

NO. CAUSE NO.

GUARDIANSHIP OF	§	IN PROBATE COURT
	§	
NAME OF PROPOSED WARD,	§	NUMBER COURT NO. OF
	§	
AN INCAPACITATED PERSON	§	HARRIS COUNTY, TEXAS

ORDER APPOINTING GUARDIAN OF PERSON AND/OR ESTATE

On this day came on to be heard the **NAME OF APPLICANT'S** Application for Guardianship of the **PERSON AND/OR ESTATE** of **NAME OF PROPOSED WARD**, and the Court finds by clear and convincing evidence as follows:

1. **NAME OF PROPOSED WARD** is an incapacitated person.
2. it is in **NAME OF PROPOSED WARD'S** best interest to have this Court appoint a guardian.
3. **NAME OF PROPOSED WARD'S** rights and property will be protected by the appointment of a guardian.
4. **NAME OF POPOSED WARD** was notified of this hearing, was represented by the duly appointed Attorney Ad Litem, **NAME OF ATTORNEY AD LITEM**, and a personal appearance is not necessary.
 - OR NAME OF PROPOSED WARD** was present at the hearing and was represented by the duly appointed Attorney Ad Litem, **NAME OF ATTORNEY AD LITEM**.
 - Guardian Ad Litem, **NAME OF GUARDIAN AD LITEM**, was appointed to represent the best interest of **NAME OF PROPOSED WARD** and has entered an appearance.
5. Alternatives to guardianship that would avoid the need for the appointment of a guardian have been considered and determined not to be feasible.
6. Supports and services available to the proposed ward that would avoid the need for the appointment of a guardian have been considered and it was determined that the supports and services were not feasible.

The Court further finds by a preponderance of the evidence as follows:

1. The Court has venue of this case and jurisdiction over this matter.
2. No eligible person with a superior right to be appointed as guardian has applied for guardianship and **NAME OF APPLICANT**, is a proper person to serve and entitled to appointment and to act as guardian.
3. **NAME OF PROPOSED WARD** is totally without capacity as provided by the Texas Estates Code for self-care or property management.

OR

3. **NAME OF PROPOSED WARD** lacks the capacity to do some, but not all, of the following tasks necessary to care for him/herself or to manage his or her property:

Y N

- Make complex business, managerial, and financial decisions
 - Manage a personal bank account or funds in the amount of \$_____
 - Safely operate a motor vehicle
 - Vote in a public election
 - Make decisions regarding marriage
 - Determine own residence
 - Administer own medications on a daily basis
 - Attend to basic activities of daily living (ADLS) (e.g., bathing, grooming, dressing, and walking)
 - Attend to instrumental activities of daily living (e.g., shopping, cooking, traveling)
 - Consent to medical and dental treatment, now or in the future
 - Consent to psychological and psychiatric treatment, now or in the future
4. There is / is not a possibility for improvement in **NAME OF PROPOSED WARD'S** functioning. The **NAME OF PROPOSED WARD** should be reevaluated / should not be reevaluated to determine whether a guardianship continues to be necessary. If a reevaluation is required by this order, it should be completed by_____.
 5. **NAME OF APPLICANT** has proven each element required by the Texas Estates Code to create a guardianship.

It is therefore ORDERED that **NAME OF APPLICANT** is hereby appointed Guardian of the **PERSON AND/OR ESTATE** of **NAME OF PROPOSED WARD**, until said ward may be restored by further order of this Court, with full authority over the ward.

It is further ORDERED that the ward's right to vote and ward's ability to obtain or hold a driver's license are hereby terminated.

It is further ORDERED that the ward shall no longer have the right to own, possess, purchase, or use a firearm or ammunition;

It is further ORDERED that the ward's rights to make decisions regarding marriage and residential placement decisions are terminated,

It is further ORDERED that any Statutory Durable Power of Attorney which may be held by any party is hereby null and void.

It is further ORDERED that any advanced healthcare directives appropriately executed by the proposed ward prior to incapacity will not be revoked by this Order.

It is further ORDERED that, should the guardian plan to move the ward to a more restrictive residential facility, notice shall be given to the court, the ward and any other person who has requested notice.

It is further ORDERED that the guardian shall qualify upon filing the Oath and posting bond in the amount of \$_____ and the Clerk is directed to issue Letters of Guardianship to **NAME OF APPLICANT** upon said qualification.

It is further ORDERED, that the said Attorney Ad Litem is hereby discharged from further duty on this matter.

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE RIGHT OF A GUARDIAN OF THE PERSON OF A WARD TO HAVE PHYSICAL POSSESSION OF THE WARD OR TO ESTABLISH THE WARD'S LEGAL DOMICILE AS SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CIVIL OR OTHER CLAIM REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THIS ORDER THAT RELATE TO THE ABOVE-MENTIONED RIGHTS OF THE COURT-APPOINTED GUARDIAN OF THE PERSON OF THE WARD.

ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

SIGNED this _____ day of _____, 2015.

JUDGE PRESIDING