

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 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 903-408-4130.

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 you 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 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 Individual'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.
 - You may complete and file your Annual Report without assistance of an attorney. If you have questions, call the County Clerk's office at 903-408-4130.
 - Texas law requires a \$12.00 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 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 the 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 in-patient psychiatric commitment of the Individual. (But the guardian of the person of an Individual does have the power to transport the Individual to an in-patient mental health facility for a preliminary examination in accordance with Subchapters A and C, Chapter 573, Health and Safety Code.)

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

If you need any more space for your answers on reports, please use additional page(s).