

By: Hartnett

H.B. No. 1325

Substitute the following for H.B. No. 1325:

By: S. Davis of Harris

C.S.H.B. No. 1325

A BILL TO BE ENTITLED

1 AN ACT

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.