

C-1-PB-20-000002

Administrative Order § In the Probate Court
2020-12 § Number One
 § Travis County, Texas

Order Creating Temporary Changes to Personal Service and Attorney ad Litem and Guardian ad Litem Visitations in Certain Guardianship Proceedings in Response to the COVID-19 Emergency

On this date, the Travis County Probate Court finds that certain medical and residential facilities, such as hospitals, nursing homes, long-term care facilities, and assisted living facilities, have restricted in-person visits in response to the COVID-19 emergency. The Court finds that guidance is necessary in the handling of personal service and visits on proposed wards and wards in such facilities by attorneys ad litem and guardians ad litem in guardianship proceedings. The Court finds that it is in the best interest of public safety that the following procedures be utilized to accomplish personal service and attorney ad litem/guardian ad litem visitation on persons located in facilities that have prohibited in-person visits, until further notice of the Court, in attempt to minimize the risk of exposure to COVID-19:

1. Pursuant to Texas Estates Code § 1051.201(a), the constable shall accomplish personal service requested in a guardianship proceeding on a proposed ward or ward who is located in a facility that is prohibiting in-person visits either by:
 - a. leaving a true copy of the citation, with a copy of the petition attached, with anyone over eighteen years of age at the facility who commits in advance to deliver the citation to the proposed ward or ward subject to the citation; or
 - b. by affixing the citation on the door to the entrance of the facility in which the proposed ward or ward is located.

2. An attorney ad litem and guardian ad litem who is appointed in a guardianship proceeding may accomplish their visit with the proposed ward or ward who is currently in a facility that is prohibiting in-person visits, such as a hospital, nursing home, long-term care facility, or assisted living facility, by using alternative methods of communication either through any technology applications that allows visual face-time communication or over the phone.

It is therefore ORDERED that, until further order of the Court, any personal service requested in a guardianship proceeding on a proposed ward or ward who is currently in a facility that is prohibiting in-person visits, such as a hospital, nursing home, long-term care facility, or assisted living facility, shall be accomplished by the constable either by:

- a. leaving a true copy of the citation, with a copy of the petition attached, with anyone over eighteen years of age at the facility who commits in advance to deliver the citation to the proposed ward or ward subject to the citation; or
- b. by affixing the citation on the door to the entrance of the facility in which the proposed ward or ward is located. The constable shall contact the facility ahead of time in order to give the facility sufficient notice of the constable's attempt to serve the proposed ward or ward in that manner.

The constable shall contact the facility ahead of time in order to give sufficient notice of the constable's attempt to serve the proposed ward or ward in either manner. The constable shall note in the return of service the manner in which citation was delivered to the person directed to be served.

It is further ORDERED that the attorney ad litem or guardian ad litem who is appointed in a guardianship proceeding may accomplish the required in-person visitation of the proposed ward or ward who is currently in a facility that is prohibiting in-person visits by using alternative methods of communication either through any technology applications that allows visual face-time communication or over the phone.

It is further ORDERED that this order does not affect the current process of citation by posting in guardianship proceedings.



04/02/2020

Guy Herman, Judge Presiding

HONORABLE PROBATE JUDGE
TRAVIS COUNTY PROBATE COURT