H.B. No. 4128

AN ACT

relating to associate judges for guardianship proceedings and protective services proceedings in certain courts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 54A.307, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b)  The associate judge's salary shall be paid from:

(1)  money available from the state and federal government;

(2)  county money available for payment of officers' salaries, subject to the approval of the commissioners courts of the counties in which the associate judge serves; or

(3)  a combination of money specified by Subdivisions (1) and (2).

(c)  Notwithstanding any other law, an associate judge whose salary is paid from money specified by Subsection (b)(1) or (3) is a state employee for all purposes, including accrual of leave time, insurance benefits, retirement benefits, and travel regulations.

SECTION 2.  Section 54A.310, Government Code, is amended by adding Subsection (c) to read as follows:

(c)  An associate judge may oversee and monitor guardianship proceedings and protective services proceedings in each court the judge is appointed to serve in accordance with an order referring the proceedings to the associate judge under Section 54A.309. The judge's authority to oversee and monitor proceedings under this subsection includes the authority to:

(1)  review the guardianship of wards and address any reporting deficiencies of guardians under Section 1163.101, Estates Code, and other applicable provisions of Chapter 1163, Estates Code, that are reported to the court;

(2)  obtain and review annual accounts guardians are required to file under Sections 1163.001 and 1163.002, Estates Code;

(3)  address concerns about a ward's well-being; and

(4)  take any other action the judge considers necessary to:

(A)  ensure the efficient administration of justice in guardianship proceedings and protective services proceedings; and

(B)  curtail the risk of potential abuse, fraud, or exploitation of wards under a guardianship.

SECTION 3.  Section 54A.312, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b)  The salaries of the personnel shall be paid from:

(1)  money available from the state and federal government;

(2)  county money available for payment of officers' salaries, subject to the approval of the commissioners courts of the counties in which the associate judge serves; or

(3)  a combination of money specified by Subdivisions (1) and (2).

(c)  Notwithstanding any other law, personnel whose salary is paid from money specified by Subsection (b)(1) or (3) are state employees for all purposes, including accrual of leave time, insurance benefits, retirement benefits, and travel regulations.

SECTION 4.  Section 54A.314, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3), (d), and (e) to read as follows:

(a)  The office of court administration may:

(1)  contract for available county, state, and federal money from any available source; and

(2)  for each associate judge, employ personnel, including investigators, auditors, court coordinators, and other judicial staff, necessary to implement and administer this subchapter.

(a-1)  A court coordinator employed under this section shall primarily assist the associate judge with administrative duties, including managing caseloads.

(a-2)  A court investigator employed under this section shall primarily assist the associate judge with monitoring and oversight of guardianship proceedings under Section 54A.310(c), including by:

(1)  visiting wards and guardians to address any well-being concerns made known to the court; and

(2)  reviewing annual accounts and annual reports guardians are required to file under Chapter 1163, Estates Code.

(a-3)  Personnel employed under this section are state employees for all purposes, including accrual of leave time, insurance benefits, retirement benefits, and travel regulations.

(d)  The presiding judges of the administrative judicial regions, state agencies, and counties may seek federal money available from any source to reimburse costs and salaries associated with associate judges and personnel appointed under this section and may also use available state money and public or private grants.

(e)  The presiding judges of the administrative judicial regions and the office of court administration in cooperation with other state agencies and counties shall take the action necessary to maximize the amount of federal money available to fund the use of associate judges under this subchapter.

SECTION 5.  Section 72.122, Government Code, is amended by adding Subsection (d) to read as follows:

(d)  The office, on request, shall make available to associate judges appointed under Subchapter D, Chapter 54A, guardianship compliance specialists and other resources and assistance under the program to assist those judges with the oversight and monitoring of guardianship and protective services proceedings in the courts the judges are appointed to serve.

SECTION 6.  Sections 54A.307(c), 54A.312(c), and 54A.314(a-3), Government Code, as added by this Act, apply only to an associate judge appointed or court personnel employed on or after the effective date of this Act.

SECTION 7.  This Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 4128 was passed by the House on May 2, 2023, by the following vote:  Yeas 138, Nays 6, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4128 was passed by the Senate on May 19, 2023, by the following vote:  Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor