

1-1 By: Zaffirini S.B. No. 1426
 1-2 (In the Senate - Filed March 4, 2019; March 14, 2019, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 8, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1426 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the establishment by a county of public guardians for
 1-22 certain incapacitated persons and funding for guardianships by
 1-23 public guardians and related services.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 1002, Estates Code, is amended by adding
 1-26 Sections 1002.0215 and 1002.0265 to read as follows:

1-27 Sec. 1002.0215. OFFICE OF PUBLIC GUARDIAN. "Office of
 1-28 public guardian" means an office of public guardian established by
 1-29 the commissioners court of a county under Subchapter G-1, Chapter
 1-30 1104.

1-31 Sec. 1002.0265. PUBLIC GUARDIAN. "Public guardian" means a
 1-32 person:

1-33 (1) appointed to administer an office of public
 1-34 guardian by the commissioners court of a county under Subchapter
 1-35 G-1, Chapter 1104; or

1-36 (2) with which one or more counties enter into an
 1-37 agreement under Section 1104.327(a)(2) or (d).

1-38 SECTION 2. Section 1104.251(a), Estates Code, is amended to
 1-39 read as follows:

1-40 (a) An individual must be certified under Subchapter C,
 1-41 Chapter 155, Government Code, if the individual:

1-42 (1) is a private professional guardian;

1-43 (2) will represent the interests of a ward as a
 1-44 guardian on behalf of a private professional guardian;

1-45 (3) is providing guardianship services to a ward of a
 1-46 guardianship program on the program's behalf, except as provided by
 1-47 Section 1104.254; ~~or~~

1-48 (4) is an employee of the Health and Human Services
 1-49 Commission ~~[Department of Aging and Disability Services]~~ providing
 1-50 guardianship services to a ward of the commission;

1-51 (5) is a public guardian; or

1-52 (6) will represent the interests of a ward as a
 1-53 guardian on behalf of a public guardian ~~[department]~~.

1-54 SECTION 3. Chapter 1104, Estates Code, is amended by adding
 1-55 Subchapter G-1 to read as follows:

1-56 SUBCHAPTER G-1. PUBLIC GUARDIANS

1-57 Sec. 1104.326. DEFINITION. In this subchapter, unless the
 1-58 context otherwise requires, "office" means an office of public
 1-59 guardian established under this subchapter.

1-60 Sec. 1104.327. ESTABLISHMENT OF OFFICES; PUBLIC GUARDIANS.

2-1 (a) The commissioners court of a county by order may:
2-2 (1) create an office of public guardian to provide
2-3 guardianship services described by Section 1104.334 to
2-4 incapacitated persons; or
2-5 (2) enter into an agreement with a person operating a
2-6 nonprofit guardianship program or private professional
2-7 guardianship program located in the county or in an adjacent county
2-8 to act as a public guardian by providing guardianship services
2-9 described by Section 1104.334 to incapacitated persons.
2-10 (b) Subject to Subsection (c) and Section 1104.328, the
2-11 commissioners court of a county shall appoint an individual as
2-12 public guardian to administer the office of public guardian
2-13 established under Subsection (a)(1) and may employ or authorize the
2-14 public guardian to employ personnel necessary to perform the duties
2-15 of the office, including personnel who will represent the interests
2-16 of a ward as a guardian on behalf of the office if approved by the
2-17 commissioners court.
2-18 (c) The commissioners court of a county may enter into an
2-19 agreement with an individual to act as public guardian under
2-20 Subsection (b) on a part-time basis with appropriate compensation
2-21 if:
2-22 (1) the commissioners court determines a full-time
2-23 appointment does not serve the needs of the county; and
2-24 (2) the individual who is appointed on a part-time
2-25 basis is not employed in or does not hold another position that
2-26 presents a conflict of interest.
2-27 (d) The commissioners courts of two or more counties may
2-28 collectively enter into an agreement:
2-29 (1) to create and fund an office of public guardian for
2-30 purposes of Subsection (a)(1) and to appoint the same individual as
2-31 public guardian to that office under Subsection (b); or
2-32 (2) with a person operating a guardianship program
2-33 described by Subsection (a)(2) to serve as a public guardian for
2-34 purposes of that subdivision.
2-35 (e) An individual appointed as public guardian under
2-36 Subsection (b) serves a term of five years.
2-37 Sec. 1104.328. QUALIFICATIONS OF PUBLIC GUARDIAN. To be
2-38 appointed as public guardian under Section 1104.327(b), an
2-39 individual must:
2-40 (1) be a licensed attorney or be certified under
2-41 Subchapter C, Chapter 155, Government Code; and
2-42 (2) have demonstrable guardianship experience.
2-43 Sec. 1104.329. CONFLICT OF INTEREST. (a) Except as
2-44 provided by Subsection (b), an office or public guardian must be
2-45 independent from providers of services to wards and proposed wards
2-46 and may not directly provide housing, medical, legal, or other
2-47 direct, non-surrogate decision-making services to a ward or
2-48 proposed ward, unless approved by the court.
2-49 (b) An office or public guardian may provide money
2-50 management services described by Section 531.125, Government Code,
2-51 or other representative payee services to a ward or proposed ward.
2-52 Sec. 1104.330. COMPENSATION. A person appointed or acting
2-53 as public guardian under Section 1104.327 shall receive
2-54 compensation as set by the commissioners court and is not entitled
2-55 to compensation under Subchapter A, Chapter 1155, unless approved
2-56 by the court or the person is appointed as guardian of a ward in
2-57 accordance with Section 1104.334(a)(2)(B).
2-58 Sec. 1104.331. BOND REQUIREMENT. (a) A public guardian
2-59 shall file with the court clerk a general bond in an amount fixed by
2-60 the commissioners court payable to the county and issued by a surety
2-61 company approved by the county judge. The bond must be conditioned
2-62 on the faithful performance by the person of the person's duties
2-63 and, if the public guardian administers an office, the office's
2-64 duties.
2-65 (b) The bond required by this section satisfies any bond
2-66 required under Chapter 1105.
2-67 Sec. 1104.332. VACANCY. If an individual appointed as
2-68 public guardian under Section 1104.327(b) vacates the position, the
2-69 commissioners court shall appoint, subject to Section 1104.328, an

3-1 individual to serve as public guardian for the unexpired term.
3-2 Sec. 1104.333. POWERS AND DUTIES. (a) An office or public
3-3 guardian shall:
3-4 (1) if applicable, evaluate the financial status of a
3-5 proposed ward to determine whether the proposed ward is eligible to
3-6 have the office or public guardian appointed guardian of the ward
3-7 under Section 1104.334(a)(2)(A); and
3-8 (2) serve as guardian of the person or of the estate of
3-9 a ward, or both, on appointment by a court in accordance with the
3-10 requirements of this title.
3-11 (b) In connection with a financial evaluation under
3-12 Subsection (a)(1) and on the request of an office or public
3-13 guardian, a court with jurisdiction over the guardianship
3-14 proceeding may order the release of public and private records,
3-15 including otherwise confidential records, to the office or public
3-16 guardian.
3-17 (c) Notwithstanding Section 552.261, Government Code, a
3-18 state agency may not charge an office or public guardian for
3-19 providing the office or public guardian with a copy of public
3-20 information requested from the agency by the office or public
3-21 guardian.
3-22 Sec. 1104.334. APPOINTMENT OF OFFICE OR PUBLIC GUARDIAN AS
3-23 GUARDIAN. (a) In accordance with applicable law, including
3-24 Subchapter C, Chapter 1101, a court may appoint an office or public
3-25 guardian to serve as guardian of the person or of the estate of a
3-26 ward, or both, if:
3-27 (1) on the date the guardianship application is filed,
3-28 the ward resides in or is located in the county served by the office
3-29 or public guardian; and
3-30 (2) the court finds that the ward:
3-31 (A) does not have sufficient assets or other
3-32 resources to pay a private professional guardian to serve as the
3-33 ward's guardian and the appointment is in the ward's best interest;
3-34 or
3-35 (B) has sufficient assets or other resources to
3-36 pay a private professional guardian to serve as the ward's
3-37 guardian, the appointment is in the ward's best interest, and:
3-38 (i) the ward's family members who are
3-39 eligible for appointment as the ward's guardian agree to the
3-40 appointment of an office or public guardian to serve as the ward's
3-41 guardian or are unable to agree on the person or persons that should
3-42 be appointed as the ward's guardian; or
3-43 (ii) the ward does not have a family member,
3-44 friend, or other suitable person willing and able to serve as the
3-45 ward's guardian.
3-46 (b) For purposes of Subsection (a)(2), the determination of
3-47 a ward's ability to pay a private professional guardian is
3-48 dependent on:
3-49 (1) the nature, extent, and liquidity of the ward's
3-50 assets;
3-51 (2) the ward's disposable net income, including income
3-52 of a recipient of medical assistance that is used to pay expenses
3-53 under Section 1155.202(a);
3-54 (3) the nature of the guardianship;
3-55 (4) the type, duration, and complexity of services
3-56 required by the ward; and
3-57 (5) additional, foreseeable expenses.
3-58 (c) The number of appointments of an office under this
3-59 section may not exceed 35 wards for each guardian representing the
3-60 interests of wards on behalf of the office.
3-61 (d) If each guardian representing the interests of wards on
3-62 behalf of an office reaches the limitation provided by Subsection
3-63 (c), the office shall immediately give notice to the courts.
3-64 Sec. 1104.335. CONFIDENTIALITY AND DISCLOSURE OF
3-65 INFORMATION. (a) All files, reports, records, communications, or
3-66 working papers used or developed by an office or public guardian in
3-67 the performance of duties relating to a financial evaluation under
3-68 Section 1104.333(a)(1) or the provision of guardianship services
3-69 are confidential and not subject to disclosure under Chapter 552,

4-1 Government Code.

4-2 (b) Confidential information may be disclosed only for a
 4-3 purpose consistent with this subchapter, as required by other state
 4-4 or federal law, or as necessary to enable an office or public
 4-5 guardian to exercise the powers and duties as guardian of the person
 4-6 or of the estate of a ward, or both.

4-7 (c) A court on its own motion or on the motion of an
 4-8 interested person may order disclosure of confidential information
 4-9 only if:

4-10 (1) a hearing on the motion is conducted;

4-11 (2) notice of the hearing is served on the office or
 4-12 public guardian and each interested person; and

4-13 (3) the court determines after the hearing and an in
 4-14 camera review of the information that disclosure is essential to
 4-15 the administration of justice and will not endanger the life or
 4-16 safety of any individual who:

4-17 (A) is being assessed for guardianship services;

4-18 (B) is a ward of the office or public guardian; or

4-19 (C) provides services to a ward of the office or
 4-20 public guardian.

4-21 (d) The Office of Court Administration of the Texas Judicial
 4-22 System shall establish policies and procedures for the exchange of
 4-23 information between offices, public guardians, and other
 4-24 appropriate governmental entities, as necessary for offices,
 4-25 public guardians, and governmental entities to properly execute
 4-26 their respective duties and responsibilities relating to
 4-27 guardianship services or other needed services for a ward. An
 4-28 exchange of information under this subsection does not constitute a
 4-29 release for purposes of waiving the confidentiality of the
 4-30 information exchanged.

4-31 (e) To the extent consistent with policies and procedures
 4-32 adopted by an office or public guardian, the office or public
 4-33 guardian on request may release confidential information in the
 4-34 record of an individual who is a former ward of the office or public
 4-35 guardian to:

4-36 (1) the individual;

4-37 (2) the individual's guardian; or

4-38 (3) an executor or administrator of the individual's
 4-39 estate.

4-40 (f) Before releasing confidential information under
 4-41 Subsection (e), an office or public guardian shall edit the
 4-42 information to protect the identity of any individual whose life or
 4-43 safety may be endangered by the release. A release of information
 4-44 under Subsection (e) does not constitute a release for purposes of
 4-45 waiving the confidentiality of the information released.

4-46 Sec. 1104.336. CERTAIN ADMINISTRATIVE COSTS. (a) If an
 4-47 office or public guardian is appointed guardian of the person or of
 4-48 the estate of a ward, or both, the administrative costs of the
 4-49 guardianship services provided to the ward may not be charged to the
 4-50 ward's estate unless the court determines, subject to Subsection
 4-51 (b), that the ward is financially able to pay all or part of the
 4-52 costs.

4-53 (b) A court shall measure a ward's ability to pay for costs
 4-54 under Subsection (a) by whether the ward has sufficient assets or
 4-55 other resources to pay a private professional guardian to serve as
 4-56 the ward's guardian in accordance with Section 1104.334(b).

4-57 Sec. 1104.337. OFFICE OF COURT ADMINISTRATION OF THE TEXAS
 4-58 JUDICIAL SYSTEM; REPORT. (a) Not later than December 1 of each
 4-59 even-numbered year, the Office of Court Administration of the Texas
 4-60 Judicial System shall submit a report to the governor and the
 4-61 legislature that contains an evaluation of public guardians
 4-62 established under this subchapter, including the establishment and
 4-63 operation of offices of public guardians under this subchapter and
 4-64 the provision of guardianship services by the offices. The report
 4-65 must include:

4-66 (1) an analysis of costs and offsetting savings or
 4-67 other benefits to the state as a result of the establishment and
 4-68 operation of offices and public guardians under this subchapter;
 4-69 and

5-1 (2) recommendations for legislation, if any.
5-2 (b) If it is cost-effective and feasible, the Office of
5-3 Court Administration of the Texas Judicial System may contract with
5-4 an appropriate research or public policy entity with expertise in
5-5 gerontology, disabilities, and public administration to conduct
5-6 the analysis described by Subsection (a)(1).

5-7 Sec. 1104.338. RULES. The supreme court, in consultation
5-8 with the Office of Court Administration of the Texas Judicial
5-9 System and the presiding judge of the statutory probate courts
5-10 elected under Section 25.0022, Government Code, shall adopt rules
5-11 necessary to implement this subchapter.

5-12 SECTION 4. Section 1104.402(a), Estates Code, is amended to
5-13 read as follows:

5-14 (a) Except as provided by Section 1104.403, 1104.404, or
5-15 1104.406(a), the clerk of the county having venue of the proceeding
5-16 for the appointment of a guardian shall obtain criminal history
5-17 record information that is maintained by the Department of Public
5-18 Safety or the Federal Bureau of Investigation identification
5-19 division relating to:

5-20 (1) a private professional guardian;

5-21 (2) each person who represents or plans to represent
5-22 the interests of a ward as a guardian on behalf of the private
5-23 professional guardian;

5-24 (3) each person employed by a private professional
5-25 guardian who will:

5-26 (A) have personal contact with a ward or proposed
5-27 ward;

5-28 (B) exercise control over and manage a ward's
5-29 estate; or

5-30 (C) perform any duties with respect to the
5-31 management of a ward's estate;

5-32 (4) each person employed by or volunteering or
5-33 contracting with a guardianship program to provide guardianship
5-34 services to a ward of the program on the program's behalf; ~~or~~

5-35 (5) a public guardian appointed under Section
5-36 1104.327(b);

5-37 (6) each person who represents or plans to represent
5-38 the interests of a ward as a guardian on behalf of an office of
5-39 public guardian;

5-40 (7) each person employed by an office of public
5-41 guardian who will:

5-42 (A) have personal contact with a ward or proposed
5-43 ward;

5-44 (B) exercise control over and manage a ward's
5-45 estate; or

5-46 (C) perform any duties with respect to the
5-47 management of a ward's estate; or

5-48 (8) any other person proposed to serve as a guardian
5-49 under this title, including a proposed temporary guardian and a
5-50 proposed successor guardian, other than an attorney.

5-51 SECTION 5. Section 1104.409, Estates Code, is amended to
5-52 read as follows:

5-53 Sec. 1104.409. USE OF INFORMATION BY COURT. The court shall
5-54 use the information obtained under this subchapter only in
5-55 determining whether to:

5-56 (1) appoint, remove, or continue the appointment of a
5-57 private professional guardian, a guardianship program, an office of
5-58 public guardian, or the Health and Human Services Commission
5-59 [department]; or

5-60 (2) appoint any other person proposed to serve as a
5-61 guardian under this title, including a proposed temporary guardian
5-62 and a proposed successor guardian, other than an attorney.

5-63 SECTION 6. Section 1155.151(a-2), Estates Code, is amended
5-64 to read as follows:

5-65 (a-2) Notwithstanding any other law requiring the payment
5-66 of court costs in a guardianship proceeding, the following are not
5-67 required to pay court costs on the filing of or during a
5-68 guardianship proceeding:

5-69 (1) an attorney ad litem;

- 6-1 (2) a guardian ad litem;
- 6-2 (3) a person or entity who files an affidavit of
- 6-3 inability to pay the costs under Rule 145, Texas Rules of Civil
- 6-4 Procedure, that shows the person or entity is unable to afford the
- 6-5 costs;
- 6-6 (4) a nonprofit guardianship program;
- 6-7 (5) a governmental entity, including an office of
- 6-8 public guardian; and
- 6-9 (6) a government agency or nonprofit agency providing
- 6-10 guardianship services.

6-11 SECTION 7. Section 1163.005(a), Estates Code, is amended to
6-12 read as follows:

6-13 (a) The guardian of the estate shall attach to an account
6-14 the guardian's affidavit stating:

6-15 (1) that the account contains a correct and complete
6-16 statement of the matters to which the account relates;

6-17 (2) that the guardian has paid the bond premium for the
6-18 next accounting period;

6-19 (3) that the guardian has filed all tax returns of the
6-20 ward due during the accounting period;

6-21 (4) that the guardian has paid all taxes the ward owed
6-22 during the accounting period, the amount of the taxes, the date the
6-23 guardian paid the taxes, and the name of the governmental entity to
6-24 which the guardian paid the taxes; and

6-25 (5) if the guardian is a private professional
6-26 guardian, a guardianship program, an office of public guardian, or
6-27 the Health and Human Services Commission [~~Department of Aging and~~
6-28 ~~Disability Services~~], whether the guardian or an individual
6-29 certified under Subchapter C, Chapter 155 [~~111~~], Government Code,
6-30 who is providing guardianship services to the ward and who is
6-31 swearing to the account on the guardian's behalf, is or has been the
6-32 subject of an investigation conducted by the Judicial Branch
6-33 [~~Guardianship~~] Certification Commission [~~Board~~] during the
6-34 accounting period.

6-35 SECTION 8. Section 1163.101(c), Estates Code, is amended to
6-36 read as follows:

6-37 (c) The guardian of the person shall file a sworn affidavit
6-38 that contains:

6-39 (1) the guardian's current name, address, and
6-40 telephone number;

6-41 (2) the ward's date of birth and current name, address,
6-42 telephone number, and age;

6-43 (3) a description of the type of home in which the ward
6-44 resides, which shall be described as:

6-45 (A) the ward's own home;

6-46 (B) a nursing home;

6-47 (C) a guardian's home;

6-48 (D) a foster home;

6-49 (E) a boarding home;

6-50 (F) a relative's home, in which case the
6-51 description must specify the relative's relationship to the ward;

6-52 (G) a hospital or medical facility; or

6-53 (H) another type of residence;

6-54 (4) statements indicating:

6-55 (A) the length of time the ward has resided in the
6-56 present home;

6-57 (B) the reason for a change in the ward's
6-58 residence, if a change in the ward's residence has occurred in the
6-59 past year;

6-60 (C) the date the guardian most recently saw the
6-61 ward;

6-62 (D) how frequently the guardian has seen the ward
6-63 in the past year;

6-64 (E) whether the guardian has possession or
6-65 control of the ward's estate;

6-66 (F) whether the ward's mental health has
6-67 improved, deteriorated, or remained unchanged during the past year,
6-68 including a description of the change if a change has occurred;

6-69 (G) whether the ward's physical health has

7-1 improved, deteriorated, or remained unchanged during the past year,
7-2 including a description of the change if a change has occurred;
7-3 (H) whether the ward has regular medical care;
7-4 and
7-5 (I) the ward's treatment or evaluation by any of
7-6 the following persons during the past year, including the person's
7-7 name and a description of the treatment:
7-8 (i) a physician;
7-9 (ii) a psychiatrist, psychologist, or other
7-10 mental health care provider;
7-11 (iii) a dentist;
7-12 (iv) a social or other caseworker; or
7-13 (v) any other individual who provided
7-14 treatment;
7-15 (5) a description of the ward's activities during the
7-16 past year, including recreational, educational, social, and
7-17 occupational activities, or a statement that no activities were
7-18 available or that the ward was unable or refused to participate in
7-19 activities;
7-20 (6) the guardian's evaluation of:
7-21 (A) the ward's living arrangements as excellent,
7-22 average, or below average, including an explanation if the
7-23 conditions are below average;
7-24 (B) whether the ward is content or unhappy with
7-25 the ward's living arrangements; and
7-26 (C) unmet needs of the ward;
7-27 (7) a statement indicating whether the guardian's
7-28 power should be increased, decreased, or unaltered, including an
7-29 explanation if a change is recommended;
7-30 (8) a statement indicating that the guardian has paid
7-31 the bond premium for the next reporting period;
7-32 (9) if the guardian is a private professional
7-33 guardian, a guardianship program, an office of public guardian, or
7-34 the Health and Human Services Commission [~~Department of Aging and~~
7-35 ~~Disability Services~~], whether the guardian or an individual
7-36 certified under Subchapter C, Chapter 155, Government Code, who is
7-37 providing guardianship services to the ward and who is filing the
7-38 affidavit on the guardian's behalf, is or has been the subject of an
7-39 investigation conducted by the Judicial Branch [~~Guardianship~~
7-40 ~~Certification Commission~~ ~~Board~~] during the preceding year; and
7-41 (10) any additional information the guardian desires
7-42 to share with the court regarding the ward, including:
7-43 (A) whether the guardian has filed for emergency
7-44 detention of the ward under Subchapter A, Chapter 573, Health and
7-45 Safety Code; and
7-46 (B) if applicable, the number of times the
7-47 guardian has filed for emergency detention and the dates of the
7-48 applications for emergency detention.

7-49 SECTION 9. Section 101.0814, Government Code, is amended to
7-50 read as follows:
7-51 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS:
7-52 LOCAL GOVERNMENT CODE. The clerk of a statutory county court shall
7-53 collect fees and costs under the Local Government Code as follows:
7-54 (1) additional filing fee to fund contingency fund for
7-55 liability insurance, if authorized by the county commissioners
7-56 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;
7-57 (2) civil court actions (Sec. 118.052, Local
7-58 Government Code):
7-59 (A) filing of original action (Secs. 118.052 and
7-60 118.053, Local Government Code):
7-61 (i) garnishment after judgment (Sec.
7-62 118.052, Local Government Code) . . . \$15; and
7-63 (ii) all others (Sec. 118.052, Local
7-64 Government Code) . . . \$40;
7-65 (B) filing of action other than original (Secs.
7-66 118.052 and 118.054, Local Government Code) . . . \$30; and
7-67 (C) services rendered after judgment in original
7-68 action (Secs. 118.052 and 118.0545, Local Government Code):
7-69 (i) abstract of judgment (Sec. 118.052,

8-1 Local Government Code) . . . \$5; and
8-2 (ii) execution, order of sale, writ, or
8-3 other process (Sec. 118.052, Local Government Code) . . . \$5;
8-4 (3) probate court actions (Sec. 118.052, Local
8-5 Government Code):
8-6 (A) probate original action (Secs. 118.052 and
8-7 118.055, Local Government Code):
8-8 (i) probate of a will with independent
8-9 executor, administration with will attached, administration of an
8-10 estate, guardianship or receivership of an estate, or muniment of
8-11 title (Sec. 118.052, Local Government Code) . . . \$40;
8-12 (ii) community survivors (Sec. 118.052,
8-13 Local Government Code) . . . \$40;
8-14 (iii) small estates (Sec. 118.052, Local
8-15 Government Code) . . . \$40;
8-16 (iv) declarations of heirship (Sec.
8-17 118.052, Local Government Code) . . . \$40;
8-18 (v) mental health or chemical dependency
8-19 services (Sec. 118.052, Local Government Code) . . . \$40; and
8-20 (vi) additional, special fee (Secs. 118.052
8-21 and 118.064, Local Government Code) . . . \$5;
8-22 (B) services in pending probate action (Secs.
8-23 118.052 and 118.056, Local Government Code):
8-24 (i) filing an inventory and appraisement
8-25 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
8-26 (ii) approving and recording bond (Sec.
8-27 118.052, Local Government Code) . . . \$3;
8-28 (iii) administering oath (Sec. 118.052,
8-29 Local Government Code) . . . \$2;
8-30 (iv) filing annual or final account of
8-31 estate (Sec. 118.052, Local Government Code) . . . \$25;
8-32 (v) filing application for sale of real or
8-33 personal property (Sec. 118.052, Local Government Code) . . . \$25;
8-34 (vi) filing annual or final report of
8-35 guardian of a person (Sec. 118.052, Local Government Code) . . .
8-36 \$10; and
8-37 (vii) filing a document not listed under
8-38 this paragraph after the filing of an order approving the inventory
8-39 and appraisement or after the 120th day after the date of the
8-40 initial filing of the action, whichever occurs first (Secs. 118.052
8-41 and 191.007, Local Government Code), if more than 25 pages . . .
8-42 \$25;
8-43 (C) adverse probate action (Secs. 118.052 and
8-44 118.057, Local Government Code) . . . \$40;
8-45 (D) claim against estate (Secs. 118.052 and
8-46 118.058, Local Government Code) . . . \$10;
8-47 (E) supplemental public ~~[court-initiated]~~
8-48 guardianship and related services fee (Secs. 118.052 and 118.067,
8-49 Local Government Code) . . . \$20; and
8-50 (F) supplemental public probate administrator
8-51 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
8-52 (4) other fees (Sec. 118.052, Local Government Code):
8-53 (A) issuing document (Secs. 118.052 and 118.059,
8-54 Local Government Code):
8-55 (i) original document and one copy (Sec.
8-56 118.052, Local Government Code) . . . \$4; and
8-57 (ii) each additional set of an original and
8-58 one copy (Sec. 118.052, Local Government Code) . . . \$4;
8-59 (B) certified papers (Secs. 118.052 and 118.060,
8-60 Local Government Code):
8-61 (i) for the clerk's certificate (Sec.
8-62 118.052, Local Government Code) . . . \$5; and
8-63 (ii) a fee per page or part of a page (Sec.
8-64 118.052, Local Government Code) . . . \$1;
8-65 (C) noncertified papers, for each page or part of
8-66 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
8-67 \$1;
8-68 (D) letters testamentary, letter of
8-69 guardianship, letter of administration, or abstract of judgment

9-1 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
9-2 (E) safekeeping of wills (Secs. 118.052 and
9-3 118.062, Local Government Code) . . . \$5;
9-4 (F) mail service of process (Secs. 118.052 and
9-5 118.063, Local Government Code) . . . same as sheriff; and
9-6 (G) records management and preservation fee
9-7 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
9-8 . . . \$5;
9-9 (5) additional filing fee for filing any civil action
9-10 or proceeding requiring a filing fee, including an appeal, and on
9-11 the filing of any counterclaim, cross-action, intervention,
9-12 interpleader, or third-party action requiring a filing fee, to fund
9-13 civil legal services for the indigent (Sec. 133.153, Local
9-14 Government Code) . . . \$10;
9-15 (6) on the filing of a civil suit, an additional filing
9-16 fee to be used for court-related purposes for the support of the
9-17 judiciary (Sec. 133.154, Local Government Code) . . . \$42;
9-18 (7) additional filing fee to fund the courthouse
9-19 security fund, if authorized by the county commissioners court
9-20 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
9-21 (8) additional filing fee for filing documents not
9-22 subject to certain filing fees to fund the courthouse security
9-23 fund, if authorized by the county commissioners court (Sec.
9-24 291.008, Local Government Code) . . . \$1;
9-25 (9) additional filing fee to fund the courthouse
9-26 security fund in Webb County, if authorized by the county
9-27 commissioners court (Sec. 291.009, Local Government Code) . . . not
9-28 to exceed \$20; and
9-29 (10) court cost in civil cases other than suits for
9-30 delinquent taxes to fund the county law library fund, if authorized
9-31 by the county commissioners court (Sec. 323.023, Local Government
9-32 Code) . . . not to exceed \$35.
9-33 SECTION 10. Section 101.1013, Government Code, is amended
9-34 to read as follows:
9-35 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:
9-36 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
9-37 collect fees and costs under the Local Government Code as follows:
9-38 (1) additional filing fee for filing any civil action
9-39 or proceeding requiring a filing fee, including an appeal, and on
9-40 the filing of any counterclaim, cross-action, intervention,
9-41 interpleader, or third-party action requiring a filing fee to fund
9-42 civil legal services for the indigent (Sec. 133.153, Local
9-43 Government Code) . . . \$10;
9-44 (2) additional filing fee to fund contingency fund for
9-45 liability insurance, if authorized by the county commissioners
9-46 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;
9-47 (3) probate court actions (Sec. 118.052, Local
9-48 Government Code):
9-49 (A) probate original action (Secs. 118.052 and
9-50 118.055, Local Government Code):
9-51 (i) probate of a will with independent
9-52 executor, administration with will attached, administration of an
9-53 estate, guardianship or receivership of an estate, or muniment of
9-54 title (Sec. 118.052, Local Government Code) . . . \$40;
9-55 (ii) community survivors (Sec. 118.052,
9-56 Local Government Code) . . . \$40;
9-57 (iii) small estates (Sec. 118.052, Local
9-58 Government Code) . . . \$40;
9-59 (iv) declarations of heirship (Sec.
9-60 118.052, Local Government Code) . . . \$40;
9-61 (v) mental health or chemical dependency
9-62 services (Sec. 118.052, Local Government Code) . . . \$40; and
9-63 (vi) additional, special fee (Secs. 118.052
9-64 and 118.064, Local Government Code) . . . \$5;
9-65 (B) services in pending probate action (Secs.
9-66 118.052 and 118.056, Local Government Code):
9-67 (i) filing an inventory and appraisalment
9-68 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;
9-69 (ii) approving and recording bond (Sec.

10-1 118.052, Local Government Code) . . . \$3;
 10-2 (iii) administering oath (Sec. 118.052,
 10-3 Local Government Code) . . . \$2;
 10-4 (iv) filing annual or final account of
 10-5 estate (Sec. 118.052, Local Government Code). . . \$25;
 10-6 (v) filing application for sale of real or
 10-7 personal property (Sec. 118.052, Local Government Code) . . . \$25;
 10-8 (vi) filing annual or final report of
 10-9 guardian of a person (Sec. 118.052, Local Government Code) . . .
 10-10 \$10; and
 10-11 (vii) filing a document not listed under
 10-12 this paragraph after the filing of an order approving the inventory
 10-13 and appraisal or after the 120th day after the date of the
 10-14 initial filing of the action, whichever occurs first (Secs. 118.052
 10-15 and 191.007, Local Government Code), if more than 25 pages . . .
 10-16 \$25;
 10-17 (C) adverse probate action (Secs. 118.052 and
 10-18 118.057, Local Government Code) . . . \$40;
 10-19 (D) claim against estate (Secs. 118.052 and
 10-20 118.058, Local Government Code) . . . \$10;
 10-21 (E) supplemental public ~~[court-initiated]~~
 10-22 guardianship and related services fee (Secs. 118.052 and 118.067,
 10-23 Local Government Code) . . . \$20; and
 10-24 (F) supplemental public probate administrator
 10-25 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;
 10-26 (4) other fees (Sec. 118.052, Local Government Code):
 10-27 (A) issuing document (Secs. 118.052 and 118.059,
 10-28 Local Government Code):
 10-29 (i) original document and one copy (Sec.
 10-30 118.052, Local Government Code) . . . \$4; and
 10-31 (ii) each additional set of an original and
 10-32 one copy (Sec. 118.052, Local Government Code) . . . \$4;
 10-33 (B) certified papers (Secs. 118.052 and 118.060,
 10-34 Local Government Code):
 10-35 (i) for the clerk's certificate (Sec.
 10-36 118.052, Local Government Code) . . . \$5; and
 10-37 (ii) a fee per page or part of a page (Sec.
 10-38 118.052, Local Government Code) . . . \$1;
 10-39 (C) noncertified papers, for each page or part of
 10-40 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
 10-41 \$1;
 10-42 (D) letters testamentary, letter of
 10-43 guardianship, letter of administration, or abstract of judgment
 10-44 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
 10-45 (E) safekeeping of wills (Secs. 118.052 and
 10-46 118.062, Local Government Code) . . . \$5;
 10-47 (F) mail service of process (Secs. 118.052 and
 10-48 118.063, Local Government Code) . . . same as sheriff; and
 10-49 (G) records management and preservation fee
 10-50 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and
 10-51 (5) court cost in civil cases other than suits for
 10-52 delinquent taxes to fund the county law library fund, if authorized
 10-53 by the county commissioners court (Sec. 323.023, Local Government
 10-54 Code) . . . not to exceed \$35.
 10-55 SECTION 11. Section 101.1214, Government Code, is amended
 10-56 to read as follows:
 10-57 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
 10-58 GOVERNMENT CODE. The clerk of a county court shall collect the
 10-59 following fees and costs under the Local Government Code:
 10-60 (1) additional filing fee to fund contingency fund for
 10-61 liability insurance, if authorized by the county commissioners
 10-62 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;
 10-63 (2) civil court actions (Sec. 118.052, Local
 10-64 Government Code):
 10-65 (A) filing of original action (Secs. 118.052 and
 10-66 118.053, Local Government Code):
 10-67 (i) garnishment after judgment (Sec.
 10-68 118.052, Local Government Code) . . . \$15; and
 10-69 (ii) all others (Sec. 118.052, Local

11-1 Government Code) . . . \$40;

11-2 (B) filing of action other than original (Secs.

11-3 118.052 and 118.054, Local Government Code) . . . \$30; and

11-4 (C) services rendered after judgment in original

11-5 action (Secs. 118.052 and 118.0545, Local Government Code):

11-6 (i) abstract of judgment (Sec. 118.052,

11-7 Local Government Code) . . . \$5; and

11-8 (ii) execution, order of sale, writ, or

11-9 other process (Sec. 118.052, Local Government Code) . . . \$5;

11-10 (3) probate court actions (Sec. 118.052, Local

11-11 Government Code):

11-12 (A) probate original action (Secs. 118.052 and

11-13 118.055, Local Government Code):

11-14 (i) probate of a will with independent

11-15 executor, administration with will attached, administration of an

11-16 estate, guardianship or receivership of an estate, or muniment of

11-17 title (Sec. 118.052, Local Government Code) . . . \$40;

11-18 (ii) community survivors (Sec. 118.052,

11-19 Local Government Code) . . . \$40;

11-20 (iii) small estates (Sec. 118.052, Local

11-21 Government Code) . . . \$40;

11-22 (iv) declarations of heirship (Sec.

11-23 118.052, Local Government Code) . . . \$40;

11-24 (v) mental health or chemical dependency

11-25 services (Sec. 118.052, Local Government Code) . . . \$40; and

11-26 (vi) additional, special fee (Secs. 118.052

11-27 and 118.064, Local Government Code) . . . \$5;

11-28 (B) services in pending probate action (Secs.

11-29 118.052 and 118.056, Local Government Code):

11-30 (i) filing an inventory and appraisement

11-31 (Secs. 118.052 and 118.056(d), Local Government Code) . . . \$25;

11-32 (ii) approving and recording bond (Sec.

11-33 118.052, Local Government Code) . . . \$3;

11-34 (iii) administering oath (Sec. 118.052,

11-35 Local Government Code) . . . \$2;

11-36 (iv) filing annual or final account of

11-37 estate (Sec. 118.052, Local Government Code) . . . \$25;

11-38 (v) filing application for sale of real or

11-39 personal property (Sec. 118.052, Local Government Code) . . . \$25;

11-40 (vi) filing annual or final report of

11-41 guardian of a person (Sec. 118.052, Local Government Code) . . .

11-42 \$10; and

11-43 (vii) filing a document not listed under

11-44 this paragraph after the filing of an order approving the inventory

11-45 and appraisement or after the 120th day after the date of the

11-46 initial filing of the action, whichever occurs first (Secs. 118.052

11-47 and 191.007, Local Government Code), if more than 25 pages . . .

11-48 \$25;

11-49 (C) adverse probate action (Secs. 118.052 and

11-50 118.057, Local Government Code) . . . \$40;

11-51 (D) claim against estate (Secs. 118.052 and

11-52 118.058, Local Government Code) . . . \$10;

11-53 (E) supplemental public ~~[court-initiated]~~

11-54 guardianship and related services fee (Secs. 118.052 and 118.067,

11-55 Local Government Code) . . . \$20; and

11-56 (F) supplemental public probate administrator

11-57 fee (Secs. 118.052 and 118.068, Local Government Code) . . . \$10;

11-58 (4) other fees (Sec. 118.052, Local Government Code):

11-59 (A) issuing document (Secs. 118.052 and 118.059,

11-60 Local Government Code):

11-61 (i) original document and one copy (Sec.

11-62 118.052, Local Government Code) . . . \$4; and

11-63 (ii) each additional set of an original and

11-64 one copy (Sec. 118.052, Local Government Code) . . . \$4;

11-65 (B) certified papers (Secs. 118.052 and 118.060,

11-66 Local Government Code):

11-67 (i) for the clerk's certificate (Sec.

11-68 118.052, Local Government Code) . . . \$5; and

11-69 (ii) a fee per page or part of a page (Sec.

12-1 118.052, Local Government Code) . . . \$1;
 12-2 (C) noncertified papers, for each page or part of
 12-3 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
 12-4 \$1;
 12-5 (D) letters testamentary, letter of
 12-6 guardianship, letter of administration, or abstract of judgment
 12-7 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
 12-8 (E) safekeeping of wills (Secs. 118.052 and
 12-9 118.062, Local Government Code) . . . \$5;
 12-10 (F) mail service of process (Secs. 118.052 and
 12-11 118.063, Local Government Code) . . . same as sheriff; and
 12-12 (G) records management and preservation fee
 12-13 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
 12-14 . . . \$5;
 12-15 (5) deposit on filing petition requesting permission
 12-16 to create a municipal civic center authority (Sec. 281.013, Local
 12-17 Government Code) . . . \$200;
 12-18 (6) additional filing fee to fund the courthouse
 12-19 security fund, if authorized by the county commissioners court
 12-20 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
 12-21 (7) additional filing fee for filing documents not
 12-22 subject to certain filing fees to fund the courthouse security
 12-23 fund, if authorized by the county commissioners court (Sec.
 12-24 291.008, Local Government Code) . . . \$1;
 12-25 (8) additional filing fee to fund the courthouse
 12-26 security fund in Webb County, if authorized by the county
 12-27 commissioners court (Sec. 291.009, Local Government Code) . . . not
 12-28 to exceed \$20;
 12-29 (9) court cost in civil cases other than suits for
 12-30 delinquent taxes to fund the county law library fund, if authorized
 12-31 by the county commissioners court (Sec. 323.023, Local Government
 12-32 Code) . . . not to exceed \$35;
 12-33 (10) additional filing fee for filing any civil action
 12-34 or proceeding requiring a filing fee, including an appeal, and on
 12-35 the filing of any counterclaim, cross-action, intervention,
 12-36 interpleader, or third-party action requiring a filing fee, to fund
 12-37 civil legal services for the indigent (Sec. 133.153, Local
 12-38 Government Code) . . . \$10; and
 12-39 (11) on the filing of a civil suit an additional filing
 12-40 fee to be used for court-related purposes for the support of the
 12-41 judiciary (Sec. 133.154, Local Government Code) . . . \$42.
 12-42 SECTION 12. Section 155.001, Government Code, is amended by
 12-43 amending Subdivisions (4), (6), and (6-a) and adding Subdivisions
 12-44 (5-a) and (6-b) to read as follows:
 12-45 (4) "Guardianship program" means a local, county, or
 12-46 regional program, other than an office of public guardian, that
 12-47 provides guardianship and related services to an incapacitated
 12-48 person or other person who needs assistance in making decisions
 12-49 concerning the person's own welfare or financial affairs.
 12-50 (5-a) "Office of public guardian" has the meaning
 12-51 assigned by Section 1002.0215, Estates Code.
 12-52 (6) "Private professional guardian" means a person,
 12-53 other than an attorney, ~~or~~ a corporate fiduciary, or an office of
 12-54 public guardian, who is engaged in the business of providing
 12-55 guardianship services.
 12-56 (6-a) "Public guardian" has the meaning assigned by
 12-57 Section 1002.0265, Estates Code.
 12-58 (6-b) Notwithstanding Section 151.001, "registration"
 12-59 means registration of a guardianship under this chapter.
 12-60 SECTION 13. Subchapter B, Chapter 155, Government Code, is
 12-61 amended by adding Section 155.053 to read as follows:
 12-62 Sec. 155.053. MONITORING OF COUNTY PUBLIC GUARDIANSHIP AND
 12-63 RELATED SERVICES FUNDS. The office shall monitor counties to
 12-64 ensure money is appropriately deposited into the public
 12-65 guardianship and related services funds established by counties
 12-66 under Section 118.067, Local Government Code, and being used in
 12-67 compliance with that section. Not later than December 1 of each
 12-68 year, the office shall submit a report to the legislature detailing
 12-69 how money in the funds is being used by counties across the state.

13-1 SECTION 14. Section 155.101(a), Government Code, is amended
 13-2 to read as follows:

13-3 (a) The commission shall adopt minimum standards for:

13-4 (1) the provision of guardianship services or other
 13-5 similar but less restrictive types of assistance or services by:

13-6 (A) individuals employed by or contracting with
 13-7 guardianship programs to provide the assistance or services on
 13-8 behalf of the programs; and

13-9 (B) private professional guardians; [~~and~~]

13-10 (2) the provision of guardianship services by the
 13-11 Health and Human Services Commission; and

13-12 (3) the provision of guardianship services by offices
 13-13 of public guardians [~~Department of Aging and Disability Services or~~
 13-14 ~~its successor agency~~].

13-15 SECTION 15. Section 155.102(a), Government Code, is amended
 13-16 to read as follows:

13-17 (a) To provide guardianship services in this state, the
 13-18 following individuals must hold a certificate issued under this
 13-19 section:

13-20 (1) an individual who is a private professional
 13-21 guardian;

13-22 (2) an individual who will provide those services to a
 13-23 ward of a private professional guardian on the guardian's behalf;
 13-24 [~~and~~]

13-25 (3) an individual, other than a volunteer, who will
 13-26 provide those services or other services under Section 161.114,
 13-27 Human Resources Code, to a ward of a guardianship program or the
 13-28 Health and Human Services Commission [~~Department of Aging and~~
 13-29 ~~Disability Services]~~ on the program's or commission's
 13-30 [~~department's~~] behalf;

13-31 (4) an individual who is a public guardian; and

13-32 (5) an individual who will provide those services to a
 13-33 ward of an office of public guardian.

13-34 SECTION 16. Section 155.105, Government Code, is amended by
 13-35 adding Subsection (b-1) to read as follows:

13-36 (b-1) Not later than January 31 of each year, each office of
 13-37 public guardian shall provide to the commission a report containing
 13-38 for the preceding year:

13-39 (1) the number of wards served by the office;

13-40 (2) the total amount of any money received from this
 13-41 state for the provision of guardianship services; and

13-42 (3) the amount of money received from any other public
 13-43 source, including a county or the federal government, for the
 13-44 provision of guardianship services, reported by source, and the
 13-45 total amount of money received from those public sources.

13-46 SECTION 17. Section 411.1386(a), Government Code, is
 13-47 amended to read as follows:

13-48 (a) Except as provided by Subsections (a-1), (a-5), and
 13-49 (a-6), the clerk of the county having venue over a proceeding for
 13-50 the appointment of a guardian under Title 3, Estates Code, shall
 13-51 obtain from the department criminal history record information
 13-52 maintained by the department that relates to:

13-53 (1) a private professional guardian;

13-54 (2) each person who represents or plans to represent
 13-55 the interests of a ward as a guardian on behalf of the private
 13-56 professional guardian;

13-57 (3) each person employed by a private professional
 13-58 guardian who will:

13-59 (A) have personal contact with a ward or proposed
 13-60 ward;

13-61 (B) exercise control over and manage a ward's
 13-62 estate; or

13-63 (C) perform any duties with respect to the
 13-64 management of a ward's estate;

13-65 (4) each person employed by or volunteering or
 13-66 contracting with a guardianship program to provide guardianship
 13-67 services to a ward of the program on the program's behalf; [~~or~~]

13-68 (5) a public guardian, as defined by Section
 13-69 1002.0265(1), Estates Code;

14-1 (6) each person who represents or plans to represent
14-2 the interests of a ward as a guardian on behalf of an office of
14-3 public guardian;

14-4 (7) each person employed by an office of public
14-5 guardian, as defined by Section 1002.0215, Estates Code, who will:

14-6 (A) have personal contact with a ward or proposed
14-7 ward;

14-8 (B) exercise control over and manage a ward's
14-9 estate; or

14-10 (C) perform any duties with respect to the
14-11 management of a ward's estate; or

14-12 (8) any other person proposed to serve as a guardian
14-13 under Title 3, Estates Code, including a proposed temporary
14-14 guardian and a proposed successor guardian, other than an attorney.

14-15 SECTION 18. Section 161.103, Human Resources Code, is
14-16 amended to read as follows:

14-17 Sec. 161.103. CONTRACT FOR GUARDIANSHIP SERVICES. (a) If
14-18 appropriate, the commission [~~department~~] may contract with a
14-19 political subdivision of this state, a guardianship program as
14-20 defined by Section 1002.016, Estates Code, a private agency, or
14-21 another state agency for the provision of guardianship services
14-22 under this section.

14-23 (b) A contract under Subsection (a) may allow for the
14-24 provision of guardianship services by an office of public guardian,
14-25 as defined by Section 1002.0215, Estates Code.

14-26 SECTION 19. Section 118.052, Local Government Code, is
14-27 amended to read as follows:

14-28 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
14-29 shall collect the following fees for services rendered to any
14-30 person:

14-31 (1) CIVIL COURT ACTIONS

14-32 (A) Filing of Original Action (Sec. 118.053):

14-33 (i) Garnishment after judgment . . . \$15.00

14-34 (ii) All others . . . \$40.00

14-35 (B) Filing of Action Other than Original (Sec.

14-36 118.054) . . . \$30.00

14-37 (C) Services Rendered After Judgment in Original

14-38 Action (Sec. 118.0545):

14-39 (i) Abstract of judgment . . . \$ 5.00

14-40 (ii) Execution, order of sale, writ, or

14-41 other process . . . \$ 5.00

14-42 (2) PROBATE COURT ACTIONS

14-43 (A) Probate Original Action (Sec. 118.055):

14-44 (i) Probate of a will with independent

14-45 executor, administration with will attached, administration of an

14-46 estate, guardianship or receivership of an estate, or muniment of

14-47 title . . . \$40.00

14-48 (ii) Community survivors . . . \$40.00

14-49 (iii) Small estates . . . \$40.00

14-50 (iv) Declarations of heirship . . . \$40.00

14-51 (v) Mental health or chemical dependency

14-52 services . . . \$40.00

14-53 (vi) Additional, special fee (Sec. 118.064)

14-54 . . . \$ 5.00

14-55 (B) Services in Pending Probate Action (Sec.

14-56 118.056):

14-57 (i) Filing an inventory and appraisal as

14-58 provided by Section 118.056(d) . . . \$25.00

14-59 (ii) Approving and recording bond . . . \$

14-60 3.00

14-61 (iii) Administering oath . . . \$ 2.00

14-62 (iv) Filing annual or final account of

14-63 estate . . . \$25.00

14-64 (v) Filing application for sale of real or

14-65 personal property . . . \$25.00

14-66 (vi) Filing annual or final report of

14-67 guardian of a person . . . \$10.00

14-68 (vii) Filing a document not listed under

14-69 this paragraph after the filing of an order approving the inventory

15-1 and appraisement or after the 120th day after the date of the
15-2 initial filing of the action, whichever occurs first, if more than
15-3 25 pages . . . \$25.00
15-4 (C) Adverse Probate Action (Sec. 118.057) . . .
15-5 \$40.00
15-6 (D) Claim Against Estate (Sec. 118.058) . . .
15-7 \$10.00
15-8 (E) Supplemental Public [~~Court-Initiated~~]
15-9 Guardianship and Related Services Fee in Probate Original Actions
15-10 and Adverse Probate Actions (Sec. 118.067) . . . \$20.00
15-11 (F) Supplemental Public Probate Administrator
15-12 Fee For Counties That Have Appointed a Public Probate Administrator
15-13 (Sec. 118.068) . . . \$10.00
15-14 (3) OTHER FEES
15-15 (A) Issuing Document (Sec. 118.059):
15-16 original document and one copy . . . \$ 4.00
15-17 each additional set of an original and one copy . . . \$ 4.00
15-18 (B) Certified Papers (Sec. 118.060):
15-19 for the clerk's certificate . . . \$ 5.00
15-20 plus a fee per page or part of a page of . . . \$ 1.00
15-21 (C) Noncertified Papers (Sec. 118.0605):
15-22 for each page or part of a page . . . \$ 1.00
15-23 (D) Letters Testamentary, Letter of
15-24 Guardianship, Letter of Administration, or Abstract of Judgment
15-25 (Sec. 118.061) . . . \$ 2.00
15-26 (E) Deposit and Safekeeping of Wills (Sec.
15-27 118.062) . . . \$ 5.00
15-28 (F) Mail Service of Process (Sec. 118.063) . . .
15-29 same as sheriff
15-30 (G) Records Management and Preservation Fee
15-31 . . . \$ 5.00
15-32 (H) Records Technology and Infrastructure Fee if
15-33 authorized by the commissioners court of the county (Sec. 118.026)
15-34 . . . \$ 2.00
15-35 SECTION 20. Section 118.067, Local Government Code, is
15-36 amended to read as follows:
15-37 Sec. 118.067. SUPPLEMENTAL PUBLIC [~~COURT-INITIATED~~]
15-38 GUARDIANSHIP AND RELATED SERVICES FEE. (a) The "supplemental
15-39 public [~~court-initiated~~] guardianship and related services fee"
15-40 under Section 118.052(2)(E) is for the support of guardianship
15-41 services provided by public guardians, as defined by Section
15-42 1002.0265 [~~the judiciary in guardianships initiated under Chapter~~
15-43 ~~1102~~], Estates Code, or guardianship and other less restrictive
15-44 alternative services provided to indigent incapacitated persons
15-45 who do not have family members suitable and willing to serve as
15-46 guardians or provide less restrictive alternative services. Fees
15-47 collected under Section 118.052(2)(E) shall be deposited in a
15-48 public [~~court-initiated~~] guardianship and related services fund in
15-49 the county treasury and may be used only to supplement, rather than
15-50 supplant, other available county funds used to fund guardianship
15-51 services or other less restrictive alternative services provided to
15-52 individuals who are indigent[+
15-53 [(1) pay the compensation of a guardian ad litem
15-54 appointed by a court under Section 1102.001, Estates Code,
15-55 [(2) pay the compensation of an attorney ad litem
15-56 appointed by a court to represent a proposed ward in a guardianship
15-57 proceeding initiated under Chapter 1102, Estates Code, and
15-58 [(3) fund local guardianship programs that provide
15-59 guardians for indigent incapacitated persons who do not have family
15-60 members suitable and willing to serve as guardians].
15-61 (b) The supplemental public [~~court-initiated~~] guardianship
15-62 and related services fee is charged for:
15-63 (1) a probate original action described by Section
15-64 118.055 and for which a fee is charged in accordance with Section
15-65 118.052(2)(A)(i), (ii), (iii), (iv), or (v); and
15-66 (2) an adverse probate action described by Section
15-67 118.057 and for which a fee is charged in accordance with Section
15-68 118.052(2)(C).
15-69 (c) The supplemental public [~~court-initiated~~] guardianship

16-1 and related services fee must be paid by the person against whom the
16-2 fee for a probate original action or adverse probate action, as
16-3 applicable, is charged and is due at the time that fee is due.

16-4 (d) The supplemental public [~~court-initiated~~] guardianship
16-5 and related services fee is in addition to all other fees charged in
16-6 probate original actions and adverse probate actions.

16-7 SECTION 21. Not later than January 1, 2020, the supreme
16-8 court shall adopt rules necessary to implement Subchapter G-1,
16-9 Chapter 1104, Estates Code, as added by this Act, including rules
16-10 governing the transfer of a guardianship of the person or of the
16-11 estate of a ward, or both, if appropriate, to an office of public
16-12 guardian established under that subchapter or a public guardian
16-13 contracted under that subchapter.

16-14 SECTION 22. (a) The changes in law made by this Act apply
16-15 only to the appointment of a guardian of the person or of the estate
16-16 of a ward, or both, made on or after July 1, 2020.

16-17 (b) Notwithstanding any other law, a person who,
16-18 immediately before July 1, 2020, is serving as guardian of the
16-19 person or of the estate of a ward, or both, who, under Section
16-20 1104.334, Estates Code, as added by this Act, would be eligible for
16-21 appointment of an office of public guardian as the ward's guardian,
16-22 may continue to serve as guardian of the person or of the estate of
16-23 the ward, or both, unless otherwise removed as provided by law.

16-24 SECTION 23. This Act takes effect September 1, 2019.

16-25 * * * * *