Cause No. _____

Guardianship of: _____

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 uncontested cases)**:**
   - You must read these Court-Ordered Instructions and initial each of the 12 boxes in the margins indicating that you understand the italicized points made in the text to the right of each of the boxes.
   - 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. **Before you leave the Court after the hearing:**
   - 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

☐ *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 (Suite 120 at the Courthouse, or call 979-361-4128).*

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

✸✸✸ 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.

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 an Annual Report 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 answer each of the questions on the Report form, including information concerning the Ward's physical welfare, well-being, progress in education (if pertinent), and income. You also will note how many times you visited the Ward in person, and, when you sign the Report, you will declare under penalty of perjury that the Report is true and correct.*

   - *In your Annual Report, you must 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.*

   - *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.*

   - *If you receive Social Security benefits on the Ward's behalf, you must attach to your Annual Report 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.)*

     - You may complete and file your Annual Report without an attorney's assistance. Forms are available at the Court's office or on the Court's website, http://www.brazoscountytx.gov/index.aspx?nid=332.

   - Texas law requires a $25.00 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 the Ward regains competency (requires an application, hearing, and Court order);
   - when the Ward dies (attach a death certificate to the Final Report); or
   - when the Ward reaches 18 years of age, for guardianships based solely on minority.

Ongoing requirement for you as the Guardian of the Person

If the Ward receives any funds or property with a value over $2,000, other than government benefits, you must report receipt of the funds or property to the Court within 30 days. For example, you must report receipt of funds or property that the Ward acquires by inheritance, by gift, or from a lawsuit.

A Court Visitor may be appointed to visit the Ward to assess the Ward's physical condition and living conditions.

Change of address

☐ You must notify the Court of any change in the mailing address of either you or the Ward. 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?

☐ *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

☐ *The order appointing you as Guardian of the Person specifies whether you have been appointed as guardian of the person with limited authority or guardian of the person with full authority. Guardians of the person with limited authority have only those powers specifically set forth in the order appointing them. Under Texas law, a guardian of the person with full authority has the rights and duties set out below:*

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.

☐ 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.*

Cause No. _____

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 12 boxes in the margins of this document, I specifically affirm that I understand the italicized points made in the text to the right of each of the boxes.

_____ _____

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

STATE OF TEXAS)(
)(
COUNTY OF BRAZOS)(

This instrument was sworn or affirmed before me on _____

by _____.

_____

Notary Public, State of Texas

Notary's Name Printed:

_____

My commission expires _____