

Guardianship of Person Research Guide

Overview

This research guide includes information and resources on guardianship of the person. A guardianship is “the fiduciary relationship between a guardian and a ward or other incapacitated person, whereby the guardian assumes the power to make decisions about the ward’s person or property.” (*Black’s Law Dictionary*, 11th ed.) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Related guides: Guardianship of the Estate, Elder Law, Mental Health Warrants

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Estates Code

- Title 3. Guardianship and Related Procedures
Chs. 1001-1357
[https://statutes.capitol.texas.gov/](https://statutes.capitol.texas.gov/https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1001.htm)
 - Ch. 1001 Purpose and Construction
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1001.htm>
 - Ch. 1051 Notices and Process in Guardianship Proceedings in General
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1051.htm>
 - Ch. 1101 Creation of Guardianship
General Procedure to Appoint Guardian
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1101.htm>
 - §1151.351 Bill of Rights of Wards
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.1151.htm#1151.351>

- §1151.351 (en Español)
<https://www.txcourts.gov/media/1441684/bill-of-rights-guardianship-texas-code-spanish.pdf>

Code of Ethics and Minimum Standards

<https://www.txcourts.gov/media/1455557/code-of-ethics-minimum-standards-2022.pdf>

Texas Government Code

- Ch. 155 Duties Respecting Guardianship
<https://statutes.capitol.texas.gov/Docs/GV/htm/GV.155.htm>

Secondary Resources in Print

Texas Guardianship Manual REF KFT 1306 .T49

- Ch. 3 Alternatives to Guardianship and Preguardianship Planning
- Ch. 4 Creating Guardianship
- Ch. 11 Guardianship Management Trusts (“1301 Trusts”)

Texas Estate Planning REF KFT 1340 .R4

- Ch. 4 Ancillary Documents – III. Guardianship

Texas Probate, Estate and Trust Administration REF KFT 1344 .T465

- Vol. 4, Chs. 70-71 Guardianship

Texas Practice Series: Texas Methods of Practice REF KFT 1280 .T4

- Vol. 11, §10:10 Types of real estate deed forms—Deeds by administrators, guardians, trustees and sheriffs
- Vol. 11A, Ch. 23 Guardianship

Texas Transaction Guide REF KFT 1268 .K45

- Vol. 8, Ch. 44A Guardianship Provisions

Texas Estate Planning REF KFT 1340 .T49

- Vol. 1, Ch. 16 Guardianships
 - §16.08[2] Guardians of Person (Rights, Duties, Powers)

West's Texas Forms REF KFT 1268 .W47

- Vol. 12A, Chs. 47-55 Guardianship
- Vol. 12B, Chs. 56-77 Guardianship (cont.)
 - Vol. 12B, §58:12 Annual report of guardian of the person
 - Vol. 12B, §60:17 Application to resign—Guardian of the person
 - Vol. 12B, Ch. 61 General Duties and Powers

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 24, Ch. 410 Appointment of Guardians
 - §410.08[3][b] Bond of Guardian of the Person

CLE Materials

Advanced Guardianship Law KFT 1306 .A75S7

- 2019-2021 (in PDF format)
- 2018 and older (in print)

Advanced Estate Planning and Probate KFT 1340 .A75S7

- 2020 Ch. 31 Planning for Beneficiaries with Disabilities
- 2019 Ch. 4: The Latest in Guardianship Law
- 2018 Ch. 20: What's the Meaning of All This? "Supports and Services" and Alternatives to Guardianship
- 2016 Ch. 2: How the 2015 Legislative Changes Are Affecting Your Guardianship Practice
- 2016 Ch. 27: Elder Abuse and the Criminal Aspects of Estates, Guardianships, and Mental Commitments
- 2014 Ch. 13: The Client is Incapacitated – What Do You Do Next
- 2014 Ch. 14: Texas Probate Judges Survey
- 2014 Ch. 35: Capacity: Do You Know What Floor the Elevator is on for Execution of Documents?- Section V. Subsection A – Declaration of Appointment of Guardian, p. 10
- 2013 Ch. 14: Realistic Solutions to Complex Guardianship

Handling Your First (or Next) Guardianship Case KFT 1306 .A75 H36

- 2015 Ch. 2 Levels of Incapacity

Fiduciary Litigation KFT 1337 .A75 F54

- 2021 Ch. 14 What Do You Mean I Can't Do That?!?!? A Field Guide to Removal of Fiduciaries in Trust, Estate, and Guardianship Litigation

Online Resources

Guardianship (TSLL)

<https://guides.sll.texas.gov/guardianship>

Changing Your Guardianship without a Lawyer (Disability Rights Texas)

<https://www.disabilityrightstx.org/en/publication/how-to-change-your-guardianship-without-a-lawyer/>

Finding the Right Fit: Decision-Making Supports and Guardianship (NCSC) <https://ejl.courtllms.org/>

Guardianship (Office of Texas Governor)

<https://gov.texas.gov/organization/disabilities/guardianship>

Guardianship Programs (Texas Judicial Branch)

<https://www.txcourts.gov/jbcc/guardianship-programs/>

Guardianship Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP) (Texas Judicial Branch)

<https://www.txcourts.gov/programs-services/guardianship-abuse-fraud-and-exploitation-deterrence-program-gafedp/>

Guardianship (Texas Dept. of Health and Human Services)

<https://www.hhs.texas.gov/regulations/legal-information/guardianship>

A Guide to Texas Guardianship (Health and Human Services)

<https://www.hhs.texas.gov/sites/default/files/documents/laws-regulations/legal-information/guardianship/pub395-guardianship.pdf>

Legal Guardianship for Young Adults with Disabilities
<https://www.navigatelifetexas.org/en/transition-to-adulthood/legal-guardianship-for-young-adults-with-disabilities>

Protecting the Incapacitated: A Guide to Guardianship in Texas from Application to Oath (TYLA)
<https://tyla.org/resource/protecting-the-incapacitated-a-guide-to-guardianship-in-texas-from-application-to-oath>

Texas Guardianship Association
<https://www.texasguardianship.org/>

Guardianship (Texas Law Help)
<https://texaslawhelp.org/article/guardianship>

Guardianship Guide (Texas Law Help)
<https://texaslawhelp.org/article/guardianship-guide>

I am Looking for an Alternative to Guardianship (Texas Law Help) <https://texaslawhelp.org/guide/i-am-looking-for-an-alternative-to-guardianship>

Guardianship Alternatives (Texas Council for Developmental Disabilities)
<https://tcdd.texas.gov/resources/guardianship-alternatives/>

Guardianship (Texas Health and Human Services)
<https://www.hhs.texas.gov/regulations/legal-information/guardianship>

Applying for Guardianship (Attorney Blog)
<https://www.coorpenderramirezlaw.com/articles/applying-for-guardianship-of-an-adult-in-texas/>

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)

