

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 26, 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 relating to guardianships, alternatives to guardianship, and supports and services for incapacitated persons.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1783, Committee Report 1st House, Substituted: a negative impact of (\$80,000) through the biennium ending August 31, 2021.

The Office of Court Administration is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Office of Court Administration may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

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 1
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 guardianship 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. Immunity would be granted to receiving and transferring judges for damages which occur before and after, respectively, the transfer. A court on its own motion or upon request from the parties involved would refer a guardianship application to mediation under circumstances defined in the bill. The bill would require the Office of Court Administration (OCA) to develop a 24-hour training course on guardianship mediation.

The bill would take effect September 1, 2019.

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