

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 1, 2017**

**TO:** Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3631** by Smithee (Relating to establishing a guardianship compliance program.), As Introduced

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| <b>Estimated Two-year Net Impact to General Revenue Related Funds</b> for HB3631, As Introduced: a negative impact of (\$7,249,446) through the biennium ending August 31, 2019. |
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**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b> |
|--------------------|---|
| 2018               | (\$3,670,723)   |
| 2019               | (\$3,578,723)   |
| 2020               | (\$3,589,396)   |
| 2021               | (\$3,580,771)   |
| 2022               | (\$3,672,771)   |

**All Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Savings/(Cost) from General Revenue Fund<br/>1</b> | <b>Change in Number of State Employees from FY 2017</b> |
|--------------------|--|---|
| 2018               | (\$3,670,723)  | 35.0  |
| 2019               | (\$3,578,723)  | 35.0  |
| 2020               | (\$3,589,396)  | 35.0  |
| 2021               | (\$3,580,771)  | 35.0  |
| 2022               | (\$3,672,771)  | 35.0  |

**Fiscal Analysis**

The bill would amend the Government Code to require the Office of Court Administration to establish a Guardianship Compliance Program. The program would provide resources and assistance to courts with jurisdiction over guardianships and provide guardianship compliance specialists to review guardianship cases. The agency would be authorized to notify the State Commission on Judicial Conduct if the office has reason to believe a judge's actions or failure to act with respect to a report from a guardianship compliance specialist would indicate the possibility of judicial misconduct. The bill would require the agency to provide an annual report

on the program to the Legislature.

The bill would take effect September 1, 2017.

### **Methodology**

According to the Office of Court Administration, there were 51,388 reported active guardianship cases as of December 31, 2016 with an estimated 2,434 being guardianships of the estate. In addition, 3,957 new guardianships established in calendar year 2016 with an estimated 2,434 of these being guardianships of the estate. This estimate assumes the Guardianship Compliance Project would audit all first time annual accountings submitted and that the program would prioritize the review and audit of an additional 10 percent of all active guardianships of the estate annual accountings or cases with risk indicators, or 4,534 audits.

According to the Office of Court Administration, one auditor can perform 162 audits per year. Therefore, the agency estimates a need for 28 auditors (\$65,000 per year with benefits of \$22,828, or \$87,828 per year for each auditor position) and the following additional personnel: two managers (\$85,000 per year with benefits of \$29,852, or \$114,852 per year for each manager position), two training specialists (\$65,000 per year with benefits of \$22,828, or \$87,828 per year for each specialist position), one accountant (\$48,000 per year with benefits of \$16,858, or \$64,858 per year), one human resource assistant (\$48,000 per year with benefits of \$16,858, or \$64,858 per year), and one administrative assistant (\$45,000 per year with benefits of \$15,804, or \$60,804 per year), for a total of 35.0 full time equivalent positions with associated consumables, utilities, travel, information technology resources, and other operating expenses.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 242 State Commission on Judicial Conduct, 529 Health and Human Services Commission

**LBB Staff:** UP, LBO, MW, PBO, AG, GDz, TBo