

Cause No. _____

Guardianship of _____, § County Court at Law
An Incapacitated Person § No. 3
§ Smith County, Texas

GUARDIAN'S REPORT ON THE CONDITION AND WELL-BEING OF A WARD

CHECK ONE INITIAL ANNUAL

(If this is a Final Report, please use the *Final Report Form*.)

Please fill out this form completely, answering every question, except when directed otherwise. "Not applicable" is not a proper response and can delay processing and approval.

Check one: Guardianship of Person Only Guardianship of Person and Estate

The period covered by this Report is from ____/____/____ to ____/____/____.

On this day, the Guardian in this matter stated the following under penalty of perjury, declaring that each statement is true and correct.

1. WARD: Name: _____ Age: _____

Date of Birth: _____ Phone: _____

Address (no P.O. Box) _____

City/State/Zip: _____

Is this a new address? Yes No

2. GUARDIAN(S): Name(s): _____ Age(s): _____

If co-guardians, both must be listed.

Date(s) of Birth: _____ Phone: _____

Email address: _____

Address (no P.O. Box) _____

City/State/Zip: _____

Is this a new address? Yes No

Relationship to Ward: _____

During the past reporting year, have you been convicted of a felony or a misdemeanor other than a minor traffic offense?

Yes No

If YES, explain: _____

If you are a private professional guardian, a guardianship program, or the Department of Aging and Disability Services, have you been the subject of an investigation conducted by the Judicial Branch Certification Commission during the past reporting year?

YES NO

3. If this is your final report, answer the questions in the box below. **If this is not your final report, skip to #4.**

FINAL REPORT ONLY

I am filing a Final Report because (check one):

- I am resigning as Guardian the Ward has reached 18 years of age
(attach copy of birth certificate) the Ward died
(attach copy of death certificate)

Other (explain) _____

If you are resigning as guardian, has a successor guardian been identified?

YES NO

Name of Proposed Successor Guardian: _____

Age: _____ Date of Birth: _____ Phone: _____

Address: _____

City/State/Zip: _____

4. Do you reside with the Ward? YES NO

If the Ward does not live with you, please state the number of times you have visited during the last year: _____

* If zero visits, please explain: _____

5. The Ward's residence is (check one):

- Ward's own home Foster home
 Guardian's home Boarding home
 Relative's home (give relative's name) _____

or in the type of facility checked below:

- Nursing Home Group Home Hospital/Medical Facility)
 State Supported Living Center (State School) Other

Please provide the NAME of the facility: _____

6. How long has the Ward lived at this address? _____

Any change in residence in the past year? YES NO

If YES, explain: _____

7. **All** guardians **must** report on the amount and source of the Ward's income, regardless of whether the income comes to someone other than the guardian (such as the Ward's residence). Note that Social Security benefits are considered income, but that child support is not.

A. Source of Ward's income: _____


B. Annual amount of Ward's income: _____ (monthly x 12)

If zero, explain: _____

8. In addition to the Guardian of the Person, is there a **Court-appointed** Guardian of the Ward's **estate**?

YES NO Note: Just because you are the Rep Payee does not mean that there is a guardianship of the estate.

Depending on your answer, please answer the questions in only one of the boxes below:

If you answered "NO" to question 8


A. If there is NOT a Guardian for the Ward's estate, please answer the following questions and attach additional information as directed:

(1) Has a Court Order directed you to manage any funds of the Ward **other than Social Security funds**?

YES NO

➔ **If yes, you MUST report on your management of those funds by attaching an income and expenses worksheet to this Annual Report.** Forms are available on the Court's website.

(2) Are you the **representative payee** of the Ward's Supplemental Security Income (SSI) or Social Security Retirement Benefits?

YES NO

If NO, provide name of representative payee: _____

OR

If you answered "YES" to question 8



B. If there IS a Guardian for the Ward's estate, please answer the following two questions:

(1) Are you the Guardian for the Ward's estate? YES NO

(2) Do you as Guardian of the Person receive an allowance from the Guardian of the Estate?

YES NO

If YES, annual amount of allowance received: \$ _____

9. **Has the Court approved a formal "Case Management Agreement" for case management services to the Ward?** A Case Management Agreement is a signed contract with a professional case manager *that has been formally approved by the Court.* (This is not the same as a "Care Plan" from a medical provider.)

YES NO

➔ **If YES, you MUST attach an updated copy of the case manager's care plan for the Ward for the Court's approval.**

10. During the past year, the Ward has been treated or evaluated by the following professionals:

As a Guardian, it is your duty to know this information and to provide the information to the Court even if the Ward's residential facility arranges the services.

Physician. Name: _____
Describe: _____

Does the Ward see this doctor on a regular basis? YES NO

Psychiatrist. Name: _____

Describe treatment: _____

Social worker or other case worker. Name: _____

Describe services: _____

Dentist. Name: _____

Describe treatment: _____

Other. Name: _____

Describe treatment/services: _____

11. The Ward has received or is receiving the following supports and services (check and complete each that apply):

Actions you as the Guardian have taken or are taking to encourage the development of the Ward's maximum self-reliance and independence. Describe (include name of provider and location where services are provided):

Local mental health authority or local intellectual and developmental disability authority. (Include name of provider and location where services are provided).

Describe: _____

Supports and services received under Medicaid, including under a Medicaid home and community-based services waiver program authorized under Section 1915(c) of the federal Social Security Act (42 U.S.C. Section 1396n) (include name of provider and location where services are provided).

Describe: _____

Informal supports and services (include name of provider and location where services are provided).

Describe: _____

12. **The following supports and services were previously offered or provided to the Ward but were not received or have been discontinued** (provide reason the support or service listed was not received or was discontinued):

13. As Guardian, it is my opinion that the ward **DOES HAVE** capacity or sufficient capacity with supports and services for (check one):

1. complete restoration of the Ward's capacity YES NO

OR

2. modification of the guardianship under Estates Code, Chapter 1202. YES NO

If "NO," explain (state the reasons why the Ward **DOES NOT** have the capacity or sufficient capacity with supports and services for complete restoration of the Ward's capacity or modification of the guardianship under Chapter 1202):

14. Social conditions: During the past year the Ward has participated in the following activities:

What does the Ward do all day? Note that for each type of activity checked, **you must describe the activities** (e.g., movies, bowling, Special Olympics, church, eating out, etc.). Do not leave blank or simply write the name of the residential facility.

- Recreational (describe): _____
- Educational (describe): _____
- Social (describe): _____
- Occupational (describe): _____
- None available.
- Refuses or is unable to participate.

15. During the past year, the Ward’s mental health has:

- Remained about the same
- Improved (describe): _____
- Deteriorated (describe): _____

16. As Guardian of the person, I HAVE FILED HAVE NOT FILED for **Emergency Detention of the Ward** pursuant to Texas Health & Safety Code. (Example: A request for emergency hospitalization of the Ward for mental health or safety reasons.) If you HAVE FILED for Emergency Detention, please list the number of times and the dates:

17. During the past year, the Ward’s physical health has:

- Remained about the same
- Improved (describe): _____
- Deteriorated (describe): _____

18. As Guardian, I believe the Ward’s living arrangements are:

- Excellent Average Below Average

If below average, explain: _____

19. As Guardian, I believe that the Ward is:

- Happy/Content with living situation
- Unhappy with living situation

20. As Guardian, I believe that the Ward (check one) DOES DOES NOT have unmet needs. (Note: Unmet needs = problems with food, shelter, medical care). If you have indicated that the Ward DOES have unmet needs, please explain:

21. As guardian, I am taking the following actions to encourage the development of the ward's maximum self-reliance and independence: _____

22. The power authorized by this guardianship should be:

- Unchanged
- Decreased (*explain*): _____
- Increased (*explain*): _____

23. Check each box directly below to affirm that you already have taken care of the specified duty or that you will do so within the time indicated. **These duties are required by Texas law.**

- I affirm that I already have done the following or will do so within one week of the date I sign this Report:** I have communicated or will communicate to the Ward that (1) I am seeking to continue, modify, or terminate the guardianship; (2) the Ward has the opportunity to appear before the Court to express the Ward's preferences and concerns regarding whether the guardianship should be continued, modified, or terminated; and (3) the Ward has received a copy of the *Bill of Rights for Wards* (form is available on the Court's website).
- I affirm that I will give the Ward a copy of this Annual Report within 30 days of the date I sign this Report.**
- I affirm that I have registered this guardianship with the Judicial Branch Certification Commission at <https://www.txcourts.gov/jbcc/register-a-guardianship>.**

24. **Guardian's Bond:** Check the appropriate box below, adding an explanation if required.

Note: Even if the Ward's residential facility pays your bond premium for you, it is your responsibility to verify that the bond premium is current and then mark "HAVE PAID." If you are not sure, you can look for a statement that the premium was paid on one of the accountings the facility sends you, or you can call the facility and ask.

- I HAVE PAID** the bond premium for the next reporting period.
- I HAVE NOT PAID** the bond premium for the next reporting period (explain): _____
- I have a **CASH BOND** on file with the Court.
- I have a **PERSONAL SURETY BOND** on file with the Court.
Does the sureties' information need to be updated? YES NO
If yes, what needs to be updated? _____
- HHSC** guardianship.

25. Please provide any additional information concerning the Ward that you would like to share with the Court:

26. Remember to order fresh “Letters of Guardianship.”

A. Fill out the request form attached to this Report. Letters are not sent automatically; you must complete and submit the following form for the clerk’s office to issue Letters.

B. Please note two additional things:

(1) There may be fees required by the clerk. You can call the clerk’s call center to verify: (903) 590-4677 or 4678.

(2) If there is also a guardianship of the estate, new Letters cannot be issued until the Annual Account is filed and approved by the Court. Note that an Annual Account cannot be approved by the Court until your attorney has submitted **everything** to the Court, including required back-up documents.

Print the following page to fill out by hand.

Print this page to fill out by hand. The signature below does not require a notary.

I, _____, the Guardian of the Person for
(Write Name of Guardian of the Person)

_____, in _____
(Write Name of Ward) (Write Name of County)

County, Texas, declare under penalty of perjury that the foregoing Annual Report is true and correct.

Executed on _____, 20_____.

Signature of Guardian

If this Report is for Co-Guardians, also complete the following:

I, _____, the Guardian of the Person for
(Write Name of Guardian of the Person)

_____, in _____
(Write Name of Ward) (Write Name of County)

County, Texas, declare under penalty of perjury that the foregoing Annual Report is true and correct.

Executed on _____, 20_____.

Signature of Guardian

RETURN TO: Karen Phillips, Smith County Clerk
Attn: Probate Dept.
200 E. Ferguson, Ste. 300
Tyler, Texas 75702
(enclose required filing fee of \$12.00)

Probate Guardianship Letter Request Form

Customer Name(s): _____

Guardianship of: _____

Cause No. _____

Customer Request:

_____ Number of Letters Requested

_____ Check here if you would like a copy of the Order Approving Annual Report

Please note:

- Filing and issuance fees for guardianship documents are subject to frequent change.
- **If you are planning to pay in advance**, please contact the Probate Clerks in the Smith County Clerk's Office at 903-590-4677 or 4678, and a clerk will calculate your total. Otherwise, a clerk will contact you once your request has been completed with the total amount due.
- *If you have an affidavit of inability to pay costs on file with the Clerk's Office, you do not have to pay any fees.*

For Court Use Only:

Order: _____

Oath: _____

Bond: _____

Expires: _____