



**COUNTY COURT AT LAW #3, SMITH COUNTY**

**PRIVATE PROFESSIONAL GUARDIAN**

**REQUIREMENTS**

Honorable Clay White, CCL #3 Judge

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**COUNTY CLERK, SMITH COUNTY, TEXAS**

**APPLICATION FOR PRIVATE PROFESSIONAL GUARDIAN**

**(Texas Estates Code §1104)**

*please type or print*

Date: \_\_\_\_\_

(1) Full Name: \_\_\_\_\_

(2) Address: *(home)* \_\_\_\_\_  
street city county state zip

(3) Driver Lic. \_\_\_\_\_ Last 4 digits SS# \_\_\_\_\_

(4) Phone # *(business)* (\_\_\_\_) \_\_\_\_\_ *(home)* (\_\_\_\_) \_\_\_\_\_

(5) Corporation Name: \_\_\_\_\_

(6) Address: *(business)* \_\_\_\_\_  
street city county state zip

(7) If corporation, Federal ID # \_\_\_\_\_ and State ID# \_\_\_\_\_

**(Attach a copy of Certificate of Incorporation, Certificate of Good Standing and Texas Franchise Tax Public Information Report)**

(8) List educational background and professional experience or attach resume:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(9) List (3) three professional references: *(include phone numbers)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(10) List the names and case numbers of all the wards in Smith County, Texas that you/corporation are currently serving or will be serving as guardian, and whether you are the guardian of the person, estate, or both: *(or attach list)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(11)** Have you/corporation ever been removed or resigned as a guardian?      yes      no

If so, please explain in detail:

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**(12)** Estimate the aggregate fair market value of the property of all the guardianship estates that are being managed or will be managed as guardian:

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**(13)** List all names, addresses, phone numbers, driver's license numbers, social security numbers, and dates of birth of employees currently in your/corporation's employ:

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**(14)** List the name, address, phone number, fax number, and state bar number of the attorney(s) representing you or the corporation in all guardianship cases in which you are involved:

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Private Professional Guardian or Agent

VERIFICATION

THE STATE OF TEXAS §

COUNTY OF SMITH §

I, \_\_\_\_\_, having been duly sworn hereby state on oath that the foregoing application contains a correct and complete statement of the matters to which it relates, and that all the contents and exhibits thereof are true and complete, and correct in every respect.

\_\_\_\_\_  
Private Professional Guardian or Agent

SWORN TO AND SUBSCRIBED BEFORE ME by \_\_\_\_\_  
on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public, State of Texas  
Commission Expires \_\_\_\_\_

\*\*\*\*\*

***PLEASE BE INFORMED THAT YOUR APPLICATION JS SUBJECT TO A CRIMINAL HISTORY SEARCH AND WILL REMAIN CONFIDENTIAL. YOU WILL NEED TO FILE THIS APPLICATION ON AN ANNUAL BASIS AS LONG AS YOU ARE PROVIDING PRIVATE PROFESSIONAL GUARDIAN SERVICES. (Tex. Estates Code §1104)***

**NOTE:**

PLEASE RETURN THIS APPLICATION TO THE SMITH COUNTY CLERK. PER TEXAS ESTATES CODE 1104.303(8)(8)(2):

- The application must be:
- (1) made to the clerk of the county having venue of the proceeding for the appointment of a guardian; and
  - (2) accompanied by a nonrefundable fee of \$40 to cover the cost of administering this subchapter.

*Please make your check, Cashier's Check, or Money Order payable to the **Smith County Clerk.***

## COUNTY COURT AT LAW NO. 3, SMITH COUNTY

### REQUIREMENTS FOR PRIVATE PROFESSIONAL GUARDIANS

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- 1) File Private Professional Guardian Application with the Court annually as required by §1104.301 Texas Estates Code along with your current PPG certificate;
- 2) Comply with all the requirements of the Texas Estates Code;
- 3) Comply with all local Court policies and rules;
- 4) File all reports as required by State and Federal authorities, i.e. Social Security Administration, Internal Revenue; etc.;
- 5) Provide the Court with all emergency contact numbers;
- 6) Provide the Court with names, phone numbers, addresses, email addresses, dates of birth, and social security numbers of all current employees;
- 7) As guardian of person, the Private Professional Guardian (PPG) shall:
  - a. Inform the Court in writing of the person/employee responsible for daily management of the ward/minor's estate and/or the care of the ward/minor's person;
  - b. Make personal visits with the ward/minor at the facility in which the ward/minor resides;
  - c. Arrange and care for personal needs not being met by the residential facility in which the ward/minor resides;
  - d. Attend all required residential facility staff meetings regarding the ward/minor;
  - e. File annual reports/accounts in compliance with §1163 of the Texas Estates Code;
- 8) Report any change of address, phone number, or emergency numbers to the Court immediately; and
- 9) Obtain legal counsel to present you throughout your appointment as a Private Professional Guardian.

No. \_\_\_\_\_

**COURT INSTRUCTIONS TO THE GUARDIAN OF THE PERSON ONLY - ADULT OR MINOR**

As the duly appointed Guardian of this person, you are hereby advised by the Court that you must do the following:

- 1) File your oath and bond within 20 days;
- 2) File your sworn annual report **every year on the anniversary date of qualification**. (Failure to file your annual report could result in removal and a fine of up to \$1,000.00.)
- 3) The annual report **must** include the following: *Current form is located at: <https://www.smith-county.com/government/elected-officials/county-courts-at-law-judges/county-court-at-law-3/form-download-center>*
  - a. An accounting of any money you may receive and/or expend for the support and maintenance of the ward, his/her education when necessary, and support and maintenance of the ward's dependents, when authorized by order of the Court;
  - b. Facts concerning each ward's physical welfare, his/her well-being, and his/her progress in education, as required by §1163.101 Texas Estates Code;
  - c. The date you provided a copy of the Bill of Rights for Wards during the current reporting period, as required by §1151.351 Texas Estates Code;
- 4) Obtain a written order of this Court authorizing any expenditures of Guardianship funds **before** any such expenditures are made;
- 5) File your Final Report when the Guardianship is ready to be closed due to the death of the ward or the ward's reaching 18 years of age. This should be prepared by your attorney; and
- 6) Consult with your attorney on any matter regarding this Guardianship that you may not understand.

\_\_\_\_\_  
Clay White, Judge  
County Court at Law No. 3, Smith County, Texas

***I, Guardian of this person, hereby attest that I have read the above and understand its contents.***

\_\_\_\_\_  
Guardian

\_\_\_\_\_  
Date

No. \_\_\_\_\_

### COURT INSTRUCTIONS TO THE GUARDIAN OF THE ESTATE OF AN INCAPACITATED PERSON

As the duly appointed Guardian of this estate, you are hereby advised by the Court that you must do the following:

- 1) File your Oath, Bond, Information Sheet, and Instruction Sheet **within 20 days**;
- 2) **Within one (1) month** after receiving letters, you shall publish notice to creditors as required by §1153.001 of the Texas Estates Code and file the publisher's affidavit with the Clerk;
- 3) File your Inventory, Appraisal, and List of Claims **within 30 days** from date of qualification; (*Failure to file Inventory could result in removal and a fine of up to \$1000.00.*)
- 4) File your Application for Monthly Allowance within **30 days** from date of qualification;
- 5) File an Application for Management Plan within **180 days** from date of qualification;
- 6) File your Annual Account each year on the anniversary date of your qualification. Remember, Letters of Guardianship expire **one (1) year and four (4) months** from the anniversary date. This account should be prepared by your attorney. (*Failure to file Annual Accounts could result in removal and a fine of up to \$1000.00.*)
- 7) If you are the guardian of the person you must file an Annual Report on the ward's person. The Annual Report must include facts concerning the ward's physical welfare, his/her well-being, as required by §1163.101 of the Texas Estates Code. It must also include the date you provided a copy of the Bill of Rights for Wards during the current reporting period. *Current form is located at:*  
<https://www.smith-county.com/government/elected-officials/county-courts-at-law-judges/county-court-at-law-3/form-download-center>
- 8) Obtain a written order of this Court authorizing any expenditure of guardianship funds **before** any such expenditure is made.
- 9) Maintain an accurate record of all expenditures and receipts of guardianship funds;
- 10) Preserve, protect and insure, if insurable, all non-cash assets of this guardianship;
- 11) Obtain a written order of this Court **before** attempting to sell, lease, transfer or otherwise dispose of any non-cash assets of the guardianship estate.
- 12) Obtain a written order of this Court **before** attempting to file or settle a lawsuit on behalf of the guardianship and/or your capacity as guardian;
- 13) File your Final Account when the guardianship is ready to be closed due to the death of the ward or restoration of the ward's capacity. This should be prepared by your attorney; and
- 14) Consult with your attorney on any matter regarding this guardianship that you do not understand.

\_\_\_\_\_  
Clay White, Judge  
County Court at Law No. 3, Smith County, Texas

*I, the Guardian of this estate, hereby attest that I have read the above and understand its contents.*

\_\_\_\_\_  
Guardian

\_\_\_\_\_  
Date





**COUNTY COURT AT LAW NO. 3, SMITH COUNTY, TEXAS  
PERSONAL REPRESENTATIVE/APPLICANT GENERAL INFORMATION SHEET**

*(please print all information)*

CAUSE# \_\_\_\_\_ EST./GDN. OF \_\_\_\_\_

YOUR FULL NAME: \_\_\_\_\_ RELATIONSHIP TO THE ABOVE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(street) (city) (state) (zip)

TELEPHONE #: HM. (\_\_\_\_) \_\_\_\_\_ BUS:(\_\_\_\_) \_\_\_\_\_ CELL: (\_\_\_\_) \_\_\_\_\_

EMPLOYER: \_\_\_\_\_ OCCUP.: \_\_\_\_\_ HRS: \_\_\_\_\_

BUS. ADDRESS: \_\_\_\_\_

(street) (city) (state) (zip)

DATE OF BIRTH: \_\_\_\_/\_\_\_\_/\_\_\_\_ EMAIL: \_\_\_\_\_

LAST 4 DIGITS OF SSN: XXX/XX/\_\_\_\_ DR. LIC.# \_\_\_\_\_ STATE \_\_\_\_\_

**TWO RELATIVES/FRIENDS WHO WILL ALWAYS KNOW HOW TO CONTACT YOU: *(MUST BE SEPARATE ADDRESSES FROM PERSONAL REPRESENTATIVE AND EACH OTHER. DO NOT LIST ATTORNEY AS FRENED/RELATIVE.)***

NAME: \_\_\_\_\_ PHONE:(\_\_\_\_) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(street) (city) (state) (zip)

EMAIL ADDRESS \_\_\_\_\_

NAME: \_\_\_\_\_ PHONE:(\_\_\_\_) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

(street) (city) (state) (zip)

EMAIL ADDRESS \_\_\_\_\_

**YOU MUST NOTIFY THE COURT, IN WRITING, OF ANY CHANGE OF ADDRESS**

*(INFORMATION SHEETS ARE NOT FILED IN THE PROBATE RECORDS AND ARE NOT PUBLIC RECORDS)*

**PERSONAL REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_**

*(signature)*

**SWORN TO AND SUBSCRIBED BEFORE ME BY \_\_\_\_\_ THIS \_\_\_\_\_**  
DAY OF \_\_\_\_\_, 20\_\_\_\_, TO CERTIFY WHICH WITNESS MY HAND AND SEAL OF OFFICE.

*(SEAL)*

\_\_\_\_\_  
NOTARY PUBLIC

**EMAIL FORM TO: [tknighton@smith-county.com](mailto:tknighton@smith-county.com) or [rcraig@smith-county.com](mailto:rcraig@smith-county.com)**