

**PROBATE COURT NO. TWO
TARRANT COUNTY, TEXAS
JUDGE BROOKE ALLEN**

GUARDIANSHIP APPLICATION CHECKLIST

Applications for the appointment of permanent guardian must comply with Texas Estates Code § 1101.

- Proper style (In the Matter of the Guardianship of Jane Doe, an Alleged Incapacitated Person/Minor)
- Court jurisdiction and venue facts
- Proposed ward's name, sex, and date of birth
- Proposed ward's address for service
- Proposed guardian's name, relationship to proposed ward, and address
- Whether guardianship of the person and/or estate is desired
- Whether alternatives to guardianship were considered, including:
 - Medical Power of Attorney
 - Durable Power of Attorney
 - Declaration for Mental Health Treatment
 - Representative Payee
 - Joint Bank Account
 - Management Trust
 - Special Needs Trust
 - Designation of Guardian
 - Alternative forms of decision-making (Supported Decision-Making Agreement)
- Whether supports and services were considered, including resources and assistance to:
 - Meet food, clothing, and shelter needs
 - Care for physical and mental health
 - Manage financial affairs
 - Make decision regarding residence, voting, driving, and marriage
- Whether alternatives to guardianship and supports and services were feasible and would avoid the need for guardianship
- Nature and degree of alleged incapacity
- Specific areas of protection and assistance requested
- Limitation or termination of rights requested, including:
 - Right to vote
 - Right to drive
 - Right to decide residence
 - Other rights might include the right to marry, make gifts, enter into contract, possess firearms, etc.
- Facts requiring appointment of guardian
- Applicant's interest in the appointment of a guardian

- Whether guardianship exists in another state (nature and description)
- Name and address of person or institution having care and custody of proposed ward
- Approximate value of proposed ward's property
- Description of proposed ward's property (compensation, pension, insurance, allowances, SSI, etc.)
- Description of any power of attorney signed by proposed ward, including name and address of stated agent
- Name of proposed ward's spouse and spouse's address or that the spouse is deceased
- Name of proposed ward's parents and parents' address or that the parent is deceased
- Name and age of proposed ward's siblings and siblings' address or that the sibling is deceased
- Name and age of proposed ward's children and child's address or that the child is deceased
- If there is no living spouse, parent, adult sibling, or adult child, then the names and addresses of the proposed ward's living relatives within the third degree of consanguinity (grandparent, grandchild, great-grandparent, great-grandchild, aunt, uncle, nephew, and niece)
- If proposed guardian is a private professional guardian, state requirements under Government Code, Subchapter C, Chapter 155, and Subchapter G, Chapter 1104
- Applicant must submit a Physician's Certificate of Medical Examination signed by a physician licensed in Texas, dated not earlier than 120 days of the date of the application, pursuant to TEC §1101.103
- If the proposed ward's alleged incapacity is solely based on an intellectual disability, the applicant must submit a Determination of Mental Retardation signed by a psychologist licensed in Texas, pursuant to TEC §1101.104

If the proposed ward is a minor:

- Whether the minor was subject of a legal or conservatorship proceeding in the preceding two (2) years, stating the court involved, nature of proceeding, and any final disposition

Necessary hearing documents:

- Proposed Order
- Oath
- Proof of Facts
- Personal Surety Bond for Guardian of the Person
- Corporate Surety Bond for Guardian of the Estate

Please note: The Court must find by clear and convincing evidence that alternatives to guardianship and supports and services, to avoid the need for guardianship, have been considered and are not feasible. TEC § 1101.101

After citation has been issued, an attorney ad litem and a court visitor will be appointed. The Court will notify the applicant attorney of the hearing date and the names of attorney ad litem and court visitor.

Jeff Arnier, Court Investigator
(817) 884-3395 • jcarnier@tarrantcounty.com