

Information or instructions: Temporary guardianships

PREVIEW

1. The court has the power to order either a temporary or a permanent guardianship. A temporary guardianship may be obtained if the court is presented with substantial evidence that a minor or incapacitated person or the estate requires the immediate appointment of a guardian. Section 875 of the Texas Probate Code details the requirements for obtaining a temporary guardianship.

2. Texas Probate Code references to Temporary Guardianships:

§ 875 Texas Probate Code Temporary Guardian - Procedure

(a) If a court is presented with substantial evidence that a person may be a minor or other incapacitated person, and the court has probable cause to believe that the person or person's estate, or both, requires the immediate appointment of a guardian, the court shall appoint a temporary guardian with limited powers as the circumstances of the case require.

(b) A person for whom a temporary guardian has been appointed may not be presumed to be incapacitated. The person retains all rights and powers that are not specifically granted to the person's temporary guardian by court order.

(c) A sworn, written application for the appointment of a temporary guardian may be filed before the court appoints a temporary guardian. The application must be filed not later than the end of the next business day of the court after the date of appointment of the temporary guardian. The application must state:

- THIS DOCUMENT**
- (1) the name and address of the person who is the subject of the guardianship proceeding;
 - (2) the danger to the person or property alleged to be imminent;
 - (3) the type of appointment and the particular protection and assistance being requested;
 - (4) the facts and reasons supporting the allegations and requests;
 - (5) the name, address, and qualification of the proposed temporary guardian;
 - (6) the name, address, and interest of the applicant; and
 - (7) if applicable, that the proposed temporary guardian is a private professional guardian who has complied with the requirements of Section 697 of this code.

(d) At the earliest of the filing of an application for temporary guardianship or the appointment of a temporary guardian, the court shall appoint an attorney to represent the proposed ward in all guardianship proceedings in which independent counsel has not been retained by or on behalf of the proposed ward.

LegalFormsForTexas.Com

THANK YOU

(e) On the filing of an application for temporary guardianship, the clerk shall issue notice that shall be served on the respondent and the respondent's appointed attorney. The notice must describe the rights of the parties and the date, time, place, purpose, and possible consequences of a hearing on the application. A copy of the application and, if applicable, a copy of the order appointing the temporary guardian must be attached to the notice.

(f)(1) A hearing shall be held not later than the 10th day after the date of the filing of the application for temporary guardianship unless the hearing date is extended as provided by Subdivision (2) of this subsection. At a hearing under this section, the respondent has the right to:

(A) receive prior notice;

(B) have representation by counsel;

(C) be present;

(D) present evidence and confront and cross-examine witnesses; and

(E) a closed hearing if requested by the respondent or the respondent's attorney.

(2) Every temporary guardianship granted before a hearing on the application required by Subdivision (1) of this subsection expires on its own terms at the conclusion of the hearing unless the respondent or the respondent's attorney consents that the order appointing the temporary guardian may be extended for a longer period not to exceed 60 days after the date of the filing of the application for temporary guardianship.

(3) Every temporary guardianship granted before a hearing on the application required by Subdivision (1) of this subsection shall be set for hearing at the earliest possible date and takes precedence over all matters except older matters of the same character.

(4) Every temporary guardianship granted before a hearing on the application required by Subdivision (1) of this subsection must include an order that sets a certain date for hearing on the application for temporary guardianship.

(5) On one day's notice to the party who obtained a temporary guardianship before a hearing on the application required by Subdivision (1) of this subsection, the respondent or the respondent's attorney may appear and move for the dissolution or modification of the temporary guardianship. If a motion is made for dissolution or modification of the temporary guardianship, the court shall hear and determine the motion as expeditiously as the ends of justice require.

(g) If at the conclusion of the hearing required by Subsection (f)(1) of this section the court determines that the applicant has established that there is substantial evidence that the person is a minor or of an incapacitated person that there is imminent danger that the physical health or safety of the respondent will be seriously impaired, or that the respondent's estate will be

PREVIEW

PLEASE DO NOT COPY

THIS DOCUMENT

THANK YOU

LegalFormsForTexas.Com

seriously damaged or dissipated unless immediate action is taken, the court shall appoint a temporary guardian by written order. The court shall assign to the temporary guardian only those powers and duties that are necessary to protect the respondent against the imminent danger shown. The powers and duties must be described in the order of appointment.

(h) Except as provided by Subsection (k) of this section, a temporary guardianship may not remain in effect for more than 60 days.

(i) If the court appoints a temporary guardian after the hearing required by Subsection (f)(1) of this section, all court costs, including attorney's fees, may be assessed as provided in Section 665A, 665B, or 669 of this code.

(j) The court may not customarily or ordinarily appoint the Department of Protective and Regulatory Services as a temporary guardian under this section. The appointment of the department as a temporary guardian under this section should be made only as a last resort.

(k) If an application for a temporary guardianship, for the conversion of a temporary guardianship to a permanent guardianship, or for a permanent guardianship is challenged or contested, the court, on the court's own motion or on the motion of any interested party, may appoint a new temporary guardian without issuing additional citation if the court finds that the appointment is necessary to protect the proposed ward or the proposed ward's estate. A temporary guardian appointed under this subsection must qualify in the same form and manner required of a guardian under this code. The term of the temporary guardian expires at the conclusion of the hearing challenging or contesting the application or on the date a permanent guardian the court appoints for the proposed ward qualifies to serve as the ward's guardian.

§ 876 Texas Probate Code Authority of Temporary Guardian

When the temporary guardian files the oath and bond required under this chapter, the court order appointing the temporary guardian takes effect without the necessity for issuance of letters of guardianship. The clerk shall note compliance with oath and bond requirements by the appointed guardian on a certificate attached to the order. The order shall be evidence of the temporary guardian's authority to act within the scope of the powers and duties set forth in the order. The clerk may not issue certified copies of the order until the oath and bond requirements are satisfied.

§ 877 Texas Probate Code Powers of Temporary Guardian

All the provisions of this chapter relating to the guardianship of persons and estates of incapacitated persons apply to a temporary guardianship of the persons and estates of incapacitated persons, insofar as the same may be made applicable.

§ 878 Texas Probate Code Accounting

At the expiration of a temporary appointment, the appointee shall file with the clerk of the court a sworn list of all property of the estate that has come into the hands of the appointee, a return of

LegalFormsForTexas.Com

all sales made by the appointee, and a full exhibit and account of all of the appointee's acts as temporary appointee.

PREVIEW

§ 879 Texas Probate Code Closing Temporary Guardianship

The court shall act on the list, return, exhibit, and account filed under Section 878 of this code. Whenever temporary letters expire or cease to be effective for any reason, the court shall immediately enter an order requiring the temporary appointee to deliver the estate remaining in the temporary appointee's possession to the person who is legally entitled to the possession of the estate. The temporary appointee shall be discharged and the sureties on the bond of the temporary appointee shall be released as to future liability on proof that the appointee delivered the property as required by this section.

2. The following application will initiate the court proceeding for a temporary guardianship. It may be used to apply to the court for a temporary guardianship over a person who has become mentally and physically incapacitated and is unable to handle his or her personal or business affairs.

3. The application states that it is for an incapacitated person. It states the identity of the proposed ward, type of guardianship requested, the facts justifying the establishment of a temporary guardianship, and other jurisdictional requirements necessary to authorize a court to grant a temporary guardianship

4. It is important to specify the exact powers that the temporary guardian desires, since they must be stated in the body of the application and in the court's order as a prerequisite to the granting of those powers and duties to the temporary guardian

5. Section 875 of the Texas Probate Code states the rules for opening a temporary guardianship and details what must be contained in the application.

Sec. 875. Temporary Guardian--Procedure

(a) If a court is presented with substantial evidence that a person may be a minor or other incapacitated person, and the court has probable cause to believe that the person or person's estate, or both, requires the immediate appointment of a guardian, the court shall appoint a temporary guardian with limited powers as the circumstances of the case require.

(b) A person for whom a temporary guardian has been appointed may not be presumed to be incapacitated. The person retains all rights and powers that are not specifically granted to the person's temporary guardian by court order.

(c) A sworn, written application for the appointment of a temporary guardian may be filed before the court appoints a temporary guardian. The application must be filed not later than the end of the next business day of the court after the due date of appointment of the temporary guardian. The application must state:

THANK YOU
LegalFormsForTexas.Com

PREVIEW

- (1) the name and address of a person who is the subject of the guardianship proceeding;
- (2) the danger to the person or property alleged to be imminent;
- (3) the type of appointment and the particular protection and assistance being requested;
- (4) the facts and reasons supporting the allegations and requests;
- (5) the name, address, and qualification of the proposed temporary guardian;
- (6) the name, address, and interest of the applicant;
- (7) if applicable, that the proposed temporary guardian is a private professional guardian who has complied with the requirements of Section 697 of this code.

(d) At the earliest of the filing of an application for temporary guardianship or the appointment of a temporary guardian, the court shall appoint an attorney to represent the proposed ward in all guardianship proceedings in which independent counsel has not been retained by or on behalf of the proposed ward.

(e) On the filing of an application for temporary guardianship, the clerk shall issue notice that shall be served on the respondent and the respondent's appointed attorney. The notice must describe the rights of the parties and the date, time, place, purpose, and possible consequences of a hearing on the application. A copy of the application and, if applicable, a copy of the order appointing the temporary guardian must be attached to the notice.

(f)
(1) A hearing shall be held not later than the 10th day after the date of the filing of the application for temporary guardianship unless the hearing date is extended as provided by Subdivision (2) of this subsection. At a hearing under this section, the respondent has the right to:

- (A) receive prior notice;
- (B) have representation by counsel;
- (C) be present;
- (D) present evidence and confront and cross-examine witnesses; and
- (E) a closed hearing if requested by the respondent or the respondent's attorney.

THANK YOU

LegalFormsForTexas.Com

(2) Every temporary guardianship granted before a hearing on the application required by Subdivision (1) of this subsection expires on its own terms at the conclusion of the hearing unless the respondent or the respondent's attorney consents that the order appointing the temporary guardian may be extended for a longer period not to exceed 60 days after the date of the filing of the application for temporary guardianship.

(3) Every temporary guardianship granted before a hearing on the application required by Subdivision (1) of this subsection shall be set for hearing at the earliest possible date and takes precedence over all matters except older matters of the same character.

(4) Every temporary guardianship granted before a hearing on the application required by Subdivision (1) of this subsection must include an order that sets a certain date for hearing on the application for temporary guardianship.

(5) On one day's notice to the party who obtained a temporary guardianship before a hearing on the application required by Subdivision (1) of this subsection, the respondent or the respondent's attorney may appear and move for the dissolution or modification of the temporary guardianship. If a motion is made for dissolution or modification of the temporary guardianship, the court shall hear and determine the motion as expeditiously as the ends of justice require.

(g) If at the conclusion of the hearing required by Subsection (f)(1) of this section the court determines that the applicant has established that there is substantial evidence that the person is a minor or other incapacitated person, that there is imminent danger that the physical health or safety of the respondent will be seriously impaired, or that the respondent's estate will be seriously damaged or dissipated unless immediate action is taken, the court shall appoint a temporary guardian by written order. The court shall assign to the temporary guardian only those powers and duties that are necessary to protect the respondent against the imminent danger shown. The powers and duties must be described in the order of appointment.

(h) Except as provided by Subsection (k) of this section, a temporary guardianship may not remain in effect for more than 60 days.

(i) If the court appoints a temporary guardian after the hearing required by Subsection

(f)(1) of this section, all court costs, including attorney's fees, may be assessed as provided in Section 65A, 65B, or 69 of this code. (Amended by Acts 1995, 74th Leg., Ch. 1039, Sec. 64.)

(j) The court may not customarily or ordinarily appoint the Department of Protective and Regulatory Services as a temporary guardian under this section. The appointment of the department as a temporary guardian under this section should be made only as a last resort.

LegalFormsForTexas.Com

(k) If an application for a temporary guardianship, for the conversion of a temporary guardianship to a permanent guardianship, or for a permanent guardianship is challenged or contested, the court, on the court's own motion or on the motion of any interested party, may appoint a new temporary guardian without issuing additional citation if the court finds that the appointment is necessary to protect the proposed ward or the proposed ward's estate. A temporary guardian appointed under this subsection must qualify in the same form and manner required of a guardian under this code. The term of the temporary guardian expires at the conclusion of the hearing challenging or contesting the application or on the date a permanent guardian the court appoints for the proposed ward qualifies to serve as the ward's guardian.

6. 2003 Legislative changes provide that no temporary guardianship shall be issued until an ad litem is appointed.

Form: Application for appointment of temporary guardian

PLEASE DO NOT COPY

CAUSE NUMBER _____

IN THE MATTER OF:

IN THE COUNTY COURT

THE GUARDIANSHIP OF [PERSON OR
ESTATE] OF NAME

NUMBER _____

AN INCAPACITATED PERSON

[COUNTY] COUNTY, TEXAS

APPLICATION FOR APPOINTMENT OF TEMPORARY GUARDIAN

THIS DOCUMENT

[Name], ("Applicant") applies for the appointment of a temporary guardian over the person named below and over [his or her] estate. In support of this appointment, Applicant shows the Court as follows:

1. IDENTITY OF THE PROPOSED WARD

1.1 The name of the person over whom a temporary guardianship is desired is: [Name].

1.2 [He or She] is an adult [male or female].

1.3 [He or She] is [Age] years old and was born on [Birthdate].

1.4 [He or She] presently resides at [Address County, Texas].

1.5 The proposed ward is a person of unsound mind as evidenced by the statement of the proposed ward's physician, which is attached to this application as Exhibit "A".

THANK YOU

LegalFormsForTexas.Com

1.6 Exhibit "A" is incorporated in this application by reference as if duly recited at length in this application.

PREVIEW

2. KIND OF GUARDIANSHIP

2.1 Applicant seeks a temporary guardianship of the person of the proposed ward and of [his or her] estate.

2.2 The Applicant's name and address is: [address].

2.3 Applicant is related to the proposed ward as follows:

PLEASE DO NOT COPY
[or]

2.3 Applicant is not related to the ward and is a private professional guardian and complied with the requirements of Section 697 of the Texas Probate Code.

3. NEED FOR TEMPORARY GUARDIANSHIP

3.1 The facts that show just cause and establish the legal requirements entitling the Applicant to obtain a temporary guardianship are as follows:

a. the immediate appointment of a temporary guardian is necessary because the proposed ward is afflicted with [description of disease]; and

b. the proposed ward is mentally incompetent to care for [himself or herself] or to manage [his or her] property and financial affairs.

3.2 It is necessary for the proposed ward to be under the continuous supervision of professional nurses and doctors

3.3 There is an immediate danger that the proposed ward's [for example: spouse, children, creditors, etc. will remove the proposed ward's property from [his or her] home or are refusing to take the proposed ward to a proper health care facility so that needed medical treatment may be obtain

THANK YOU

LegalFormsForTexas.Com

3.4 The requested term, if known for the guardianship is [term].

3.5 The name and address of any person whom the applicant knows to hold a power of attorney

signed by the proposed ward and a description of the type of power of attorney is as follows, if any:

[Describe the power of attorney, attorney's name and property covered by the power]

3.6 The proposed ward is not presently in a custodial court ordered decree or guardianship.

[Name and address] is presently caring for the proposed ward.

PLEASE DO NOT COPY

4.1 [State the identity of the parents and their whereabouts. If the parents are deceased state:

Both parents of proposed ward are deceased.]

5. IDENTITY OF PROPOSED TEMPORARY GUARDIAN

5.1 The Applicant, who seeks to be appointed temporary guardian over [Name], proposed ward, resides at [Address, County, Texas] and is the [relationship, for example: [daughter] of the proposed ward.

5.2 [If applicable, state that the proposed temporary guardian is a private professional guardian who has complied with the requirements of Section 697 of the Texas Probate Code.]

6. QUALIFICATION OF PROPOSED GUARDIAN

6.1 Applicant is not disqualified by law or otherwise ineligible to serve as guardian and is a suitable person to act as a temporary guardian of the proposed ward.

THANK YOU

7.1 This Court has venue of this proceeding because the proposed ward resides in [Name] County, Texas.

7.2 The proposed ward has lived in the county for a sufficient time to establish any necessary jurisdiction and venue requirements needed to confer jurisdiction in this Court.

LegalFormsForTexas.Com

8. IDENTITY OF PROPERTY OF PROPOSED WARD

PREVIEW

8.1 The estate of the proposed ward consists of a property value set forth in the approximate amount of \$[Amount].

8.2 A partial listing of the estate is attached as Exhibit "B," which is incorporated in this application as if duly recited at length.

9. LISTING OF SPECIFIC POWERS REQUESTED BY

TEMPORARY GUARDIAN

PLEASE DO NOT COPY

9.1 Applicant requests the following specific powers as a temporary guardian over [Name], proposed ward.

9.2 These powers are reasonable and necessary to protect the interests of the proposed ward's person and estate:

- a. To sign any and all medical authorizations or releases for the proposed ward;
- b. To authorize, select, incur and pay for any and all medical and nursing home expenses incurred by the proposed ward with funds out of the proposed ward's estate;
- c. To sell real or personal property of the proposed ward in order to pay for medical or nursing home expenses incurred by the proposed ward;
- d. To apply for all private insurance, public benefits, federal, state, or local government benefits in order to pay for the cost of medical and nursing home expenses incurred by the proposed ward;
- e. To make all decisions regarding the proposed ward's living accommodations (e.g. nursing home facilities) and to execute all agreements, releases, authorizations, and contracts necessary to provide the proposed ward with such living accommodations;

THIS DOCUMENT

THANK YOU

LegalFormsForTexas.Com

f. To take any and all actions necessary to collect, preserve and protect the estate of proposed ward, including the filing of civil suit for possession and/or damages to the property

PREVIEW

belonging to the estate and the filing of criminal charges if necessary;

g. To incur whatever costs may be necessary to collect, preserve and protect the assets of the estate, including storage fees, attorney fees, court costs and any other costs involved;

h. To execute and deliver any instruments necessary to collect, preserve and protect the assets of the estate;

PLEASE DO NOT COPY

i. To take possession and prepare an accounting of all assets of the estate;

j. To sue or defend lawsuits on behalf of the estate, and to pay probate court costs, attorney fees and all necessary expenses; and

k. [list any other specific powers that the temporary guardian desires].

10. IDENTITY OF APPOINTED AD LITEM
THIS DOCUMENT

Statutory requirement that an Ad Litem be appointed prior to the issuing of a temporary guardianship have been fulfilled. The identity of the appointed Ad Litem is:

(name of ad litem) _____

(address of ad litem) _____

(Telephone of ad litem) _____

(ID for ad litem- TDL # or Bar #) _____

THANK YOU

PRAYER

Applicant requests that the Court appoint [Name], Applicant, as Temporary Guardian of [Ward's Name], the proposed ward and of the estate of [Ward's Name] and grant Applicant the specific powers listed above and to the appointment continue for such period of time as the

LegalFormsForTexas.Com

Court may deem in the best interests of the proposed ward or until the temporary appointment is made permanent, should the Court determine that a permanent guardian is necessary.

PREVIEW

Respectfully Submitted,

[Law Firm Name]

By _____

PLEASE DO NOT COPY

[Attorney's Name]

Attorney for Applicant
[Attorney's Address]
[Telephone Number]
[Facsimile Number]
[Bar Card Number]

Applicant

Form: Exhibit "A" Statement of physician

THIS DOCUMENT
EXHIBIT "A" STATEMENT OF PHYSICIAN

1. My name is [Name] I am a health care provider in the State of Texas. [State physician's credentials and specialty, etc.]

2. I am duly qualified to render a medical opinion regarding the physical and mental condition and abilities of [Ward's name], the proposed ward, to handle [his or her] personal and financial affairs.

3. I have examined [Ward's name] within the ninety days preceding the date of this letter and it is my opinion, based on my personal observations of [Ward's name], the proposed ward who is currently a patient of mine, that he or she is mentally incompetent to care for [himself or herself], and to manage [his or her] property and financial affairs.

4. It is further my medical opinion that this individual will not regain such mental capacity within the immediate future.

5. I believe that a temporary guardianship would be in the best interests of the proposed ward.

THANK YOU
LegalFormsForTexas.Com

6. This opinion is based upon my knowledge of this patient and the patient's history as of this date.

PREVIEW

[Name, credentials and address]

The State of _____
County of _____

Before me on _____ personally appeared [Name of the person that signed the document], known to me (or proved to me on the oath of [name] or through [describe the document or identification card used to identify the person signing the document] to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed

PLEASE DO NOT COPY

Subscribed and sworn to before me on _____ by

Signature of officer

Notary's typed or printed name

THIS DOCUMENT

My commission expires:

[or Notary's Stamp]

Form: Exhibit B Description and valuation of proposed ward's property

**EXHIBIT B
DESCRIPTION AND VALUATION OF PROPOSED WARD'S PROPERTY**

Real Property

Description: _____ **THANK YOU**

Approximate Value: \$ _____

Subtotal: \$ _____

Personal Property

LegalFormsForTexas.Com

[List household goods and personal effects, bank accounts and locations, automobiles and all other property with the value of each.]

PREVIEW

Subtotal: \$ _____

Total: \$ _____

Form: Affidavit of applicant

AFFIDAVIT OF APPLICANT

State of Texas

County of _____

PLEASE DO NOT COPY

Before me [insert the name and character of the notary or officer] on _____ personally appeared [person's name that signed the document], known to me (or proved to me on the oath of [name] or through [describe the document or identification card used to identify the person signing the document] to be the person whose name is subscribed to the foregoing instrument who is known to me to be a credible person of lawful age and qualified in all respects to make this Affidavit, who being first sworn on oath, says that [he or she] is the Applicant in the foregoing Application for the Appointment of Temporary Guardian and that [he or she] has read the foregoing Application and that the Application is in every statement and allegation thereof, true and correct to [his or her] own personal knowledge.

THIS DOCUMENT

Subscribed and sworn to before me on _____ by _____

Signature of officer

Notary's typed or printed name

THANK YOU

My commission expires: _____

[or Notary's Stamp]

Information or instructions: Temporary guardian's authority

LegalFormsForTexas.Com

1. Sections 876 and 877 of the Texas Probate Code state the constraints applicable to a temporary guardian's power and authority. The order granting the guardianship must specifically detail the guardian's power and authority.

PREVIEW

Sec. 876. Authority of Temporary Guardian

When the temporary guardian files the oath and bond required under this chapter, the court order appointing the temporary guardian takes effect without the necessity for issuance of letters of guardianship. The clerk shall note compliance with oath and bond requirements by the appointed guardian on a certificate attached to the order. The order shall be evidence of the temporary guardian's authority to act within the scope of the powers and duties set forth in the order. The clerk may not issue certified copies of the order until the oath and bond requirements are satisfied.

PLEASE DO NOT COPY

Sec. 877. Powers of Temporary Guardian

All the provisions of this chapter relating to the guardianship of persons and estates of incapacitated persons apply to a temporary guardianship of the persons and estates of incapacitated persons, insofar as the same may be made applicable.

Form: Order appointing a temporary guardian

CASE NUMBER: _____

IN THE MATTER OF: THIS DOCUMENT IN THE COUNTY COURT

THE GUARDIANSHIP OF [PERSON OR ESTATE] OF NAME NUMBER ____

AN INCAPACITATED PERSON [COUNTY] COUNTY, TEXAS

ORDER APPOINTING A TEMPORARY GUARDIAN

BE IT REMEMBERED that on _____ the Court heard and considered the Application for Temporary Guardianship filed by [Name] (Applicant), and after hearing the evidence in support of the application, reviewing applicant's petition, affidavit, and exhibits attached thereto including the medical opinion attached to the petition, the Court finds that [Ward's name] ("Ward") has [state his medical condition, e.g., has _____ disease or

THANK YOU

has suffered serious trouble and is therefore completely and totally incapacitated, the Court has

LegalFormsForTexas.Com

jurisdiction and venue over this estate, and the interest of this estate and person requires the immediate appointment of a temporary guardian, the application for letters of temporary guardianship should therefore be granted. The Court further finds that the applicant would be a suitable temporary guardian and is not disqualified from acting as such, and should therefore be appointed temporary guardian over [Ward's name]'s person and [his or her] estate; it is therefore

ORDERED, ADJUDGED, and DECREED that [Name] is hereby appointed temporary guardian over the person and estate of [Ward's name], Ward, and shall give bond in the sum of \$ _____, conditioned as required by law, that unless the appointment is contested it shall be continued in force for such period of time as the Court may deem in the best interests of this estate and person, that the clerk of this Court shall issue letters of temporary guardianship when the temporary guardian has qualified according to law; and that the temporary guardian shall have the following powers:

1. To sign any and all medical authorizations or releases for the Ward;
2. To authorize, select, incur and pay for any and all medical and nursing home expenses incurred by the Ward with funds out of the Ward's estate;
3. To sell real or personal property of the Ward in order to pay for medical or nursing home expenses incurred by the Ward;
4. To apply for all private insurance, public benefits, federal, state, or local government benefits in order to pay for the cost of medical and nursing home expenses incurred by the Ward;
5. To make all decisions regarding the Ward's living accommodations (e.g., nursing home facilities) and to execute all agreements, releases, authorizations, and contracts necessary to provide the Ward with such living accommodations;

LegalFormsForTexas.Com

6. To take any and all actions necessary to collect, preserve and protect the estate of Ward, including the filing of civil suit for possession and/or damages to the property belonging to the estate and the filing of criminal charges if necessary;

7. To incur whatever costs may be necessary to collect, preserve and protect the assets of the estate, including storage fees, attorney fees, court costs and any other costs involved;

8. To execute and deliver any instruments necessary to collect, preserve and protect the assets of the estate;

PLEASE DO NOT COPY

9. To take possession and prepare and accounting of all assets of the estate;

10. To sue or defend lawsuits on behalf of the estate, and to pay probate court costs, attorney fees and all other necessary expenses; and

11. [List other specific powers that the temporary guardian requires.]

SIGNED on _____.

THIS DOCUMENT
JUDGE PRESIDING

Form: Order confirming a temporary guardianship

CASE NUMBER: _____

IN THE MATTER OF:

IN THE COUNTY COURT

THE GUARDIANSHIP OF [PERSON OR ESTATE] OF NAME

NUMBER _____

AN INCAPACITATED PERSON OF [COUNTY] COUNTY, TEXAS

THANK YOU

ORDER CONFIRMING APPOINTMENT OF TEMPORARY GUARDIAN

On _____, came on to be considered the Application of [Applicant's Name] for Letters of Temporary Guardianship of [Person and/or Estate of Name of the Proposed Ward]

LegalFormsForTexas.Com

Applicant appeared in person and the Proposed Ward [state the appearance i.e. appeared in person and by and through [Name of] Attorney Ad Litem, a member in good standing of the State Bar of Texas heretofore appointed Attorney Ad Litem by this Court.

[Also list any Guardian Ad Litem Name] [or the Court having found by clear and convincing evidence that it in the best interest of the Ward not to appear in person [State the reasons why the ward could or should not appear];

After hearing the evidence in support of the Application, the Court finds by clear and convincing evidence that the Court has venue and jurisdiction over this matter that [Applicant's Name] was appointed Temporary Guardian of the [Person and/or Estate of Name], a [Minor or Incapacitated Person] by Order of this Court dated [Date].

A hearing was held on said date pursuant to Section 875(f)(1) of the Texas Probate Code; Notice was given to all persons interested in this Estate pursuant to Section 875(e) of the Texas Probate Code;

Clear and convincing proof was provided of the areas of incapacity of the Ward; that [Applicant's Name] is hereby named as Temporary Guardian of the [Person and/or Estate of Name], a [Minor or Incapacitated Person].

IT IS THEREFORE ORDERED, that the original Order dated [Date], appointing [Applicant's Name] as Temporary Guardian of the [person and/or estate] of [ward's name], a [Minor or incapacitated person], is hereby confirmed and the bond of the Temporary Guardian is hereby continued.

IT IS FURTHER ORDERED, by the Court that the Temporary Guardianship shall be effective until _____ [which is sixty (60) days from the date of original Application in accordance with Section 875(h) of the Texas Probate Code.

IT IS FURTHER ORDERED, that the Temporary Guardian of the [person and/or estate] shall have the powers and authority to [Describe the powers being requested in Temporary Guardianship].

LegalFormsForTexas.Com

IT IS FURTHER ORDERED that the duly appointed Attorney Ad Litem, [Name], is hereby awarded a fee of \$_____ for legal services provided in this Temporary Guardianship matter [if applicable Name and the duly appointed Guardian Ad Litem is hereby awarded a fee of \$_____ for services provided in this Temporary Guardianship matter.

IT IS FURTHER ORDERED, that the compensation to attorneys, mental health professionals, or interpreters ordered by this Court pursuant to Sections 646 and 687 of the Texas Probate Code are taxed as costs of this proceeding and shall be paid by [Name of County] County, Texas, pursuant to Section 665A of the Texas Probate Code.

PLEASE DO NOT COPY

SIGNED on _____.

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

[Law Firm's or Attorney's Name]
Attorney for Applicant
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

THIS DOCUMENT

Applicant

[If applicable]

Attorney Ad Litem or Guardian Ad Litem:

[Law Firm's or Attorney's Name]
Attorney for _____
[Address]
[Telephone & facsimile numbers]
Texas Bar no. [Number]

THANK YOU

Form: Oath of a temporary guardian

LegalFormsForTexas.Com
CASE NUMBER _____

IN THE MATTER OF:

IN THE COUNTY COURT

THE GUARDIANSHIP OF [PERSON OR ESTATE] OF NAME

PREVIEW

NUMBER _____

AN INCAPACITATED PERSON

[COUNTY] COUNTY, TEXAS

OATH OF THE TEMPORARY GUARDIAN

I do solemnly swear that I will faithfully discharge the duties of Temporary Guardian of the person and estate of _____, according to law.

The facts stated in my Application for the Appointment of a Temporary Guardian are both true and correct.

PLEASE DO NOT COPY

[Name]

Subscribed and sworn to before me on _____ by

_____.

Signature of officer _____
THIS DOCUMENT
Notary's typed or printed name _____

My commission expires:

[or Notary's Stamp]

THANK YOU

LegalFormsForTexas.Com