

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 17, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB626 by Zaffirini (Relating to guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Estates Code to include, under certain circumstances, interpretation and administration of certain trusts within the jurisdiction of a county court at law exercising original probate jurisdiction.

The bill would allow guardians, including temporary guardians, to qualify for appointment by signing a written declaration, rather than by swearing an oath, as currently required. Under the bill's provisions, real estate of a guardianship of the estate would be sold at public auction in the county where the real estate is located, rather than the county where the guardianship is administered, as currently required.

The bill would make technical revisions regarding the advertising of the sale, the approval of the sale, and would adjust to the guardian's bond upon sale of the ward's real estate. The bill would amend provisions regarding the qualification and adequate bonding of nonresident guardians. The bill would also update obsolete references to predecessor agencies to the Judicial Branch Certification Commission and the Health and Human Services Commission and other clarifying amendments are made.

Based on the analysis of the Office of Court Administration and the Health and Human Services commission, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing 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, 529 Hlth & Human Svcs Comm

LBB Staff: JMc, SLE, BH, MW