

1-1 By: Murr, Morales of Maverick, Spiller H.B. No. 4128
1-2 (Senate Sponsor - Zaffirini)
1-3 (In the Senate - Received from the House May 3, 2023;
1-4 May 4, 2023, read first time and referred to Committee on
1-5 Jurisprudence; May 17, 2023, reported favorably by the following
1-6 vote: Yeas 5, Nays 0; May 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to associate judges for guardianship proceedings and
1-17 protective services proceedings in certain courts.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 54A.307, Government Code, is amended by
1-20 amending Subsection (b) and adding Subsection (c) to read as
1-21 follows:

1-22 (b) The associate judge's salary shall be paid from:

1-23 (1) money available from the state and federal
1-24 government;

1-25 (2) county money available for payment of officers'
1-26 salaries, subject to the approval of the commissioners courts of
1-27 the counties in which the associate judge serves; or

1-28 (3) a combination of money specified by Subdivisions
1-29 (1) and (2).

1-30 (c) Notwithstanding any other law, an associate judge whose
1-31 salary is paid from money specified by Subsection (b)(1) or (3) is a
1-32 state employee for all purposes, including accrual of leave time,
1-33 insurance benefits, retirement benefits, and travel regulations.

1-34 SECTION 2. Section 54A.310, Government Code, is amended by
1-35 adding Subsection (c) to read as follows:

1-36 (c) An associate judge may oversee and monitor guardianship
1-37 proceedings and protective services proceedings in each court the
1-38 judge is appointed to serve in accordance with an order referring
1-39 the proceedings to the associate judge under Section 54A.309. The
1-40 judge's authority to oversee and monitor proceedings under this
1-41 subsection includes the authority to:

1-42 (1) review the guardianship of wards and address any
1-43 reporting deficiencies of guardians under Section 1163.101,
1-44 Estates Code, and other applicable provisions of Chapter 1163,
1-45 Estates Code, that are reported to the court;

1-46 (2) obtain and review annual accounts guardians are
1-47 required to file under Sections 1163.001 and 1163.002, Estates
1-48 Code;

1-49 (3) address concerns about a ward's well-being; and

1-50 (4) take any other action the judge considers
1-51 necessary to:

1-52 (A) ensure the efficient administration of
1-53 justice in guardianship proceedings and protective services
1-54 proceedings; and

1-55 (B) curtail the risk of potential abuse, fraud,
1-56 or exploitation of wards under a guardianship.

1-57 SECTION 3. Section 54A.312, Government Code, is amended by
1-58 amending Subsection (b) and adding Subsection (c) to read as
1-59 follows:

1-60 (b) The salaries of the personnel shall be paid from:

1-61 (1) money available from the state and federal

2-1 government;
 2-2 (2) county money available for payment of officers'
 2-3 salaries, subject to the approval of the commissioners courts of
 2-4 the counties in which the associate judge serves; or
 2-5 (3) a combination of money specified by Subdivisions
 2-6 (1) and (2).
 2-7 (c) Notwithstanding any other law, personnel whose salary
 2-8 is paid from money specified by Subsection (b)(1) or (3) are state
 2-9 employees for all purposes, including accrual of leave time,
 2-10 insurance benefits, retirement benefits, and travel regulations.

2-11 SECTION 4. Section 54A.314, Government Code, is amended by
 2-12 amending Subsection (a) and adding Subsections (a-1), (a-2), (a-3),
 2-13 (d), and (e) to read as follows:

2-14 (a) The office of court administration may:
 2-15 (1) contract for available county, state, and federal
 2-16 money from any available source; and

2-17 (2) for each associate judge, employ personnel,
 2-18 including investigators, auditors, court coordinators, and other
 2-19 judicial staff, necessary to implement and administer this
 2-20 subchapter.

2-21 (a-1) A court coordinator employed under this section shall
 2-22 primarily assist the associate judge with administrative duties,
 2-23 including managing caseloads.

2-24 (a-2) A court investigator employed under this section
 2-25 shall primarily assist the associate judge with monitoring and
 2-26 oversight of guardianship proceedings under Section 54A.310(c),
 2-27 including by:

2-28 (1) visiting wards and guardians to address any
 2-29 well-being concerns made known to the court; and

2-30 (2) reviewing annual accounts and annual reports
 2-31 guardians are required to file under Chapter 1163, Estates Code.

2-32 (a-3) Personnel employed under this section are state
 2-33 employees for all purposes, including accrual of leave time,
 2-34 insurance benefits, retirement benefits, and travel regulations.

2-35 (d) The presiding judges of the administrative judicial
 2-36 regions, state agencies, and counties may seek federal money
 2-37 available from any source to reimburse costs and salaries
 2-38 associated with associate judges and personnel appointed under this
 2-39 section and may also use available state money and public or private
 2-40 grants.

2-41 (e) The presiding judges of the administrative judicial
 2-42 regions and the office of court administration in cooperation with
 2-43 other state agencies and counties shall take the action necessary
 2-44 to maximize the amount of federal money available to fund the use of
 2-45 associate judges under this subchapter.

2-46 SECTION 5. Section 72.122, Government Code, is amended by
 2-47 adding Subsection (d) to read as follows:

2-48 (d) The office, on request, shall make available to
 2-49 associate judges appointed under Subchapter D, Chapter 54A,
 2-50 guardianship compliance specialists and other resources and
 2-51 assistance under the program to assist those judges with the
 2-52 oversight and monitoring of guardianship and protective services
 2-53 proceedings in the courts the judges are appointed to serve.

2-54 SECTION 6. Sections 54A.307(c), 54A.312(c), and
 2-55 54A.314(a-3), Government Code, as added by this Act, apply only to
 2-56 an associate judge appointed or court personnel employed on or
 2-57 after the effective date of this Act.

2-58 SECTION 7. This Act takes effect September 1, 2023.

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