

Glossary of Terms

The terms and laws related to guardianship vary by state. Some common terms used are guardianship, conservatorship, and curatorship. We have chosen to use the most commonly used term, “guardianship”. The glossary below offers general descriptions of terms frequently encountered in guardianship cases. In making guardianship determinations, it should be the aim of the court to impose the least restrictive alternative so the individual can maintain as much independence as their physical or mental condition will allow.

Abuse – may be either physical or verbal. Physical abuse includes physical assault, confinement, molestation, torture, or sexual abuse. Verbal (emotional) abuse includes threats, humiliation, insults, or intimidation.

Actual Charge – is the amount a physician or supplier actually bills a patient for a particular medical service or supply. This may differ from the customary, prevailing and/or reasonable charges under Medicare.

Adult Foster Care – is a community-based service offering 24 hour supportive care in a private residence to aged and disabled adults who do not require daily nursing care.

Adult Protective Services – is a branch of the Texas Department of Human Services responsible for investigating reports of abuse, neglect, and exploitation of elder or disabled adults as enacted in Human Resource Code Chapter 48.

Affect – is a pattern of observable behaviors that is the expression of a subjectively experienced feeling state (emotion). Common examples of affect are sadness, elation, and anger. In contrast to mood, which refers to a more pervasive and sustained emotional “climate,” affect refers to more fluctuating changes in emotional “weather.” Disturbances in affect include:

- **Blunted:** Significant reduction in the intensity of emotional expression
- **Flat:** Absence or near absence of any signs of affective expressions
- **Inappropriate:** Discordance between affective expression and the content of speech or ideation
- **Labile:** Abnormal variability in affect with repeated, rapid, and abrupt shifts in affective expression
- **Restricted or Constricted:** Mild reduction in the range and intensity of emotional expression

Agent – is one who has permission to act.

Agitation – is the excessive motor activity associated with a feeling of inner tension. The activity is usually nonproductive and repetitious and consists of such behavior as pacing, fidgeting, wringing of the hands, pulling of clothes, and inability to sit still.

Alogia – is an impoverishment in thinking that is inferred from observing speech and language behavior. There may be brief and concrete replies to questions and restriction in the amount of spontaneous speech (poverty of speech). Sometimes the speech is adequate in amount but conveys little information because it is over concrete, over abstract, repetitive, or stereotyped (poverty of content).

Ambulatory – is being able to walk without assistance.

Amnesia – is the loss of memory. Types of amnesia include:

- Anterograde: Loss of memory of events that occur after the onset of the etiological condition or agent
- Retrograde: Loss of memory of events that occurred before the onset of the etiological condition or agent

Anti-Psychotic Medication – as described in Rogers V. Okin, 478 F. Supp. 134, 1360 (D. Mass. 1979), “anti-psychotic medications are chemical agents used to manage and treat serious mental illness. They are also referred to as neuroleptic drugs and psychotropic drugs (and include Thorazine, Mellaril, Prolixin, and Haldol). In general the drugs influence chemical transmissions to the brain, affecting both activatory and inhibitory functions. Because the drugs’ purpose is to reduce the level of psychotic thinking, it is virtually undisputed that they are mind-altering. There are also a variety of neurological side effects of anti-psychotic drugs, known as extra-pyramidal effects.”

Anxiety – is the apprehensive anticipation of future danger or misfortune accompanied by a feeling of dysphoria or somatic symptoms of tension. The focus of anticipated danger may be internal or external.

Aphasia – is a disorder of language; unable to express oneself properly.

Area Agencies on Aging (AAA) – are local agencies which grant or contract with public and private organizations to provide services for older persons within their area.

Artificial Life-Support Systems – are the replacement for natural vital functions, such as breathing, feeding, and drinking; by medical interventions.

Assignment – is a process through which a doctor or supplier agrees to accept the Medicare program’s payment as payment in full except for specific coinsurance and deductible amounts required of the patient.

Ataxia – is the partial or complete loss of coordination of voluntary muscular movement.

At-Home Spouse – is the noninstitutionalized spouse of an institutionalized Medicaid applicant or recipient.

Attention – is the ability to focus in a sustained manner on a particular stimulus or activity. A disturbance in attention may be manifested by easy distractibility or difficulty in finishing tasks or in concentrating on work.

Attorney Ad Litem – is a lawyer appointed by the court to represent the potential “ward” during the guardianship proceeding. This attorney serves as a disinterested person for an objective investigation.

Bedsore (decubitus ulcer) – a sore or ulcer caused by lack of blood circulating to some area of the body. This condition usually results from sitting or lying too long in one position.

Bond – is an insurance policy required by the court in an amount set by the judge to cover the assets of the estate.

Catalepsy – is waxy flexibility. It’s the rigid maintenance of a body posture over an extended period of time.

Cataplexy – is episodes of sudden bilateral loss of muscle tone resulting in the individual collapsing, often in association with intense emotions such as laughter, anger, fear, or surprise.

Catatonic Behavior – is the marked motor abnormalities including motoric immobility (catalepsy or stupor), certain types of excessive motor activity (apparently purposeless agitation not influenced by external stimuli), extreme negativism (apparent motiveless resistance to instruction or attempts to be moved) or mutism, posturing or stereotyped movements, and echolalia or echopraxia.

Civil Commitment – was, historically the involuntary placement of a mentally ill or developmentally disabled person in a hospital or other large facility for protection and/or treatment. Currently, the term is more descriptive of one's loss of liberty to a state authority, which may result in hospitalization, but may also mean placement in a group home or even out-patient status conditional upon following some course of treatment.

Coinsurance – is a cost-sharing requirement which provides that a beneficiary of a provider acting on behalf of a beneficiary will assume a portion or percentage of the cost of covered services.

Contested – is opposition of the guardianship itself or the particular person who is petitioning to act as guardian by notifying the court and appearing at a hearing. This can be done by the individual, relatives, and other interested parties who are when an application for guardianship is filed.

Continent – is the ability to control the passage of urine or feces. This is the opposite of being incontinent.

Custodial Care – are services which give assistance with personal needs such as bathing, walking, dressing, etc., and are provided by persons without professional skills or training.

CVA – Cerebral Vascular Accident (stroke).

Delusion – is a false belief based on incorrect inference about external reality that is firmly sustained despite what almost everyone else believes and despite what constitutes incontrovertible and obvious proof or evidence to the contrary. The belief is not one ordinarily accepted by other members of the person's culture or subculture (it is not an article of religious faith). When a false belief involves a value judgment, it is regarded as a delusion only when the judgment is so extreme as to defy credibility...it is often difficult to distinguish between a delusion and an overvalued idea (in which case the individual has an unreasonable belief or idea but does not hold it as firmly as is the case with a delusion). Delusions are subdivided according to their content. Some of the more common types are listed below:

- Bizarre: A delusion that involves a phenomenon that the person's culture would regard as totally implausible
- Delusional Jealousy: The delusion that one's sexual partner is unfaithful
- Erotomantic: A delusion that another person, usually of higher status, is in love with the individual
- Grandiose: A delusion of inflated worth, power, knowledge, identity, or special relationship to a deity or famous person
- Of Being Controlled: A delusion in which feelings, impulses, thoughts, or actions are experienced as being under the control of some external force rather than being under one's own control

- Of Reference: A delusion whose theme is that events, objects, or other persons in one's immediate environment have a particular and unusual significance. These delusions are usually of a negative or pejorative nature, but also may be grandiose in content
- Persecutory: A delusion in which the central theme is that one (or someone to whom one is close) is being attacked, harassed, cheated, persecuted, or conspired against
- Somatic: A delusion whose main content pertains to the appearance or functioning of one's body
- Thought Broadcasting: The delusion that one's thoughts are being broadcast out loud so that they can be perceived by others
- Thought Insertion: The delusion that certain of one's thoughts are not one's own but rather are inserted into one's mind

Depersonalization – is an alteration in the perception or experience of the self so that one feels detached from, and as if one is an outside observer of, one's mental processes or body.

Derailment (Loosening of Associations) – is a pattern of speech in which a person's ideas slip off one track onto another that is completely unrelated or only obliquely related. This disturbance occurs between clauses, in contrast to incoherence, in which the disturbance is within clauses.

Derealization – is an alteration in the perception or experience of the external world so that it seems strange or unreal (people may seem unfamiliar or mechanical).

Director of Nursing (DON) – is a registered nurse (RN) or Licensed Vocational Nurse (LVN) who oversees the nursing department, including nursing supervisors, other licensed nurses, nurse's aides and orderlies. The Director of nurses writes and executes procedures and policies for nursing practice. Consultations with patients' families, physicians, committees, and community groups are important aspects of the job. The Director of Nurses is responsible for quality and safety in patient care.

Disorientation – is the confusion about the time of day, date, or season (time), where one is (place), or who one is (person).

Dissociation – is a disruption in the usually integrated functions of consciousness, memory, identity, or perception of the environment. The disturbance may be sudden or gradual, transient, or chronic.

Distractibility – The inability to maintain attention, that is, the shifting from one area or topic to another with minimal provocation, or attention being drawn too frequently to unimportant or irrelevant external stimuli.

D.N.R. – or Do-Not-Resuscitate orders are also known as no codes. D.N.R's are orders to forego CPR when patients will receive no net benefit from the emergency procedures.

Durable Medical Equipment (DME) – is equipment used in the treatment of health conditions and impairments, such as oxygen and wheelchairs.

Durable Power of Attorney – is a document which when executed authorizes another person to act as agent. This document continues in effect upon the onset of incapacity of the principal.

Durable Power of Attorney for Health-care Decisions – is a durable power of attorney by which the principal may designate an agent to make health-care decisions after the principal has become incapacitated.

Dysarthria – is the imperfect articulation of speech due to disturbance or muscular control.

Dyskinesia – is the distortion of voluntary movements with involuntary muscular activity.

Dyssomnia – is the primary disorders of sleep or wakefulness characterized by insomnia or hypersomnia as the major presenting symptom. Dyssomnias are disorders of the amount, quality, or timing of sleep.

Dystonia – is the disordered tonicity of muscles.

Echolalia – is the pathological, parrot-like, and apparently senseless repetition (echoing) of a word or phrase just spoken by another person.

Echopraxia – is a repetition by imitation of the movements of another. The action is not a willed or voluntary one and has a semiautomatic and uncontrollable quality.

Emergency Response System – is an electronic alarm attached to the phone to alert relatives, friends, or authorities when client is having a medical emergency.

Estate – donates the real and personal property a person owns.

Exploitation – is the illegal or improper use of the victim's money, property, or other resources.

Fiduciary – is a person or entity to which property management or other responsibility is entrusted. It may be a trust company or a bank having trust powers.

Flashback – is a recurrence of a memory, feeling, or perceptual experience from the past.

Flight of Ideas – is a nearly continuous flow of accelerated speech with abrupt changes from topic to topic that usually based on understandable associations, distracting stimuli, or plays on words. When severe, speech may be disorganized and incoherent.

Geri-Chair – is a wheelchair which cannot be self-propelled.

Grandiosity – is an inflated appraisal of one's worth, power, knowledge, importance, or identity. When extreme, grandiosity may be of delusional proportions.

Guardian – is a person who is appointed by the probate court to protect the property and/or person of one who does not have the capacity to protect his or her own interests.

Guardian Ad Litem – is a disinterested person who is appointed by the court on behalf of the individual to represent the individual's best interest.

Guardian of the Estate – is the person who is appointed by the probate court to protect the property and/or person of one who does not have the capacity to protect his/her own interests.

Guardian of the Person – is a person who is responsible for and who advocates for the health, well-being, and personal needs of the "ward".

Guardian of the Person and Estate – is a person who acts on both capacities for a "ward".

Guardianship – is a court supervised procedure where the court gives one person the legal authority to make personal or financial decisions for a person who can no longer make such decisions for themselves.

Hallucination – is a sensory perception that has the compelling sense of reality of a true perception but that occurs without external stimulation of the relevant sensory organ. Hallucinations should be distinguished from illusions, in which an actual external stimulus is misperceived or misinterpreted. The person may or may not have insight into that fact he or she is having a hallucination. The term hallucination is not ordinarily applied to the false perception that occurs during dreaming, while falling asleep (hypnagogic), or when awakening (hypnopompic). Transient hallucinatory experiences may occur in people without a mental disorder. Types of hallucinations include:

- Auditory: A hallucination involving the perception of sound, most commonly of voices
- Gustatory: A hallucination involving the perception of taste (usually unpleasant)
- Olfactory: A hallucination involving the perception of odor, such as burning rubber or decaying fish
- Somatic: A hallucination involving the perception of a physical experience localized within the body (such as feeling of electricity)
- Tactile: A hallucination involving the perception of being touched or something being under one's skin. The most common tactile hallucinations are the sensation of electric shocks and formication (the sensation of something creeping or crawling on or under the skin)
- Visual: A hallucination involving sight, which may consist of formed images, such as people, or of unformed images, such as flashes of light

Health Care Financing Administration (HCFA) – is the bureau of the U.S. Department of Health and Human Services which handles the administration of the Medicare program.

Homemaker-Home Health Aide Services – include personal assistance and homemaking services provided in the home to sick or disabled persons who cannot perform basic tasks for themselves. Services provided include shopping, meal preparation, light housekeeping, assistance with personal care, administering oral medications under supervision, and reporting patient progress to the home health nurse.

Hospice – is a program operated by a public agency or private organization which engages primarily in providing pain relief, symptom management, and supportive services for terminally ill people and their families.

Hypersomnia – is the excessive sleepiness, as evidenced by prolonged nocturnal sleep, difficulty maintaining an alert awake state during the day, or undesired daytime sleep episodes.

Ideas of Reference – is a feeling that casual incidents and external events have a particular and unusual meaning that is specific to the person.

Illusion – is a misperception or misinterpretation of a real external stimulus, such as hearing the rustling of leaves as the sound of vices.

Incapacitated Person – is an adult who, because of a physical or mental condition, is substantially unable to provide food, clothing, or shelter for himself/herself, to care for the individual's own physical health, or to manage the individual's own financial affairs.

Incoherence – is speech or thinking that is essentially incomprehensible to others because words or phrases are joined together without a logical or meaningful connection. The disturbance occurs within clauses, in contrast to derailment, in which the disturbance is between clauses... The term is generally not applied when there is evidence that the disturbance in speech is due to aphasia.

Insomnia – is a subjective complaint of difficulty falling or staying asleep or poor sleep quality.

Types of Insomnia Include:

- Initial Insomnia: Difficulty in falling asleep
- Middle Insomnia: Awakening in the middle of the night followed by eventually falling back to sleep, but with difficulty.
- Terminal Insomnia: Awakening before one's usual waking time and being unable to return to sleep.

Intermediate Nursing Care – is institutional care that is less intensive in its nursing service than Skilled Nursing Care, but more intensive than custodial care. A nursing home that provides this level of care is known as an Intermediate Care Facility (ICF).

Irrevocable Trust – is when the person creating a trust transfers title of the trust proceeds to the trustee and reserves no right to cancel, alter, or abolish the trust.

Least Restrictive Alternative – refers to when an individual has diminished capacity to make decisions, some measure of substituted decision making is required. That substituted decision-making, whether public or private, should intrude upon personal autonomy only to the extent necessitated by the person's actual impairments and the decisions actually required. The goal should be to preserve, as much as possible, the person's ability to decide.

Letters of Guardianship – is an official letter issued by the County Clerk's office which is written evidence of the appointment and authority of the guardian to act for the "ward".

Level of Care – is a medical determination of degree of severity of patient's condition and is used to determine eligibility for the state Medicaid program. (The other is income eligibility.) Before Medicaid will pay part of a client's nursing home bill, he or she must obtain a "level of care" by having a physician submit information to the Department of Health for review.

Licensed Vocational Nurse (LVN) – is one who has completed one year in a school of nursing or vocational training school. LVN's give medications and perform treatments. They are licensed by the state in which they work.

Life Care Arrangement – is a contract between a resident and a nursing home in which the resident assigns to the home all his/her personal assets in return for a guaranteed lifetime of care (also called life care contracts).

Lifetime Reserve Days – are sixty days of hospitalization which are covered by Medicare and can be used at the option of a beneficiary if he or she needs more than 90 days of hospitalization coverage in any benefit period. Each of the 60 days of coverage can only be used once in a person's lifetime; the days are not renewable in each benefit period.

Limited Guardianship – is designed to encourage independence, and is tailored to the extent necessitated by actual mental or physical limitations. The court will specify powers, limitations, and duties for each individual's case. The individual retains all legal and civil rights and powers except those granted to the guardian by court order.

Living Will – is the document which states the individual's views about artificial life-support decisions. It is also known as the declaration. It must be executed with whatever formalities are established by the applicable state statute. All states require the individual be in a terminal condition before the declaration becomes effective.

Magical Thinking – is the erroneous belief that one’s thoughts, words, or actions will cause or prevent a specific outcome in some way that defies commonly understood laws of cause and effect. Magical thinking may be part of normal child development.

Medicaid – is a federal and state financed assistance program designed to provide medical services for certain categories of needy or low-income people. The federal government provides up to 75 percent of the funds. Medicaid pays for care in both skilled and intermediate care facilities; however, there are medical and financial eligibility requirements. Medicaid will also help pay for doctor’s care, medicine, nursing home care, hospital costs, glasses, hearing aids, family planning, and other needed services.

Medicare – is a federal health program for individuals 65 or older and certain disabled individuals. Medicare consists of two parts: hospital insurance and medical insurance. Hospital insurance can help pay for inpatient hospital care, inpatient care in a skill nursing facility, home health care, and hospice care. Medical insurance can help pay for medically-necessary doctor’s services, services and supplies that are not covered by the hospital insurance part of Medicare. Medical insurance can also pay for home health services. Medicare will help pay for many health care expenses, but not all. Advance knowledge of what expenses Medicare does not cover is important.

Medication Aide – is a person who has successfully completed the state-approved course in medication administration and has current certification status.

Mood – is a pervasive and sustained emotion that colors the perception of the world. Common examples of mood include depression, elation, anger, and anxiety. In contrast to affect, which refers to more fluctuating changes in emotional “weather,” mood refers to a more pervasive and sustained emotional “climate.” Types of mood include:

- Dysphoric: An unpleasant mood, such as sadness, anxiety, or irritability
- Elevated: An exaggerated feeling of well-being, or euphoria, or elation
- Euthymic: Mood in the “normal” range, which implies the absence of depressed or elevated mood
- Expansive: Act of restraint in expressing one’s feelings, frequently with an overvaluation of one’s significance or importance
- Irritable: Easily annoyed and provoked to anger

Neglect – is any situation in which the victim suffers an impaired quality of life because of the absence of minimal services or resources to meet basic needs. A caregiver may be willfully withholding resources necessary for daily living or the victim may be unable to obtain vital goods and services.

N.G. Tube – is a nasal gastric tube, which is a tube passed through the nose to the stomach for gastric feeding.

Notary Public – is a public official authorized to accept oaths affirming the contents of documents are freely made and accurately recorded.

NPO – is an abbreviation for the Latin term meaning nothing by mouth.

Nurse’s Aide – is an employee of the nursing home usually responsible for personal care of the residents (assisting with bathing, feeding, eating, walking, turning in bed, etc.). They work under the supervision of an RN or LVN. Generally, no experience is required. They are sometimes called Nursing Assistants, Orderlies, or simply Aides.

Oath – is a sworn statement made by the guardian in writing in which he/she swears to fulfill his/her obligations.

Occupational Therapist – is a person trained to help the patient improve his/her condition by carrying out a specific activity under supervision. The term occupational therapy is often used synonymously with activities therapy, since this also involves developing or renewing fine motor skills through specifically prescribed activities.

Ombudsman – is an independent, unbiased advocate for the nursing home residents who has been trained and certified by the Texas Department of Health and the Texas Department of Aging. Ombudsmen assist in resolving quality of life concerns with nursing home residents and their families. They are trained in how to work with nursing home staff, the Department of Human Services, and the State Health Department.

Overvalued Idea – is an unreasonable and sustained belief that is maintained with less than delusional intensity (the person is able to acknowledge the possibility that the belief may not be true). The belief is not one that is ordinarily accepted by other members of the person's culture or subculture.

Panic Attacks – is discrete periods of sudden onset of intense apprehension, fearfulness, or terror, often associated with feelings of impending doom. During these attacks there are symptoms such as shortness of breath or smothering sensations, palpitations, pounding heart, or accelerated heart rate; chest pain or discomfort; choking; and fear of going crazy or losing control.

Paranoid Ideation – is the ideation, of less than delusional proportions, involving suspiciousness or the belief that one is being harassed persecuted, or unfairly treated.

Parasomnia – is the abnormal behavior or physiological events occurring during sleep or sleep-wake transitions.

Participating Physician Or Supplier – is a physician or supplier who agrees to accept assignment on all Medicare claims.

Patient Trust Fund – is an account established in a nursing home to serve as the depository for the patient's monthly income, above that which is required for care, the funds from which are used for personal items, medications not covered by Medicaid, or other insurance. It is audited by the Health Department

Payee – is a person who receives and disburses the ward's Social Security Income or SSI outside of the jurisdiction of the court.

Peer Review Organizations – are groups of practicing doctors and other health care professionals under contract to the federal government to review the care provided to Medicare patients.

Permanent Guardianship – is of permanent duration and is established after a full hearing. A person is judged incapacitated and a guardianship is established providing for the care of the individual or total management of their estate, or both. The individual loses substantial rights to self-determination, and in many states, may no longer vote, marry, make a will, sign a contract, or choose their own residence. The guardianship continues until either the court enters an order to terminate the guardianship or the individual dies.

Personal Care – is care that involves help with eating, dressing, walking and other personal needs, but with very little or no nursing supervision. The terms "custodial care", "domiciliary

personal care although personal care strictly defined may imply a somewhat higher level of service.

Phobia – is a persistent, irrational fear of a specific object, activity, or situation (the phobic stimulus) that results in a compelling desire to avoid it.

Physical Therapist – is a person trained to retain or restore functioning in the gross muscles of the arms, legs, hands, feet, back and neck through movement exercises or treatments.

Plenary (Full) Guardianship – is of permanent duration and is established after a full hearing. A person is judged incapacitated and a guardianship is established providing for the care of the person. The person loses substantial rights to self-determination and may no longer vote, marry, make substantial medical decisions, manage more than nominal amounts of money, make a will, sign a contract, or choose their own residence. The guardianship continues until either the court enters an order to modify the guardianship, close the guardianship, or the person dies.

Power Of Attorney – is a written document by which one person (“the principal”) authorizes another (the attorney-in fact”) to act on his/her behalf in one or more matters. The wording will determine whether it is a general power of attorney or limited to a specific act, such as selling a house. It may have a time limit and will expire when the principal is declared incompetent unless there is specific language providing otherwise. Appointment of guardian terminates the power of attorney. Since an attorney-in-fact is not accountable to the court, great care should be taken to protect against abuse.

Pressured Speech – is when a person’s speech is increased in amount, accelerated, and difficult or impossible to interrupt. Usually it is also loud and emphatic. Frequently the person talks without any social stimulation and may continue to talk even though no one is listening.

Principal – is the person from whom an agent’s authority is derived.

Probable Cause – is a reasonable ground for supposing that an allegation is well founded.

Probate – relates to a matter or proceeding involving a guardianship or an estate of a decedent.

Prospective Payment System – is a process started in 1983 under which hospitals are paid fixed amounts based on the principal diagnoses for each Medicare hospital stay.

Psychotic – is the narrowest definition of psychotic is restricted to delusions or prominent hallucinations, with the hallucinations occurring in the absence of insight into their pathological nature. A slightly less restrictive definition would also include prominent hallucinations that the individual realizes are hallucinatory experiences. Broader still is a definition that also includes other positive symptoms of Schizophrenia (disorganized speech, grossly disorganized or catatonic behavior).

Qualified Medicare – Beneficiary (QMB) is a Texas Department of Human Services program to pay certain Medicare costs such as premiums and deductibles for clients who are enabled in Medicare Part A and meet income and resource guidelines.

Reasonable Charges – are amounts approved by the Medicare carrier which will be either the customary charge, the prevailing charge, or the actual charge, whichever is the lowest.

Registered Nurse (RN) – is a graduate nurse who has completed a minimum of two years of education at an accredited school of nursing. RN’s are licensed by the state in which they work.

Representative Payee – is an arrangement by which a governmental agency may appoint a substitute person to receive federal funds on behalf of a recipient who, by reason of physical or mental disability, is unable to manage the funds. Agencies which use this arrangement include the Social Security Administration, Veterans Administration, and the Railroad Retirement Board.

Residual Phase – is the phase of an illness that occurs after remission of the florid symptoms or the full syndrome.

Respite Care – is an array of services provided in the client's home environment; or in a congregate, residential setting to persons who need supervision. Services are offered on a temporary basis while the primary care giver is unavailable. Services include meals and supervised supported services, which may include health maintenance, social/recreational activities, and transportation.

Restoration – is when the court finds the person's capacity to make and communicate decisions has improved sufficiently such that a guardianship may no longer be necessary. A hearing may be required to make this determination. This situation most commonly arises when the individual has an illness or injury from which they recover after a period of time.

Revocable Trust – is a trust in which the person creating the trust retains the power to cancel, alter, or change the terms.

Right Of Survivorship – is what happens when joint tenant dies. Joint tenants hold a whole, undivided interest in the property. Upon the death of a co-tenant, the survivor continues to hold his undivided interest as before, and that interest survives the death of the co-tenant.

Show Cause Hearing – is the procedure the judge uses to require the guardian and/or caregiver to appear before the court to explain whatever situation needs to be explained and corrected.

Sign – is an objective manifestation of a pathological condition. Signs are observed by the examiner rather than reported by the affected individual.

Skilled Nursing Care – (in home) refers to one of the conditions that must be met in order for Medicare to pay for home health visit. Medicare did not provide general household services. Client must be confined to the home. The doctor must determine the need and set up a plan and the home health agency must be participating in Medicare.

Surrogate – is one appointed to act in place of another.

Suspension – is what may happen to a guardian, by the court, if he or she fails to perform duties properly, including adequate and timely reports to the court about care of the individual and/or the estate.

Symptom – is a subjective manifestation of a pathological condition. Symptoms are reported by the affected individual rather than observed by the examiner.

Temporary Guardianship – is limited in duration and is usually sought when the individual is in imminent danger or if the individual has a "temporary" need (e.g., consent to medical treatment or surgery, change of residence, or temporary vesting of parental rights). Often a temporary guardianship is granted immediately, with provision for a hearing within a matter of days. Temporary guardianships typically expire at the end of 30 - 180 days.

Texas Department Of Protective And Regulatory Services – is the state agency charged with administering Adult Protective Services and other social service programs.

Tic – is an involuntary, sudden, rapid, recurrent, nonrhythmic, stereotyped motor movement or vocalization.

Trust – is a legal method used to manage and distribute property without guardianship.

Ward – is the legal term used by the courts for a person who has been found to have some measure of incapacity to care for himself/herself or to manage his/her own property or financial affairs, and thus is in need of a guardian.