

PUBLIC COMMENTS

HB 79

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

---

Hearing Date: March 17, 2021 8:00 AM

---

BRIAN HILL

SELF

DALLAS, TX

As a private professional guardian and as an attorney practicing in this field, I often see the real life implications of this bill. My office practices all over the State of Texas. While most of our practice is in Statutory Probate Courts, we practice in small counties as well. Frankly, the smaller county Judges do not have the specialized training and staff needed to oversee these guardianship cases. In many cases we get involved in, a family member has financially or physically exploited the Ward. This bill will give the smaller counties the tools they need to oversee these guardianship cases.

Jim Locke, Judge

self, Judge County Court at Law 2, Brazos County

College Station, TX

Guardianship cases are significantly different from any other on any docket. In addition to procedural and pleading differences, they require a commitment of judge and staff time and resources that are unique. Rather than being driven by litigants alone, judges have an ongoing responsibility to the security of both wards and their estates after the guardianship is established. Judges need a separate calendar to make sure that all the necessary reports on the ward's condition are filed and reviewed. To establish any real oversight the court should have a court visitor to actually see guardians and wards outside of court, and ideally for some qualified staff to review annual accounts. Hardly any court has those resources except the statutory probate courts. All the others, especially county judges, would benefit from a specialized court. And the real beneficiaries will be the wards under guardianship.