

SUBJECT: Exempting estates of certain wards from guardianship fees

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Smithee, Farrar, Gutierrez, Laubenberg, Murr, Neave, Rinaldi, Schofield

0 nays

1 absent — Hernandez

SENATE VOTE: On final passage, May 11 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Government Code, ch. 615 allows eligible survivors of law enforcement, firefighters, and certain others who died from injuries sustained in the line of duty to receive financial assistance. The benefits apply only to eligible survivors of individuals who held positions described by sec. 615.003.

Some observers contend that in guardianship proceedings for certain military service members, law enforcement officers, fire fighters, and others who became incapacitated as a result of injuries sustained in the line of duty, the regular fees should not apply.

DIGEST: SB 1559 would prohibit a clerk of a county court from charging or collecting certain fees from the estate of a proposed ward or ward who became incapacitated as a result of injury sustained while in active service as a member of the US armed forces in a combat zone or while in the line of duty in the individual's position as described by Government Code, sec. 615.003.

Fees exempted from collection would be:

- fees for the filing of a guardianship proceeding; and
- fees for any service rendered by the court related to the

administration of the guardianship.

The bill would take effect September 1, 2017, and would apply to guardianship proceedings that commenced or were pending on or after that date. A clerk of a county court would not be required to refund an exempt fee paid before September 1, 2017.