

ESTATES CODE

TITLE 3. GUARDIANSHIP AND RELATED PROCEDURES

SUBTITLE Z. TEXAS PROBATE CODE; ADDITIONAL GUARDIANSHIP PROVISIONS

PART 2. GUARDIANSHIP PROCEEDINGS AND MATTERS

SUBPART H. COMPENSATION, EXPENSES, AND COURT COSTS

Text of section as amended by Acts 2009, 81st Leg., R.S., Ch. [930](#),  
Sec. 2

Text of section effective on January 01, 2014

Sec. 665B. COMPENSATION OF ATTORNEY REPRESENTING APPLICANT.

(a) A court that creates a guardianship or creates a management trust under Section 867 of this code for a ward under this chapter, on request of a person who filed an application to be appointed guardian of the proposed ward, an application for the appointment of another suitable person as guardian of the proposed ward, or an application for the creation of the management trust, may authorize compensation of an attorney who represents the person who filed the application at the application hearing, regardless of whether the person is appointed the ward's guardian or whether a management trust is created, from:

(1) available funds of the ward's estate or management trust, if created; or

(2) the county treasury if:

(A) the ward's estate or, if created, management trust, is insufficient to pay for the services provided by the attorney; and

(B) funds in the county treasury are budgeted for that purpose.

(b) The court may not authorize compensation under this section unless the court finds that the applicant acted in good faith and for just cause in the filing and prosecution of the application.

Transferred and redesignated from Probate Code, Art/Sec 665B by Acts 2011, 82nd Leg., R.S., Ch. [823](#), Sec. 3.01(e), eff. January 1, 2014.

Text of section as amended by Acts 2009, 81st Leg., R.S., Ch. [314](#),  
Sec. 1

Text of section effective on January 01, 2014

Sec. 665B. PAYMENT OF ATTORNEY'S FEES TO CERTAIN ATTORNEYS.

(a) A court that creates a guardianship for a ward under this chapter, on request of a person who filed an application to be appointed guardian of the proposed ward or for the appointment of another suitable person as guardian of the proposed ward, may authorize the payment of reasonable and necessary attorney's fees, as determined by the court, to an attorney who represents the person who filed the application at the application hearing, regardless of whether the person is appointed the ward's guardian, from:

(1) available funds of the ward's estate; or

(2) subject to Subsection (c) of this section, the county treasury if:

(A) the ward's estate is insufficient to pay for the services provided by the attorney; and

(B) funds in the county treasury are budgeted for that purpose.

(b) The court may not authorize attorney's fees under this section unless the court finds that the applicant acted in good faith and for just cause in the filing and prosecution of the application.

(c) The court may authorize the payment of attorney's fees from the county treasury under Subsection (a) of this section only if the court is satisfied that the attorney to whom the fees will be paid has not received, and is not seeking, payment for the services described by that subsection from any other source.

Added by Acts 1995, 74th Leg., ch. 1039, Sec. 28, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 905, Sec. 2, eff. Sept. 1, 1999.

Subsec. (a) amended by Acts 2003, 78th Leg., ch. 549, Sec. 10, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [314](#), Sec. 1, eff. September 1, 2009.

Transferred and redesignated from Probate Code, Art/Sec 665B by Acts 2011, 82nd Leg., R.S., Ch. [823](#), Sec. 3.01(e), eff. January 1, 2014.