

CAUSE NO. \_\_\_\_\_

## BEXAR COUNTY PROBATE COURT INSTRUCTIONS TO GUARDIAN OF THE PERSON

As a duly appointed Guardian of the Person, you are hereby advised by the court that you MUST perform the following: (All section references are to the Texas Estates Code, unless otherwise indicated)

**1. Qualify as Guardian:** Within 21 days from the day the judge signed the Order appointing you as Guardian of the Person you must (§1105.003):

- Take and file an oath of guardian (§1105.051),
- Obtain and file the required bond (§1105.101),
- Obtain Letters of Guardianship from the probate clerk's office and pay the fee which is currently \$2.00 per letter (1106.001).

### **2. Power of Guardian of the Person**

(§1151.051)

- The right to have physical possession of the ward and to establish the ward's legal domicile-(home).
- The power to consent to medical, psychiatric and surgical treatment (other than inpatient psychiatric treatment), including the right to make end of life decisions regarding withholding of life support, hydration and nutrition (§166.039 Texas Health and Safety Code). Power to consent to donation of organs of the ward at the time of the ward's death Texas Health and Safety Code
- Any other power specifically granted in the order appointing the guardian.

### **3. Duties of the Guardian of the Person**

- The duty of care, supervision and protection of the ward (§1151.051)
- The duty to provide the ward with clothing, food, medical care and shelter (§1151.051)
- The duty to file an annual report setting forth specific information regarding the condition of the ward from a medical and social standpoint. This report must be filed within 60 days of the anniversary date of the guardianship (the filing date of the bond and/or oath, whichever is later). This report includes a statement detailing any funds

received/expended on behalf of the ward or the ward's dependents regardless of the source of such funds (i.e. welfare, social security, etc.) (§1163.101)

- The duty to notify the court immediately of any address changes of the guardian or ward. Failure to do so is cause for removal of the guardian and cancellation of all Letters of Guardianship (§1203.051)
- The duty to notify the court immediately if the ward dies, or in the case of a minor, when the ward turns 18, and file a Final Report.
- The duty to notify the Court immediately if you or any other person or entity has been appointed conservator of the ward or if the ward has been adopted.
- The duty to pay all necessary premiums on the corporate surety bond.
- A Court Visitor will be assigned annually to assess the condition of the ward. Please cooperate with this person (§1054.102).

### **4. Expectations of Guardian of the Person**

- See that the ward is appropriately housed.
- Have frequent and meaningful personal visits with the ward.
- Make every effort to insure that the ward is receiving all available benefits for which he/she may be eligible or entitled.
- Obtain psychological, social services, training, educational, social and vocational opportunities for the ward as needed and appropriate.
- Authorize and arrange any needed medical, dental, ophthalmological and surgical treatment.

**5. Consult your attorney with any questions that you may have regarding this guardianship.**

**WARNING: Letters of Guardianship of the Person EXPIRE one year and four months after the date of issuance unless renewed (§1106.002). The clerk may not renew the letters until the guardian has filed the required annual report of condition and wellbeing of the ward (§1163.101).**

I acknowledge receipt of a copy of these court instructions.

\_\_\_\_\_  
Guardian's signature

\_\_\_\_\_  
printed name

\_\_\_\_\_  
date