of this training. This estimate assumes OCA would contract for development of the curriculum at a one-time cost of \$80,000 in General Revenue funds in fiscal year 2020 as the agency has no expertise regarding this subject matter on staff. This cost estimate is based on similar guardianship training costs for which the agency has previously contracted.

This estimate assumes training providers approved by OCA would conduct the training required in the bill at no significant fiscal impact to the state. Duties and responsibilities associated with implementing the remaining 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

LBB Staff: WP, CMa, MW, GDz