



GUARDIANSHIP QUESTIONNAIRE

BACKGROUND: In a guardianship hearing, we are asking the Court to determine two things. First, that the person who is having difficulties (called the “**Proposed Ward**” before the final hearing) is “incapacitated,” as that term is defined in the Texas Estates Code, and that they therefore need a guardian. The second is that the person who is willing to take care of the Proposed Ward (called the “**Applicant**” before the final hearing) is the most appropriate person to be responsible for the Proposed Ward, either their physical welfare, financial affairs, or both.

A guardianship takes someone who would otherwise have adult legal status and puts them in the legal standing of a young teenager. Meaning, that person has the right to make day-to-day decisions (to the extent they can), be informed about what’s going on, and have their wishes considered, and similar rights. However (in a total guardianship), he or she does not have key adult rights, such as voting, deciding to get married or divorced, operating a motor vehicle, deciding where to live, entering into contracts, etc. Because these are such important rights being taken away, the Texas Courts are very careful to be sure that all other options have been considered and, if possible, used to care for the Proposed Ward, before granting a guardianship.

Before you put down legal fees for a guardianship, we recommend that you take the following training course (this course is required for any guardian to complete before the guardianship hearing can be held, so keep a copy of your certificate of completion to be given to the Court if you do continue with a guardianship):

<https://guardianship-txcourts.talentlms.com/catalog/info/id:144>

BE AWARE: Once you start a guardianship proceeding by filing an application for guardianship, you are putting yourself under the authority of the County Court. The Court can require you to pay for the attorney ad litem, any guardian ad litem, and other fees that are not under your control. You will be required to comply with the Court’s orders.

Please answer all questions in this questionnaire as fully as possible. If you don’t know the answer, see if you can find it and discuss with us if that information is necessary to continue. Print clearly, especially when writing names and addresses. If you need more room for any question, you can write on the back of the page or attach an additional sheet.

PERSONAL INFORMATION OF APPLICANT

Your full name: _____

Your address: _____

Your telephone number: _____

Your e-mail (if e-mail is an ok way for you to receive information and documents, if not, leave blank): _____

Your relationship to Proposed Ward: _____

Last 3 digits of your social security number: _____

Last 3 digits of your driver's license number: _____

Please attach a copy of your driver's license with this questionnaire.

What type of guardianship are you considering? ☐ Health and personal welfare (i.e. Person)
☐ handling financial matters (i.e. Estate) ☐ Both

Are there any lawsuits between you and the Proposed Ward, anything in your past (such as a felony conviction) or anything else that you think may cause problems for you being appointed as the Proposed Ward's guardian? If so, please discuss with us. **PLEASE BE AWARE THAT YOU WILL BE REQUIRED TO UNDERGO A BACKGROUND CHECK BEFORE THE GUARDIANSHIP HEARING CAN BE HELD.**

PERSONAL INFORMATION OF PROPOSED WARD

Full name of Proposed Ward: _____

Address of Proposed Ward (if different from yours): _____

Date of birth of Proposed Ward: _____

Last 3 digits of Proposed Ward's social security number: _____

Last 3 digits of Proposed Ward's driver's license number: _____

Full names, date of birth, and addresses of Proposed Ward's children: _____

Did Proposed Ward have any children who have already passed away? ☐ Yes ☐ No

(If "Yes", please list their names and the date of death): _____

Full names, date of birth, and addresses of Proposed Ward's siblings (if no longer living, include date of death instead of address): _____

Full names, date of birth, and address(es) of Proposed Ward's parents (if no longer living, include date of death instead of address): _____

Is the Proposed Ward currently under any kind of guardianship? ☐ Yes ☐ No

(If "Yes", please describe): _____

Is anyone currently acting under a Power of Attorney signed by Proposed Ward? ☐ Yes ☐ No

(If "Yes", please describe): _____

Did Proposed Ward ever choose a guardian in advance in writing? ☐ Yes ☐ No

(If "Yes", please describe): _____

INFORMATION ABOUT PROPOSED WARD'S CONDITION: Please provide the information you know about the Proposed Ward's mental and physical condition as of right now. Don't worry if you don't have precise medical terms. You will be getting a doctor to complete a Physician's Certificate, which will include all the official terminology that the Court will need.

What is the Proposed Ward's current diagnosis: _____

How long ago did the Proposed Ward see the doctor who made this diagnosis: _____

What kinds of problems have you observed that caused you to worry about the Proposed Ward:

What kinds of things have you tried before discussing guardianship? (i.e, paying his or her bills, joint checking account, home health assistance, power of attorney, etc. _____

We will give you, at or about the time you receive this questionnaire, a Physician's Certificate for the Proposed Ward's doctor to fill out about his or her medical condition and to be filed with the Court. The person filling out that Certificate must be a medical doctor (not a nurse or physician's assistant) and must have see the Proposed Ward within the last 6 months. If the doctor is not willing to complete a Certificate stating that the Proposed Ward needs a guardianship, contact us to consider other alternatives. The Court will not appoint a guardian for someone without a Physician's Certificate stating that the guardianship is necessary.

ANNUAL REPORTING: Please be aware that, if you are appointed as Guardian of the Person for the Proposed Ward, you will need to file annual reports that keep the Court informed as to the Proposed Ward's residence, name of his or her doctor, dentist, and other medical professionals. You will need to summarize how many times you have seen the Proposed Ward during the past year and if their condition has remained stable, gotten better, or deteriorated. You will not be able to receive updated Letters of Guardianship until this annual report is filed and approved by the Court. Usually, the judge just reviews the electronically filed report and no hearing is required; however, there is a chance a hearing will be required if there is a contest or other unusual activity related to the annual report.

**If you are only applying to be Guardian of the Person,
you may skip this section of the questionnaire.**

INFORMATION ABOUT PROPOSED WARD'S ESTATE. Please fill out as much information as you know about the Proposed Ward's property if you are applying to be Guardian of the Estate. We know that some guardians have already taken over much of the Proposed Ward's finances for years and others have very little information before the guardianship.

With the information you currently have, what would you estimate the value of the Proposed Ward's assets to be? \$ _____

What types of property does the Proposed Ward have (cross off any that do not apply): compensation, wages, salary, pension, insurance, allowance, real estate, mineral interests, household furnishings, vehicles, bank accounts, personal effects, and other (please describe): _____

What is the value of Proposed Ward's "liquid" assets (i.e., cash, bank accounts, etc., rather than real property)? _____

How much is the Proposed Ward's monthly income from all sources (i.e., disability, pension, Social Security, etc.)? _____

This information will be used to determine the amount of the bond the Guardian of the Estate must obtain, as well as what type of background check the Applicant must go through before the hearing. (A more formal background check is required for proposed wards with liquid estates of more than \$50,000.)

INVENTORY AND ANNUAL REPORTING: Please be aware that, if you are appointed as Guardian of the Estate for the Proposed Ward, you will need to file an inventory within 90 days of when you become guardian. This inventory will list the details of the types of property the Proposed Ward has (i.e., legal descriptions of property, VIN of vehicles, etc.) and their value on the date the guardianship started. This will be the starting snapshot of the Proposed Ward's financial situation from the time you took over as Guardian of the Estate.

You will also need to file annual reports that keep the Court informed as to changes in the Proposed Ward's financial situation from the original Inventory or the past year's annual report. These annual reports will show what money has come in (pension, Social Security, etc.), what money has gone out (medicine, lodging, utilities, groceries, etc.), and any other financial changes (i.e., selling a property so the money can be used for the Proposed Ward's care. You will not be able to receive updated Letters of Guardianship until this annual report is filed and approved by the Court. Usually, the judge just reviews the electronically filed report and no hearing is required; however, there is a chance a hearing will be required if there is a contest or other unusual activity related to the annual report.