

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB79 by Murr (Relating to associate judges for guardianship proceedings and protective services proceedings in certain courts.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the presiding judge of each administrative judicial region to confer with the judges of courts to which this subchapter applies in the region to determine whether those courts require the appointment of a full-time or part-time associate judge to assist the courts with guardianship proceedings or protective orders. If the presiding judge determines the courts require the appointment of an associate judge, the bill would require the presiding judge to appoint an associate judge from a list of applicants who submit an application to the office of court administration and meet certain qualifications, after providing the list to each judge of a court from which guardianship proceedings or protective services proceedings will be referred to the associate judge.

The bill would require the Office of Court Administration to assist the presiding judges in monitoring appointed associate judges' compliance with job performance standards, adopted uniform practices, and state and federal law and policies, in addressing the training needs and resource requirements of associate judges, in conducting annual performance evaluations for associate judges and relevant personnel, and in receiving, investigating, and resolving complaints about particular associate judges or the associate judge program based on uniform processes adopted by the presiding judges. The bill would require the Office of Court Administration to develop caseload standards for the associate judges to ensure adequate staffing. The bill would permit the Office of Court Administration to contract for available county, state, and federal funds and employ personnel necessary to implement and administer the subchapter.

The bill would allow presiding judges, state agencies, and counties to use available state money and public or private grants and to contract for federal money to reimburse costs and salaries associated with the associate judges and personnel appointed under the bill's provisions. The bill would require the Office of Court Administration and the presiding judges to take, in cooperation with other agencies, action necessary to maximize the amount of federal money available to fund the use of appointed associated judges.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill. It is also assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, LBO, SD, SLE, BH, MW, AF