

Judge John C. Bullock

Young County Constitutional County Court

Young County Courthouse

516 Fourth Street, Room 108

Graham, Texas 76450

Telephone: (940) 549-2030

Telecopier: (940) 521-9482

Cause No. _____, Guardianship of _____

Guardian of the Person Only: Court Instructions

Thank you for accepting the 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 have been prepared as a *supplement* to the information given to you by your attorney and are not a substitute for legal advice.

1. **Before you leave the Court today**, you must:

- file your Oath;
- file your Initial Report on the Condition and Well-Being of the Ward;
- view a DVD on *Instructions for New Guardians*, unless you viewed the DVD before coming to court;
- sign two originals of these Court Instructions, keeping one signed original and filing the other with the Clerk's Office;

2. By law, your bond must be filed and approved within the 20 days of the date of the order granting letters of guardianship.)

Letters of Guardianship

Your authority to act on the Ward's behalf does not begin until you have taken and filed your oath and 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 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. To order letters of guardianship, you may contact the County Clerk's Office: 516 Fourth Street, Room 104,

Graham, Texas 76450, Telephone: (940/ 549-8432), Telecopier: (940/ 521-0305).

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 you qualified as a Guardian**, you must file your sworn or affirmed Annual Report. 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 not from guardianship funds.
2. 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 you will sign the report before a notary.
3. 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.
4. 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.
5. 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.)
6. You may complete and file your Annual Report without the assistance of an attorney. Report forms are available at the Court's office.
7. 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.
8. **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, dies, or 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 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.

Your Powers and Duties:

The order appointing you as Guardian of the Person should specify 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 following rights and duties:

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 inpatient 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.)

John C. Bullock, Presiding Judge
Young County Constitutional County Court
Young County, Texas

I, the Guardian of this person, attest that I have received the above document.

Guardian _____ Date: _____