

By: Hartnett

H.B. No. 1325

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to payment of the costs for services of a guardian ad  
3 litem, court visitor, and attorney ad litem in a guardianship  
4 proceeding.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 665A, Texas Probate Code, is amended to  
7 read as follows:

8 Sec. 665A. PAYMENT FOR PROFESSIONAL SERVICES. (a) The  
9 court shall order the payment of a fee set by the court as  
10 compensation to the attorneys, mental health professionals, and  
11 interpreters appointed under this chapter, as applicable, to be  
12 taxed as costs in the case. If after examining the proposed ward's  
13 assets the court determines the proposed ward is unable to pay for  
14 services provided by an attorney, a mental health professional, or  
15 an interpreter appointed under this chapter, as applicable, the  
16 county is responsible for the cost of those services, except as  
17 provided by Subsection (b) of this section.

18 (b) The court may order the applicant in a guardianship  
19 proceeding to pay the cost of an attorney ad litem appointed under  
20 this chapter if:

21 (1) the proposed ward's assets are insufficient to pay  
22 that cost; and

23 (2) the applicant's gross annual family income exceeds  
24 200 percent of the federal poverty level.

1 SECTION 2. The heading to Section 669, Texas Probate Code,  
2 is amended to read as follows:

3 Sec. 669. COSTS IN [~~AGAINST~~] GUARDIANSHIP PROCEEDING  
4 GENERALLY.

5 SECTION 3. Section 669, Texas Probate Code, is amended by  
6 amending Subsection (a) and adding Subsection (c) to read as  
7 follows:

8 (a) Except as provided by Subsection (b) of this section, in  
9 a guardianship matter, the cost of the proceeding, including the  
10 cost of the guardian ad litem or court visitor, shall be paid out of  
11 the guardianship estate, or, if the estate is insufficient to pay  
12 for the cost of the proceeding, the cost of the proceeding shall be  
13 paid out of the county treasury, except as provided by Subsection  
14 (c) of this section, and the judgment of the court shall be issued  
15 accordingly.

16 (c) The court may order the applicant in a guardianship  
17 proceeding to pay the cost of the guardian ad litem or court visitor  
18 appointed in the proceeding if:

19 (1) the guardianship estate is insufficient to pay  
20 that cost; and

21 (2) the applicant's gross annual family income exceeds  
22 200 percent of the federal poverty level.

23 SECTION 4. The changes in law made by this Act apply to a  
24 guardianship created before, on, or after the effective date of  
25 this Act.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2011.