

The following information is provided to Guardians once they have been approved by the Court:

Guardian of the Person: Court Instructions

Thank you for accepting appointment as the Guardian of the Person with full or limited authority to represent the interest of the Individual. 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. You must:

1. File your Oath;
2. File your Bond. (By law, the bond must be given and appointed within twenty (20) days of the date of the order granting letters of guardianship.)

Letters of Guardianship

Your authority to act on the Individual'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. The letters serve as evidence to third parties of your authority to act on the Individual's behalf. Letters of Guardianship expire one (1) year and four (4) 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 can call the clerk's office at (325) 659-6554.

Annual and Final Reports

*** Texas law requires you – as a Guardian of the Person – to file a report each year that covers a twelve (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 sixty (60) days after the reporting period ends.

1. **Each year within sixty (60) days of the anniversary of the date you qualified as 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.
 - In your Annual Report, you must answer each of the questions on the Report form, including information concerning the person's physical welfare, well-being, progress in education (if pertinent), and income. You also will note how many times you visited the individual in person, and you will sign the report before a notary.
 - You may complete and file your Annual Report without assistance of an attorney. If you have questions, call the County Clerk's office at 325-659-6554.

- 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 individual regains competency, dies, or reaches eighteen (18) years of age (for guardianships based solely on minority).

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 rights and duties set out below:

1. The right to have physical possession of the individual and to establish the individual's legal domicile;
2. The duty to provide care, supervision, and protection for the individual;
3. The duty to provide the individual with clothing, food, medical care, and shelter as completely as the individual's resources permits; and
4. The power to consent to medical, psychiatric, and surgical treatment other than the inpatient psychiatric commitment of the individual. (But the guardian of the person of an individual does have the power to transport the individual to an inpatient mental health facility for a preliminary examination in accordance with Subchapters A and C, Chapter 573, Health and Safety Code.)

REMEMBER: When there are co-guardians of the person BOTH need to file the oath, bond, and annual reports!

#1: Be the Individual's Advocate!

You are often required to speak on behalf of the individual. You should protect them by:

- **Meet the Individual's needs. Make all final decisions** for the individual in residential, medical, and other matters. (As Guardian, you **cannot** place the individual in an in-patient psychiatric hospital.) By statute, you have a duty to provide care, supervision, and protection for the individual and to provide them with clothing, food, medical care, and shelter as completely as the individual's resources permit.
- **Visit Regularly.** It is the Court's expectation that guardians visit the individuals *at least* once a month.
- **Bill of Rights.** As of September 1, 2016, Guardians are to know the Bill of Rights for a person monitored by a guardian. At least annually the guardian is to explain these rights to the individual.

#2 Submit an Annual Report*

- **The Annual Report is required by law.**
- Failure to file this report can result in your removal as Guardian.
- **Provide as many details as possible** using the form provided by the Court.
- **Complete report, get notarized, and mail to Tom Green County Clerk's Office.**
- 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.

Annually

#3 Cooperate with the Court Visitor

The Court's goal is to have a Court Visitor visit each individual **once a year** to assess the individual's physical condition & living conditions. The individual may be visited more or less frequently.

- **The Court Visitor will want to speak with the Guardian, too.**
- If you are unable to meet with the Court Visitor at the time of the Court visit, the Court Visitor will attempt to contact you by phone.

#4 Report Address Change

The Court needs the current address and phone number for both the individual and the guardian.

If the individual or the guardian moves, call the County Clerk's at 325-659-6554 to report the address change, or mail the information to the County Clerk.



#5 Submit Final Report*

A Final Report must be filed:

- **When the individual dies** (include a copy of the death certificate);
- **When a minor turns 18 years old;**
- If the Court accepts your **resignation as Guardian.**
- **Complete report, get notarized, and mail to Tom Green County Clerk's Office**

*You may complete and file your Annual or Final Report without the assistance of an attorney. Forms for your Annual or Final Reports of the Person are available on The Arc of San Angelo's website or at the Court Clerk's office.