

BEXAR COUNTY PROBATE COURT NO. 2

Judge Veronica Vasquez
Bexar County Courthouse, Room 123
100 Dolorosa
San Antonio, Texas 78205



September 1, 2022

CHECKLIST FOR APPOINTMENT OF GUARDIAN

Procedures: **Once the checklist is fully completed**, the applicant's attorney can set this matter for hearing. FIAT is required, please use one of the templates attached. **FIAT is required, please use one of the templates located on the PC2 Website.**

Please cross through actions that do not apply

If you submit documents after hearing date you must notify the staff attorney once the e-filed documents are accepted by the clerk.

Any questions regarding citations, return of service, or JBCC completion of background checks, please contact the Bexar County Probate Clerk's office at (210)335-2241 for further assistance.

Case Number _____ Estate of _____

Checklist for Appointment of Guardian

- All attorneys have completed and registered their 4 hr. ad litem training with Texas State Bar.
- Title of Application must reflect what you are requesting, e.g. *Application to Appoint Guardian of Person Only* or *Application to Appoint Guardian of the Estate Only* or *Application to Appoint Guardian of the Person and Estate with Limited Authority*
- Sworn Application meets all the requirements of Texas Estate Code 1101.001, including but not limited to:
 - Correct name, gender, birth date, and address of Proposed Ward.
 - Correct name, former name, relationship, and address of Applicant – if other person to be appointed, this information as well.
 - Each party to include in their pleadings the party's last three numbers of social security if issued and driver's license if issued. CPRC §30.014
 - State facts as to why any alternatives are not feasible to avoid guardianship (e.g. there is a power of attorney in place, but Proposed Ward refuses to permit agent to serve).
 - State facts as to why supports and services considered are not feasible to avoid guardianship (e.g. services are in place but Proposed Ward refuses caregivers in the home).
 - Nature and degree of incapacity and specific areas of protection and assistance requested.
 - Limitation or termination of rights to be included in order; right to vote; hold license to operate motor vehicle; personal decisions regarding residence; right to marry; right to possess, carry or own firearm.
 - Name and address of any person or institution having care and custody of the Proposed Ward.

- Approximate value and detailed description of Proposed Ward's property: Liquid assets, including compensation, pension, insurance, or allowance and Non-liquid assets including real property.
- Name and address of person holding power of attorney(s), (medical, financial, limited).
- For minor: All persons listed under 1101.001.

- File **Proof of Personal Service of Citation** on Proposed Ward over the age of 12. §1051.103
Accepted by Clerk on _____ (date).
- File **Proof of Personal Service of Citation** (with notice of right to receive notice about ward) or Waiver of Process, Waiver of priority to Serve. §1051.103
 - Mother
 - Father
 - Conservator or person having control of the care and welfare of Proposed Ward
 - Spouse
 - Non-applicant person to be named guardian
Accepted by Clerk on _____ (date).
- File **Proof of Personal Process** (by registered or certified mail, return receipt requested, or by any other form of mail that provides proof of delivery) or Waiver of Process, Waiver to Serve, as applicable.
 - Adult children
 - Adult sibling
 - Administrator of nursing home or operator of residential facility
 - Power(s) of Attorney
 - Person designated to serve as guardian by written declaration
 - Other living relatives (as applicable see statutes). *Accepted by Clerk on _____ (date).*
- Citation returned.
- Motion and Order appointing Attorney ad litem.
- Answer of Attorney ad litem.
- Certificate of Medical Examination by a Texas licensed physician §1101.103 or if intellectual disability is basis Determination of Intellectual Disability completed on CME. §1101.104
- Resident Agent as applicable. *Accepted by Clerk on _____ (date).*
- JBCC registration and training completed.
 - Background check completed (fingerprints for liquid assets over \$50,000 or non-resident)
- Proof of Service. §1051.153 *Accepted by Clerk on _____ (date).*
- Affidavit of Notice. §1051.104 *Accepted by Clerk on _____ (date).*
- E-file Proposed Order for review and approval as separate lead document prior to requesting hearing date that includes proper title and language.
Accepted by Clerk on _____ (date).
 - E-file unsigned Oath (clearly stating appointment, for example Guardian of Person or Guardian of Estate or Co-Guardians) for review prior to requesting hearing date.
Accepted by Clerk on _____ (date).

Attorney Verification

I, _____ confirm that all required documents for the hearing I am requesting in Cause No. _____ **-PC-** _____ are correct and have been e-filed and accepted by the Bexar County Probate Clerk's office.

Signed: _____ Date: _____

Once Hearing is Set

Please email the court investigator, Francesca Cammack of your hearing confirmation. Her email is Francesca.Cammack@bexar.org.