

BILL ANALYSIS

Senate Research Center
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S.B. 1417
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Jurisprudence
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DIGEST AND PURPOSE

Under current Texas law, a guardian or temporary guardian of an estate can be paid a fee of five percent of the gross income of the ward's estate and five percent of all money paid out of the estate. If a court finds this amount to be unreasonably low, it can authorize reasonable compensation for the guardian, but there are no statutory guidelines to determine if that amount is unreasonably low or who to determine a subsequent reasonable compensation. As proposed, S.B. 1417 amends provisions regarding such determinations to authorize a court, if it finds by clear and convincing evidence that the calculated fee is too low, to authorize a larger payment than the previously determined fee.

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 665(b), Texas Probate Code, to authorize a court, if the court finds by clear and convincing evidence that the fee provided by this subchapter is an unreasonably low amount, to authorize reasonable compensation to a guardian or temporary guardian for services as guardian or temporary guardian of the estate. Authorizes the court, on application of an interested person or on its own motion, to take certain enumerated actions.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.