LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 30, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **SB615** by Zaffirini (Relating to probate and guardianship matters and proceedings and other matters involving probate courts.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to allow for the electronic transfer of the file and index of probate and guardianship proceedings from one clerk to another when the case is transferred from the county where it was originally filed to another county.

The bill would require attorneys representing any party's interests in a guardianship proceeding to complete the course of instruction on guardianship offered by the State Bar of Texas. Current law requires only attorneys who represent parties in guardianship proceedings to complete the course. The State Bar of Texas would be required to make the course affordable and available on the Internet. The bill would authorize courts to waive the training required for proposed guardians only to the extent allowed by rules of the Supreme Court of Texas.

The bill would allow authenticated wills and other testamentary instruments completely or partially written in a foreign language to be recorded in a county's deed records along with the order admitting them to probate and a sworn translation of the document to English.

The bill would provide that an interested person may file a request to receive notice of all matters in a probate proceeding.

The bill would require the attorney general to provide legal representation to visiting judges assigned to probate matters who are sued in their capacity as judge.

The bill would repeal a statute allowing for recording a deed without signature.

Based on the analysis of the Office of Court Administration and the Office of the Attorney General, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing available resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 302 Office of the Attorney General

LBB Staff: JMc, SLE, BH