

BILL ANALYSIS

Senate Research Center
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H.B. 2165
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Jurisprudence
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Engrossed

DIGEST

Currently, a court may authorize compensation for a guardian only from the ward's estate. If the ward has no estate, the court cannot compensate guardians and must find a volunteer to serve when the ward has no suitable family members. Courts need to appoint guardians in indigent guardianship cases, but have been resistant because of current law. County commissioners have been willing to pay guardians of a person out of the court's budget, but have been reluctant to do so because of the law, as well. H.B. 2165 would authorize a county to pay for certain attorney and guardian ad litem fees, if appropriate, out of the county treasury.

PURPOSE

As proposed, H.B. 2165 authorizes a county to pay for certain attorney and guardian ad litem fees.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 665, Probate Code, to authorize a court to authorize compensation for that guardian if funds in the county treasury are budgeted for that purpose and if the estate of a ward is insufficient to pay for the services of a private professional guardian or a licensed attorney serving as a guardian of the ward's person. Makes a conforming change.

SECTION 2. Amends Section 665B(a), Probate Code, to make conforming changes. Deletes text regarding the appointing of the person's guardian. Makes a conforming change.

SECTION 3. Amends Section 683, Probate Code, to set forth information that a court may require in order to establish probable cause under this section. Permits the court who creates a guardianship for a ward to authorize compensation of a guardian ad litem, from funds available of the ward's estate, who files the appropriate application. Permits the court to authorize compensation from the county treasury if the court examines the ward's assets and finds insufficient funds for payment of services.

SECTION 4. Amends Part 3A, Chapter XIII, Texas Probate Code, by adding Section 683A, as follows:

Sec. 683A. INFORMATION LETTER. Sets forth certain descriptions, statements, and information that may be contained in an information letter about a person believed to be incapacitated.

SECTION 5. Amends Section 743, Texas Probate Code, by adding Subsection (j), to authorize a guardian of the person to complete and file the report required under this section without the assistance of an attorney.

SECTIONS 6-7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.