

BEXAR COUNTY PROBATE COURT NO. 3

Judge Barbie Scharf-Zeldes
Bexar County Courthouse
100 Dolorosa, Ste. 1.20
San Antonio, Texas 78205



CHECKLIST FOR APPOINTMENT OF GUARDIAN

Procedure: **Once the checklist is fully completed**, the applicant's attorney will contact the Court's paralegal to review and approve after the documents have been e-filed. Upon approval, the attorney may set this matter for hearing with the Court Coordinator.

A FIAT is required. Please use the template on the Probate Court 3 website or a proposed FIAT will be given to you by the Court's Court Coordinator after a date has been selected. The case will be re-reviewed by a staff attorney after it has been set for hearing. If there are concerns with the case, the staff attorney will make every effort to contact the filing attorney in a timely fashion, but if the issue is not resolved prior to the hearing, the case will have to be re-set.

Please cross through actions that do not apply

If you have questions regarding citations, return of service, or JBCC completion of background checks, please contact the Bexar County Probate Clerk's office at (210) 335-2241 for further assistance.

Case Number _____ Estate of _____

Checklist for Appointment of Guardian

- All attorneys must complete and register their 4 hr. ad litem training with the Texas State Bar prior to filing a guardianship application. *Texas Estates Code §1054.201.*
- Title of Application must reflect what you are requesting, e.g. *Application to Appoint Guardian of Person Only* or *Application to Appoint Guardian of the Estate Only* or *Application to Appoint Guardian of the Person and Estate with Limited Authority.*
- Sworn Application meets all the requirements of *Texas Estates Code §1101.001*, including but not limited to:
 - Correct name, sex, birth date, and address of Proposed Ward.
 - Correct name, former name, relationship, and address of Applicant. If there is a co-applicant to be appointed, this information should be provided as well.
 - Each party to include in their pleadings the party's last three numbers of social security if issued and driver's license if issued. *Tex. Civ. Prac. & Rem. Code §30.014.*
 - State whether alternatives to guardianship and available supports and services to avoid guardianship were considered.
 - State whether any alternatives to guardianship and supports and services available to the Proposed Ward are feasible and would avoid the need for guardianship.

- Nature and degree of the alleged incapacity and specific areas of protection and assistance requested.
 - If you intend to limit or terminate rights, specify them in the application and your order must match the rights being terminated.
 - Name and address of any person or institution having care and custody of the Proposed Ward.
 - Approximate value and detailed description of Proposed Ward's property: Liquid assets, including compensation, pension, insurance, or allowance and Non-liquid assets including real property.
 - Name and address of person holding power of attorney(s), (medical, financial, limited).
 - For minor: All persons listed under *Texas Estates Code §1101.001*.
- If the Applicant resides outside of the State of Texas, the applicant must designate a Resident Agent. *Tex. Est. Code §1104.357*.
 - Email the affidavit pursuant to *Texas Estates Code §1101.003* to the Staff Attorneys and the Court Investigator.
 - Personally Serve Citation on Proposed Ward over the age of 12. (*Tex. Est. Code §1051.103*) Please confirm that a return is in the e-filed documents stating that Proposed Ward was successfully served.
 - File Affidavit of Notice by Applicant pursuant to *Texas Estates Code §1051.104*.
 - File Proof of Service (*Tex. Est. Code §1051.153*).
 - Citation returned.
 - Motion and Order appointing Attorney ad Litem. You can contact the Court's Court Coordinator for a status if an AAL has been appointed should you inquire or need a copy of the signed order appointing AAL.
 - Answer of Attorney ad Litem.
 - Health Care Provider's Certificate of Medical Examination (HPCME) pursuant to *Texas Estates Code §1101.103*.
 - Proposed Ward notified that communication with health care provider was not privileged.
 - The HPCME is dated no earlier than the 120th date before the date the application is filed, or if there is an intellectual disability, dated no earlier than 24 months before the hearing date (*Tex. Est. Code §1101.104*).
 - JBCC registration and training completed and the JBCC Certificate e-filed into the case.
 - Background check completed and submitted to the probate clerk's office (fingerprints for liquid assets over \$50,000 or non-resident) – Contact the Probate Clerk's office if you have questions about this or need a status update to ensure that this was received by them. Once they receive the background check or fingerprints then they will deliver it to our staff attorneys for a review and to document in their records that it has been received by the Court.
 - Report of Court Investigator. Please be in touch with the Court Investigator to allow for a visit with the proposed ward and the filing of a report. The report must be in the file before a review & hearing can be set on the case.

- E-file Proposed Order for review and approval as separate lead document prior to requesting hearing date that includes proper title and language. The order should be reviewed by the AAL prior to e-filing. It is the court's preference that both attorneys sign on the "Approved As To Form" section to ensure that the diligence of review on the order has been completed. If this is a Guardian of the Person, the firearms language must be included in the order.
- E-file unsigned Oath (clearly stating appointment, for example Guardian of Person or Guardian of Estate or Co-Guardians of the Person and/or Estate) for review prior to requesting hearing date.
- Attorney has provided their client with the Court Instructions pertaining to their application, as well as any applicable guides. Attorney to provide firearms report to Court Clerk after appointment. (Forms are located on the PC3 Website).

Attorney Verification

*I, _____ confirm that all required documents for the hearing I am requesting in Cause No. **-PC3-**_____ are correct and have been e-filed and accepted by the Bexar County Probate Clerk's office.*

Signed: _____ Date: _____