

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 6, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3063 by Smithee (relating to the duties of a private professional guardian regarding critical care and end-of-life decisions concerning a ward.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Estates Code to require a guardian to obtain the written consent of a ward's closest living next of kin prior to making a critical care or end of life decision regarding the ward. The guardian would be required to make a specified number of attempts to contact a closest living next of kin within a specified period of time after learning that a critical care or end of life decision must be made. The guardian, the disability advocacy organization, and the ward's physician must unanimously agree upon the decision. If a guardian contacts the closest living next of kin and they cannot reach an agreement, a disability advocacy organization may mediate the disagreement.

The bill would provide that guardians confer with wards immediately after appointment to ascertain the ward's wishes regarding critical care or end-of-life decisions. If the ward is not competent to express an opinion on those decisions, the guardian must meet with ward's closest living next of kin for that purpose.

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.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, BH