

CAUSE NO. _____

IN THE GUARDIANSHIP
OF

§ IN THE COUNTY COURT
§
§ AT LAW NO. 2 OF
§
§ HUNT COUNTY, TEXAS

ORDER APPOINTING GUARDIAN AD LITEM

Pursuant to Tex. Est. Code §§ 1102 (Court Initiated)

On this day, the Court finds that it has probable cause to believe that _____, hereinafter referred to as the Proposed Ward, is domiciled or found in this county and may be an incapacitated person who does not have a guardian in this State.

IT IS THEREFORE ORDERED that pursuant to Section 1102.001 of the Texas Estates Code _____, an attorney licensed to practice in the State of Texas, is appointed Guardian Ad Litem to investigate the Proposed Ward’s conditions and circumstances to determine:

1. Whether the Proposed Ward is an incapacitated person, and
2. Whether a guardianship of the person and/or estate is necessary.

IT IS FURTHER ORDERED that the Guardian Ad Litem, at the conclusion of his investigation, shall, as expeditiously as possible:

1. File an application for the appointment of a guardian of the person, estate, or both person and estate and set the matter for hearing;

OR

2. File a written report with the Court stating:
 - (a) a guardianship is not recommended,
 - (b) the reasons why a guardianship is not recommended, and
 - (c) set the matter for hearing.

IT IS FURTHER ORDERED that the Guardian Ad Litem shall: (1) provide a copy of this Order and the Information Letter filed under Section 1102.003 of the Texas Estates Code to the Proposed Ward, and (2) discuss the contents of this Order and the Letter with the Proposed Ward at the initial meeting.

IT IS FURTHER ORDERED that the Proposed Ward has the right to petition the Court to have the Guardian Ad Litem’s appointment herein set aside pursuant to Section 1102.001(b)(1).

IT IS FURTHER ORDERED, pursuant to Section 1054.152(3) of the Texas Estates Code and pursuant to 45 CFR 164.512(e)(1)(i), the Health Insurance Portability and Accountability Act (HIPAA) and covered entity presented with this Order shall give the above-appointed Guardian Ad Litem complete and immediate access to and copies of the Proposed Ward’s protected health information including, but not limited to, medical records, psychological records, intellectual testing records, educational records,

social service records, and community agency records and further authorizes the Assistant Court Investigator to discuss the Proposed Ward's medical or psychological condition with any medical or health care personnel.

IT IS FURTHER ORDERED that pursuant to Section 1054.152(3) of the Texas Estates Code, the Guardian Ad Litem shall be given complete and immediate access to and copies of the financial records of the Proposed Ward, including, but not limited to, records of all bank accounts, investment accounts, retirement and employee benefit accounts, and credit and debt records.

IT IS FURTHER ORDERED this matter is set for a hearing to review the status of the Guardian Ad Litem's investigation on:

_____ at _____ am pm

SIGNED ON _____.

JUDGE PRESIDING