

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 2, 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 end-of-life and critical care decisions concerning an adult ward.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Estates Code to require a guardian to obtain the written consent of a ward's 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 next of kin within a specified period of time after learning that a critical care or end of life decision must be made. If the guardian was unable to contact the ward's next of kin, the guardian would be required to file with the court documentation of attempt to do so and consult with a disability advocacy organization. The guardian, the disability advocacy organization, and the ward's physician must unanimously agree upon the decision. If a guardian contacts next of kin and they cannot reach an agreement, a disability advocacy organization may mediate the disagreement.

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