

By: Zaffirini

S.B. No. 1726

A BILL TO BE ENTITLED

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

1 proceedings to the associate judge under Section 54A.309. The  
2 judge's authority to oversee and monitor proceedings under this  
3 subsection includes the authority to:

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

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

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

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

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

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

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

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

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

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

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

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

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

10           (a) The office of court administration may:

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 6. Sections [54A.307\(c\)](#), [54A.312\(c\)](#), and  
24 [54A.314\(a-3\)](#), Government Code, as added by this Act, apply only to  
25 an associate judge appointed or court personnel employed on or  
26 after the effective date of this Act.

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