

Guardianship Research Guide

Overview

This research guide includes information and resources on guardianships. 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.

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/>
 - 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 Transaction Guide REF KFT 1268 .K45

- Vol. 8, Ch. 44A Guardianship Provisions

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 (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/>

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

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>

Texas Guardianship Association

<https://www.texasguardianship.org/>

Guardianship (Texas Law Help)

<https://texaslawhelp.org/article/guardianship>

I am Looking for an Alternative to Guardianship

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

Changing Your Guardianship without a Lawyer (Disability Rights Texas)

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

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>

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

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)