



BEST PRACTICES OF PRIVATE PROFESSIONAL GUARDIANS

OBLIGATIONS UNDER THE TEXAS ESTATES CODE: WARD'S BILL OF RIGHTS

○ DUTY TO INFORM RELATIVES

- relatives can opt in or out in writing re notice; as soon as practicable, inform:
- death of Ward + funeral arrangements + admission to hospital for >3 days + change of residence

○ BILL OF RIGHTS FOR WARDS:

- Wards have same rights of any adult except where limited by guardianship
- GOPs should maximize friend & family visitation where possible
- maximum self sufficiency, control over life, personal environment
- NEW RIGHT – right to speak with MD privately
- to complain about GOPE to court (living arrangements, retaliation by GOPE, conflicts of interest btw GOPE and service providers)
- have court investigator or GAL appointed to investigate complaint
- uncensored communication/visitation with persons of choosing unless causes substantial harm
- to petition the court and retain counsel – restoration, modification, new GOPE
- info for Disability Rights Texas, APS, other resources
- JBCC contact info and procedure to file complaint v. guardian

GUARDIAN'S RELATIONSHIP WITH THE WARD, THE COURT AND WARD'S FAMILY & FRIENDS

- LEGAL OBLIGATIONS TO FAMILY
 - Sec. 1151.056
 - duty to inform certain relatives, including those who have elected in writing to receive info re health and residence per TEC 1151.056(d)
 - duty to inform relative can be revoked upon motion to the court for good cause
 - shall inform regarding:
 - death of ward
 - admission to hospital for more than 3 days
 - funeral arrangements
 - change of residence

RESPONSIBILITIES FROM DAY ONE

- provide all required documents to your Ward ... order appointing, Letters of Guardianship, Bill of Rights, etc.
- ask Ward to sign for receipt of documents
- use this opportunity to build relationship with your Ward
- get list of meds and diagnoses, list of medical providers
- get bank statements – determine benefits received
- file with ... VA, DFAS, SSA, OPM, TRS, TMRS, pension fund
- get the Ward's mail where possible + change address
- mail is good source of info - insurance, financial accounts, tax info (1099s), Medicaid
- get financial data from bank – statements, signature card or account creation documents ☆☆☆
- determine ownership of real property & personal property
- check deed records in and around Bexar County

INFORMED CONSENT AND

DECISION-MA KING

- determine preferred language of Ward
- any advanced directives or POAs?
- does Ward want to withhold medical records?
- talk w Ward about necessary treatments for medical issues
- talk w Ward about DNR
- talk w family, if necessary, about their feelings on DNR

MANAGING YOUR CASE LOAD & YOUR GUARDIANS HIP FILES

- JBCC requirements re what needs to be present in your file
- at least 20 documents required in file
- can be electronic or paper but must be immediately accessible

CONFLICTS OF INTEREST

- do not hire friends or family for paid work!!
- make these arm's-length transactions ... CPA, lawncare, housekeeper, caregiver, financial advisors, realtors, residential care home owner, insurance agent
- no self-dealing