

C-1-PB-20-000002

Administrative Order	§	In the Probate Court
2020-11	§	Number One
	§	
	§	Travis County, Texas

**Order Establishing Temporary Visiting Procedures for Guardians Who Are Unable to Visit Wards Currently Residing in Nursing Homes or Certain Residential Facilities**

On this date, the Travis County Probate Court finds that nursing homes and certain residential facilities, such as assisted living facilities, have restricted in-person visits as a result of the COVID-19 situation. The Court finds that as a result, guardians of certain guardianships in this Court of wards who reside in those facilities will not be able to satisfy their statutory duties of visiting their wards in person. The Court further finds that the Texas Supreme Court has issued an emergency order that allows courts to modify or suspend any and all procedures prescribed by statute, rule, and order, for period ending no later than 30 days after the Governor's state of disaster has been lifted. And the Court further finds that the Presiding Judge of the Statutory Probate Courts signed an Administrative Order on March 31, 2020, directing all statutory probate courts in Texas to issue local rules to address and implement the necessary changes to allow guardians to continue to meet their statutory duties while also abiding by state and local rules regarding the prohibition of in-person visits to nursing homes and certain residential facilities. The Court finds that the following temporary changes to the statutory duties of guardianship to visit their ward in-person is necessary in order to comply with local and state rules currently in effect:

1. the requirement for a guardian to conduct an in-person monthly visit with the ward is suspended until further order of the Court or 30 days after the end of the disaster declaration if the guardian cannot complete the visit due to the virus;

2. the guardian is authorized to attempt to conduct a visit with the ward through any technology applications that allows visual face-time communication or over the phone;
3. If the ward is not able to communicate, the guardian should obtain a status report from someone on the staff at the facility who has contact with the ward; and
4. the guardian is required to document visits – or attempted visits – and file reports with the Court regarding no-visitation measures taken at facilities where wards reside. If the guardian receives written communication from the facility, the guardian should file a copy with the report to the Court and maintain a copy for the guardian's records. The guardian shall comply with this requirement by filing the information with the annual report covering such visits, and if consistent with this order, the Court shall approve the guardian's action by approving the annual report.

It is therefore ORDERED that all guardians of guardianships in this Court of wards who reside in nursing homes and certain residential facilities that are currently restricting in-person visits are not required to conduct an in-person monthly visit with the ward until further order of the Court or 30 days after the end of the disaster declaration if the guardian cannot complete the visit due to the virus.

It is further ORDERED that the guardian is authorized to attempt to conduct a visit with the ward through any technology applications that allows visual face-time communication or over the phone. If the ward is not able to communicate, the guardian should obtain a status report from someone on the staff at the facility who has contact with the ward; and

It is further ORDERED that the guardian is required to document visits – or attempted visits – and file reports with the Court regarding no-visitation measures taken at facilities where wards reside. If the guardian receives written communication from the facility, the guardian should file a copy with the report to the Court and maintain a copy for the guardian's records. The guardian shall comply

with this requirement by filing the information with the annual report covering such visits and if consistent with this order, the Court shall approve the guardian's action by approving the annual report.

 04/01/  
2020  
Guy Herman, Judge Presiding

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HONORABLE PROBATE JUDGE  
TRAVIS COUNTY PROBATE COURT