

BILL ANALYSIS

Senate Research Center

H.B. 1295
By: Hartnett (Wentworth)
Jurisprudence
4/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1295 creates a supplemental court-initiated guardianship fee for the support of the judiciary in guardianships under Section 683 (Courts Initiation of Guardianship Proceedings), Texas Probate Code. The \$20 fee is required to be collected by the court clerk and would be imposed in certain probate original actions and adverse probate actions. The fee is required to be deposited into the county treasury to provide supplemental funding for compensation of court-appointed guardians ad litem and court-appointed attorneys ad litem and to fund local guardianship programs for indigent incapacitated persons.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 118.051, Local Government Code, to make a conforming change.

SECTION 2. Amends Section 118.052, Local Government Code, to make a conforming change.

SECTION 3. Amends Section 118.055(a), Local Government Code, to make a nonsubstantive change.

SECTION 4. Amends Section 118.057(a), Local Government Code, to make a nonsubstantive change.

SECTION 5. Amends Subchapter C, Chapter 118, Local Government Code, by adding Section 118.067, as follows:

Sec. 118.067. SUPPLEMENTAL COURT-INITIATED GUARDIANSHIP FEE. (a) Provides that the "supplemental court-initiated guardianship fee" (fee) under Section 118.052(2)(E) is for the support of the judiciary in guardianships initiated under Section 683 (Courts Initiation of Guardianship Proceedings), Texas Probate Code. Requires the fees collected under Section 118.052(2)(E) to be deposited in a court-initiated guardianship fund in the county treasury and to be used only to supplement, rather than supplant, other available county funds used for certain purposes.

(b) Provides that the fee is charged for certain services rendered to any person.

(c) Requires the fee to be paid by the person against whom the fee for a probate original action or adverse probate action, as applicable, is charged and provides that the fee is due at the time that fee is due.

(d) Provides that the fee is in addition to all other fees charged in probate original actions and adverse probate actions.

SECTION 6. Amends Subchapter E, Chapter 101, Government Code, by adding Section 101.0818, as follows:

Sec. 101.0818. STATUTORY COUNTY COURT FEES AND COSTS: SUPPLEMENTAL COURT-INITIATED GUARDIANSHIP FEE. Require the clerk of a statutory county court to collect the fee of \$20 under Sections 118.052 (Fee Schedule) and 118.067, Local Government Code.

SECTION 7. Amends Subchapter F, Chapter 101, Government Code, by adding Section 101.1016, as follows:

Sec. 101.1016. STATUTORY PROBATE COURT FEES AND COSTS: SUPPLEMENTAL COURT-INITIATED GUARDIANSHIP FEE. Require the clerk of a statutory probate court to collect the fee of \$20 under Sections 118.052 (Fee Schedule) and 118.067, Local Government Code.

SECTION 8. Amends Subchapter G, Chapter 101, Government Code, by adding Section 101.1217, as follows:

Sec. 101.1217. COUNTY COURT FEES AND COSTS: SUPPLEMENTAL COURT-INITIATED GUARDIANSHIP FEE. Require the clerk of a county court to collect the fee of \$20 under Sections 118.052 (Fee Schedule) and 118.067, Local Government Code.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2007.