

Guardian of the Person Only – Court-Ordered Instructions

Thank you for agreeing to accept appointment as the Guardian of the Person with full or limited authority to represent the interests of the Ward. This is a fiduciary position that carries with it certain duties and a high degree of responsibility. As Guardian, your activities are strictly regulated by Texas law. Before you engage in any transactions, you should become familiar with the types of allowable actions you may take. If you have any questions, you should consult with an attorney. These instructions do not cover everything you may need to know.

1. **Before the hearing** (for cases on the uncontested guardianship docket) **or before you leave the Court after the hearing** (for cases on the regular docket):
 - You must read these Court-Ordered Instructions and initial all 13 lines in the margins indicating that you understand the italicized points made in the text to the right.
 - You must sign these Court-Ordered Instructions before a notary. The original will be filed with the Clerk’s Office and put in the file; the Court will make a copy for you to keep and refer to as you serve as Guardian.
 - You must fill out your Initial Report on the Condition and Well-Being of the Ward.
 - You must fill out the Guardianship General Information form for the Court’s internal files.
2. **After the hearing (before you leave the Court):**
 - You must take and file your Oath – your signed and sworn (or affirmed) commitment to “discharge faithfully the duties of guardian.”
 - You must file your Initial Report on the Condition and Well-Being of the Ward.
3. **You must file your bond within 20 days after the Court signs the order granting letters of guardianship.**

Letters of Guardianship

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*Your authority to act on the Ward’s behalf does not begin until you have qualified – which requires both that (1) you have taken your oath and (2) the Court has approved your bond. At that time, the clerk of the Court is authorized to issue letters of guardianship to you. These letters serve as evidence to third parties of your authority to act on the Ward’s behalf. *Letters of Guardianship are not automatically sent when you have qualified; you need to request them from the Clerk’s office (room 222 at the Courthouse, or call 512-854-5958).**

Letters of guardianship expire one year and four months after the date of issuance unless renewed. Letters can be renewed and reissued by the clerk of the Court *after* the Court approves the guardian’s Annual Report of the Person. New Letters of Guardianship are not automatically sent when your Annual Report is approved. Contact the clerk’s office to order letters of guardianship (see above)

Annual and Final Reports & Training Certification

Texas law requires you – as a Guardian of the Person – to file a report each year that covers a 12-month reporting period, with the reporting period beginning on the date you qualify to serve as Guardian. The date you qualify is the date when the Court approves your bond or when you take and file your oath, whichever is later. Texas law requires that your Annual Report be filed not later than 60 days after the reporting period ends. Once the date you qualify is determined, the Court will send you a page you can attach to these Court-ordered instructions, indicating the dates each year that your Annual Report must cover as well as the date each year by which you must file your sworn or affirmed Annual Report with the Travis County Clerk's Office.

- _____ initials
- 1. Each year within 60 days of the anniversary of the date of you qualified as Guardian, you must file your sworn or affirmed Annual Report** (“Report on the Condition and Well-Being of a Ward”). *Failure to file may result in your removal as Guardian and may result in the assessment of fees against you individually and on your bond, and not from guardianship funds.*

In your Annual Report, you must:

- _____ initials
- Answer all questions regarding the Ward's physical health, well-being, progress in education (if applicable), and income. You must also include the number of in-person visits with the Ward. By signing the report, you certify under penalty of perjury that the information provided is true and correct.
- _____ initials
- Swear or affirm either that you have paid your bond premium for the next reporting year or that you have filed an approved cash bond.
- _____ initials
- If, pursuant to Court order, you are managing any funds of the Ward other than government benefits, you must report on your management of those funds as part of your Annual Report.
- _____ initials
- If you receive Social Security benefits on the Ward's behalf, you must attach a copy of the most recent “Representative Payee Report” you filed with the Social Security Administration (SSA), accounting for your use of those funds. (A report to SSA is required annually.)
- _____ initials
- Attach a certificate of completion for the required one-hour training course if you serve as guardian of the person, the estate, or both for a ward who is age 60 or older, or under age 60 with a diagnosis of Alzheimer's disease, dementia, or a related condition.

The 89th Texas Legislature passed House Bill 3376, that requires certain Guardians to complete training on Alzheimer's disease, dementia, and related disorders. This requirement applies to anyone serving as guardian of the person, the estate, or both for a Ward who is age 60 or older, or under age 60 and diagnosed with Alzheimer's disease, dementia, or a related condition. The Judicial Branch Certification Commission (JBCC) has developed a 1-hour training module and it can be found at: www.txcourts.gov/jbcc/register-a-guardianship/guardianship-registration-training/ **This certificate needs to accompany your Annual Report each year.**

You may complete and file your Annual Report without an attorney's assistance. Forms are available on the Court's website, <https://www.traviscountytexas.gov/probate/guardianship>, or at the Court's office. If you have any questions, please call the Guardianship Legal Assistant at 512-854-9359.

Texas law requires a \$10.00 fee for the processing of each Annual Report to determine whether the guardianship continues to be appropriate, unless an affidavit of inability to pay costs is on file.

2. When the guardianship is **ready to be closed**, you must file a Final Report. A guardianship is ready to be closed when:
 - a. when the Ward regains competency (requires an application, hearing, and Court order);
 - b. when the Ward dies (attach a death certificate to the Final Report); or
 - c. when the Ward reaches 18 years of age, for guardianships based solely on minority.

Ongoing requirement for you as the Guardian of the Person

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Six months after your appointment as guardian, our Guardianship Coordinator will meet with you and the Ward to discuss how the guardianship is going and to answer any questions you may have. In addition, a Court Visitor will visit the Ward approximately once a year to assess the Ward's physical condition and living conditions.

All guardians of wards who are over 60 years old and/or diagnosed with Alzheimer's, dementia, or a related disorder must complete and submit a one-hour training course certificate accompanied with the annual report of the person.

Change of Address

initials *You must notify the Court of any change in the mailing address of either you or the Ward. (Call the Guardianship Legal Assistant at 512-854-9359). You may not move to another state or be absent from this state for more than three months without Court permission. If the Ward moves from this County, consult with the Court about whether the guardianship should be transferred.*

Moving the Ward to a more-restrictive care facility?

initials *You **may not** move the Ward into a more-restrictive care facility until you provide notice to the Court, the Ward, and any person who has requested notice, and only after seven business days following the Court's receipt of the notice. If nobody has objected to the proposed move, then you may move the Ward.*

Previously existing powers of attorney

When appointing a guardian of the person, it is the usual practice of this Court to revoke all known and unknown *medical* powers of attorney previously executed by the Ward. There are some exceptions, which will always be indicated in the Order appointing the guardian of the person.

Your powers and duties

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1. The right to have physical possession of the ward and to establish the ward's legal domicile.
2. The duty to provide care, supervision, and protection for the ward.

3. The duty to provide the ward with clothing, food, medical care, and shelter as completely as the Ward's resources permit.
4. The power to consent to medical, psychiatric, and surgical treatment other than the in-patient psychiatric commitment of the ward. (But the guardian of the person of a ward *does* have the power to transport the ward to an inpatient mental health facility for a preliminary examination in accordance with Subchapters A and C, Chapter 573, Health and Safety Code.)
5. *If the Ward is an adult, the duty to inform the Ward's spouse, parents, children, and siblings as soon as possible if:*
 - a. the Ward dies;
 - b. the Ward is admitted to a medical facility for acute care for three days or more;
 - c. the Ward has moved; or
 - d. the Ward is staying at a location other than his or her own residence for more than one week.

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6. *The duty to provide notice to the Ward in the Ward's native language, or preferred mode of communication, each time you file your Annual Report that you are seeking to continue the guardianship.*

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All pleadings filed in this case are available on the Clerk's website: <https://countyclerk.traviscountytexas.gov/court-data>. Click on the "Court Data" button and then on the "Smart Search" button. Follow the instructions on how to retrieve a file and how to view the documents in that file.

Cause No. C-1-PB - _____ - _____

Guardianship of: _____

I swear or affirm that I have read the preceding four pages of this document (entitled *Guardian of the Person Only: Court-Ordered Instructions*) and that I understand its contents.

By my initials in the 13 sections in the margins of this document, I specifically affirm that I understand the italicized points made in the text to the right of each section.

Signature of person who has been or seeks to be appointed as
Guardian or Co-Guardian

Date

STATE OF TEXAS

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COUNTY OF TRAVIS

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This instrument was sworn or affirmed before me this _____ day of _____,
20_____ by _____.

Notary Public's Signature, State of Texas

Notary Public's Printed Name

(Notary Seal)

My Commission Expires