

Estate Planning: Powers of Attorney & Guardianship Research Guide

Overview

This research guide provides information and resources on estate planning in the state of Texas. This list is not exhaustive. It includes information about powers of attorney, living wills, Do-Not-Resuscitate Orders (DNRs), guardianship, and anatomical gifts.

Statutes & Codes

Texas Statutes www.statutes.capitol.texas.gov

- Estates Code
 - Title 2. Estates of Decedents; Durable Powers of Attorney – Subtitle P: Durable Powers of Attorney
 - Title 3. Guardianship and Related Procedures

Secondary Resources in Print

Texas Estate Planning KFT 1340 .R4 2015

Davis's Texas Estate Planning Forms KFT 1340 .A65 D39 2019

Wills Road Map: Practical Considerations in Will Drafting KFT 1344 .A95 2017

Texas Probate System KFT 1342 .S7

Online Resources

General Estate Planning

- End of Life Documents (article with links to resources)
<https://assets.recenter.tamu.edu/documents/articles/2044.pdf>

- Texas State Law Library – Wills and Directives Research Guide
<https://guides.sll.texas.gov/wills-and-directives>

Powers of Attorney

- Sample forms for Power of Attorney <https://www.tarrantcounty.com/en/law-library/forms.html>. The list is in alphabetical order. Scroll down to the letter “P” to find Power of Attorney.
- Texas State Law Library Research Guide <https://guides.sll.texas.gov/powers-of-attorney/general-information>
- Texas Health and Human Services Statutory Durable Power of Attorney <https://hhs.texas.gov/laws-regulations/forms/miscellaneous/sdpoa-statutory-durable-power-attorney>
- Medical Power of Attorney (texaslawhelp.org) <https://texaslawhelp.org/checklist/instructions-and-forms-complete-medical-power-attorney>
- Durable Power of Attorney (Dallas Bar Association) <https://texaslawhelp.org/form/statutory-durable-power-attorney-dallas-bar-association>
- Powers of Attorney: Information and Answers <https://texaslawhelp.org/article/powers-attorney-information-and-answers>
- Powers of Attorney – Fact Sheet <https://texaslawhelp.org/article/powers-attorney-fact-sheet>
- Medical Power of Attorney: Information and Answers to Common Questions <https://texaslawhelp.org/article/medical-power-attorney-information-and-answers-common-questions>

- I Want to Allow Another Person to Make Medical Decisions for Me (Medical Power of Attorney)

<https://www.texaslawhelp.org/guide/i-want-to-allow-another-person-to-make-medical-decisions-for-me-medical-power-of-attorney>

CLE Materials

Advanced Estate Planning and Probate KFT 1340.A75S7

- 2020 Ch. 1 – Case Law Update
- 2019 Ch. 6: Planning Ideas for the Era of Uncertainty (4 separate articles in 1 chapter)
- 2019 Ch. 9: Bankruptcy for Estate Planners: What You Need to Know, or at Least Be Aware of
- 2019 Ch. 11: Recent Development in Estate Planning
- 2019 Ch. 20: Income Tax Issues in Estate Planning
- 2016 Ch. 17: Estate Planning for the “Terminally Ill” Client a Checklist for the Estate Planning Advisor
- 2016 Ch. 14: Defenses to a Will Contest
- 2016 Ch. 15: Will Reformations and Will Constructions
- 2016 Ch. 20: Practical Difficulties in Estate Planning and Administration with Private Foundations
- 2014 Ch. 1: Morals from the Courthouse: A Study of Recent Texas Cases Impacting the Wills, Probate, and Trust Practice
- 2014 Ch. 6: Estate Planning with Foundations
- 2014 Ch. 18: Portability in the New Age of Estate Planning
- 2014 Ch. 27: The Tedder Case and Its Impact on the Post-Death Administration of the Deceased Spouse’s Estate
- 2014 Ch. 29: Estate Planning for Beneficiaries Who May Need Long-Term Care

21st Annual Building Blocks of Wills, Estates, and Probate Course KFT 1340 .S7B8

- Ch. 1.2 – Estate Planning – The Process (229 pgs.)
- Ch. 1.3 – Basic Estate Planning (61 pgs.)

- Ch. 4 – Probate Procedures and Alternatives 2019 (83 pgs.)
- Ch. 5 – The Estate Administration Guide

Guardianship

Advanced Estate Planning and Probate KFT 1340.A75S7

- 2019 Ch. 4: The Latest in Guardianship Law – 2019
- 2016 Ch. 2: How the 2015 Legislative Changes Are Affecting Your Guardianship Practice by Craig Hopper and Lisa H. Jamieson
- 2016 Ch. 27: Elder Abuse and the Criminal Aspects of Estates, Guardianships, and Mental Commitments by Hon. Claudia L. Laird and Darlene Payne Smith
- 2014 Ch. 13: The Client is Incapacitated – What Do You Do Next by Lauren Davis Hunt
- 2014 Ch. 14: Texas Probate Judges Survey by Laura Upchurch & Wendy Yates
- 2014 Ch. 35: Capacity: Do You Know What Floor the Elevator is on for Execution of Documents? By Hon. Georgia Akers, Section V. Subsection A – Declaration of Appointment of Guardian, p. 10
- 2013 Ch. 14: Realistic Solutions to Complex Guardianship by Catherine Goodman & Jeannine C. Flynn

Advanced Civil Appellate Practice KFT 1755.A75S7

- 2018 Ch. 3: Supreme Court of Texas Update, Section XXV. Probate: Wills, Trusts, Estates, & Guardianships, Subsection A: Guardianships, p. 60.

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)