

7. That the Bill of Rights has been provided to and discussed to the greatest extent possible with the Ward;
8. Alternatives to guardianship and available supports and services to avoid guardianship were considered by this Court and were discussed with the Ward by the Attorney ad Litem. No alternatives to guardianship or supports and services are available to the Ward or are feasible to avoid the need for a guardianship. Further, that other than supports and services which might be provided to the Ward by the Ward's family, there are no supports and services available to the Ward in El Paso County, Texas;
9. That the Guardian be granted the full powers allowed under the Texas Estates Code. *(If a limited guardianship is sought, list only those powers which are appropriate and indicate those specific powers or duties of the guardian that should be limited if the Proposed Ward does not receive supports and services and those that should be limited if the Proposed Ward does receive supports and services. **This may require the attorney for the applicant and the attorney ad litem to confer prior to the hearing.** Supports and services is not defined in the Texas Estates Code. Hopefully you will know it when you see it. Good luck!*
10. Applicant requests the rights of the Ward be fully limited. IN addition, the Applicant herein seeks to take away the following rights of the Ward: 1) to vote in a public election; 2) to hold or obtain a license to operate a motor vehicle; 3) to marry; 4)to make personal decisions regarding residence. *(If a limited guardianship is sought, limit only those rights which are appropriate. If the Ward's right to drive is being removed, provide the Ward's driver's license number to the court clerk and proved the redacted number here.)*

This Court also makes the following findings of fact by **clear and convincing evidence**:

1. That _____ is an incapacitated person because of a mental condition as defined by Section 1002.017 of the Texas Estates Code and the Ward does not have the mental capacity to operate a motor vehicle; to vote in a public election or to determine his/her own residence;
2. The Ward's incapacity is evidenced by recurring acts or occurrences within the preceding six (6) month period and not by isolated instances of negligence or bad judgment;
3. That it is in the best interest of the Ward to have the Court appoint a Permanent guardian of Ward's Person and Estate; and
4. That the rights of the Ward and his property will be protected by the appointment of a Permanent Guardian of Ward's Person and Estate.

5. That alternatives to guardianship that would avoid the need for guardianship have been considered and determined not to be feasible; and
6. Supports and services available to the Ward that would avoid the need for guardianship have been considered and determined not to be feasible.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that:

A. _____, ("Guardian") is hereby appointed as Permanent Guardian of the Person/Estate of _____. The Guardian of the Estate is hereby granted full authority over the assets of Mr./Mrs./Ms. _____ with all powers to act on Mr./Mrs. _____'s behalf as provided below:

1. To possess and manage the his/her properties, including all bank accounts, securities accounts, annuities, and other investments, and to have possession and management of his/her home, personal possessions, and any other property owned by him/her.
2. To have total access to all of his/her records regarding past, present and future transactions, his/her attorney-in-fact with respect to any property belonging to him/her, including, but not limited to, all bank accounts, securities accounts, annuities, and other investments;
3. To take possession of his/her cash on hand or on deposit, and his/her accounts at financial institutions and to open new accounts and to be the authorized signatory on such accounts and to close accounts;
4. To collect his/her debts, or other claims due;
5. To pay, compromise, or defend his/her claims, subject to court approval;
6. To represent him/her in any legal action, subject to court approval;
7. To contract and to incur other obligations on his/her behalf and to renew and extend any obligations, subject to court approval;
8. To collect and give receipt for any of his/her monies, dividends, interest, trust proceeds, and any and all other types of income payable to or receivable by him/her;
9. To apply for and to receive funds from governmental sources for him/her, including:

Pension and retirement benefits
Social Security
Medicare
Supplemental Security Income Benefits (SSI)
HUD Section 8 Rent Subsidies
Veteran's benefits

10. To apply for and to consent to governmental services on his/her behalf including:
 - Vocational Rehabilitation Programs
 - Medicaid Services
 - Food Stamps
 - Veteran's benefits
 11. To apply for and to secure insurance on his/her behalf for his/her person and property;
 12. To file federal income tax returns, or claim refunds on his/her behalf and to pay his/her federal, state and local taxes;
 13. To review, to take possession of and to consent to the disclosure of his/her legal, financial or other confidential books, documents or other records, including the power to enter into his/her safe deposit box and to remove part or all of the contents thereof (with prior approval of the Court);
 14. To pay for his/her housing and living needs;
 15. To employ and to discharge from employment attorneys, accountants, appraisers and other persons necessary in the administration his/her person and estate;
 16. To employ and to discharge from employment nurses, sitters, caregivers, tutors, therapists and other persons engaged to assist him/her; and
 17. To do such other and further acts concerning the his/her property and interests as the Court may from time to time direct by express authorization through written order of the Court.
- B. Further, the Guardian of the Person is granted the following powers:
1. The power and authority to take charge of his/her person, subject to the terms and conditions of this Order and Texas Estates Code;
 2. To review, to take possession of and to consent to the disclosure of his/her medical and dental records;
 3. To apply for, arrange for, and consent to any and all psychological, psychiatric or medical examinations, tests or evaluations for him/her;
 4. To consent to or object to his/her medical and dental treatment, including surgery;
 5. To apply for, to consent to, and to enroll him/her in an appropriate care setting as reasonably required and needed;
 6. To make application for, to consent to, and to enroll him/her in private and public residential care facilities;

7. To control access of third parties to him/her consistent with this Order and the Texas Estates Code;
8. To hire and discharge doctors, psychiatrists, nurses, nurses aids, caretakers, and other health care and personal care providers for his/her benefit;
10. The power and authority to affirm or revoke the advanced directive previously executed by him/her as may be in his/her best interest, and to communicate that affirmation or revocation to his/her treating physicians;
11. To give permission and sign releases for the inspection and dissemination of confidential legal, medical, financial and other information and records to third parties;
12. To apply for and secure an identification card, social security card or other identification documents for him/her;
- 13 To control the delivery and receipt of his/her mail; and
14. The power and authority to do such other and further acts concerning him/her as the Court may from time to time direct by express authorization through written order of the Court.

*(If a limited guardianship is more appropriate, the following language should be used: _____ is hereby appointed Guardian fo the Person and Estate of the Ward and is hereby granted **limited** authority over the Ward with the following powers to act on the Ward's behalf as authorized under the Texas Estates Code: List appropriate powers from the list set out above. Then add the following two paragraphs:*

The following powers or duties of the Guardian shall be limited if the Ward does not receive supports and services: List appropriate powers from above list.

The following powers or duties of the Guardian shall be limited if the Ward does receive supports and services: List appropriate powers from above list.

C. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Ward is totally without capacity to make decisions and the following rights of Ward are hereby removed, with the Court having considered the availability of supports and services:

() THE RIGHT TO VOTE IN A PUBLIC ELECTION

() THE RIGHT TO OBTAIN A LICENSE TO OPERATE A MOTOR VEHICLE UNDER CHAPTER 521 OF THE TEXAS TRANSPORTATION CODE

() THE RIGHT TO MARRY

- () THE RIGHT TO TRAVEL
- () THE RIGHT TO MAKE ANY GIFTS OF REAL OR PERSONAL
PROPERTY
- () THE RIGHT TO EXECUTE A DIRECTIVE TO
PHYSICIANS/LIVING WILL
- () THE RIGHT TO EXECUTE A POWER OF ATTORNEY
- () THE RIGHT TO EXECUTE A LAST WILL AND TESTAMENT
- () THE RIGHT TO EXECUTE ANY AND ALL LEGAL DOCUMENTS,
INCLUDING BUT NOT LIMITED TO POWERS OF ATTORNEY OR CONTRACTS AND
- () THE RIGHT TO DETERMINE MAKE PERSONAL DECISIONS
REGARDING RESIDENCE
- () THE RIGHT TO EXECUTE A SUPPORTED DECISION MAKING
AGREEMENT

- D. The Guardian appointed is hereby ordered to swear and subscribe to an oath that she/he will faithfully discharge the duties of Guardian of the Person and Estate of the Ward.
- E. The Guardian shall give good and adequate surety bond as Guardian of the Person and Estate in the amount of \$_____.
- F. Upon the filing of the Guardian's Oath and approval of the Guardian's Bond as required herein, the Court shall issue Letters of Guardianship of the Person and Estate to the Guardian; and
- G. That _____ shall be discharged as attorney ad litem for the Ward.
- H. That Guardian of the Person shall discuss the Bill of Rights with the Ward in his/her native language, or preferred mode of communication, and in a manner accessible to him/her each year and note said discussion in the Annual Report of Well-being.
- I. That the Guardian of the Estate shall file an Inventory and thereafter an Accounting each year.
- J. That the Guardian of the Person shall comply with Section 1151.056 of the Texas Estates Code regarding the Guardian of the Peron's duty to inform relatives about the Ward's health and residence.
- G. The Guardian of the Person shall inform the Ward's relatives (who are required to be notified on initial guardianship application under Texas Estates Code §1101.001(b)(13)(A)-(D) as soon as practicable if:

1. He/she dies (including funeral arrangements & final resting place)
2. He/she is admitted to a medical facility for acute care for a period of three days or more
3. His/her residence has changed; or
4. He/she is staying at a location other than his/her residence for a period exceeding one calendar week

H. A petition for adjudication that a guardianship is no longer needed by the Ward may not be filed within a period of one (1) year from the date of the signing of this order without special leave of the Court. **OR** The Physician's Certificate of Medical Examination submitted in this case has stated that improvement in the Ward's physical condition or mental functioning is possible and has specified a period of less than a year after which the Ward should be reevaluated to determine continued necessity for the guardianship. The Guardian of the Person is hereby ordered to submit to the Court an updated Physician's Certificate of Medical Examination by _____, 20__.

JUDGE PRESIDING

APPROVED AS TO FORM:

 _____,
 Attorney for _____

 _____,
 Attorney Ad Litem for _____

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE RIGHT OF A GUARDIAN OF THE PERSON OF A WARD TO HAVE PHYSICAL POSSESSION OF THE WARD OR TO ESTABLISH THE WARD'S LEGAL DOMICILE AS SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CIVIL OR OTHER CLAIM REGARDING THE OFFICER'S GOOD

FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THIS ORDER THAT RELATE TO THE ABOVE MENTIONED RIGHTS OF THE COURT APPOINTED GUARDIAN OF THE PERSON OF THE WARD. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.00.