

### **Support and Maintenance of the Ward**

As the guardian of a minor or incapacitated adult, you are not permitted to use the ward's funds for your personal expenses; however, if you are the guardian of a minor, you may be allowed to use a portion of the ward's funds if you can show the Court you are unable to support the minor on your own.

If you are the guardian of an incapacitated adult, you must have approval from the Court to use any of the ward's funds.

### **Closing the Ward's Guardianship/Person**

If the ward is an incapacitated adult, you must close the guardianship upon the death of the ward, or if the ward's mental capacity is restored. If the ward is a minor, you must close the guardianship when the ward reaches 18 years of age.

The court must be notified of the closing of the guardianship. Once the Court is notified, you will be given instructions according to the circumstances. You must file a Final Report of the person. Your attorney will assist you with this requirement.

### **Important Things to Remember**

As the guardian,  
you must always act in good faith  
and in the ward's best interest.

You must keep all receipts and  
cancelled checks for all expenditures.

Notify the Court of any changes  
in your contact information.

Failure to follow any procedure may lead  
to you being removed as the guardian.

**We are here to help.**

**For more information,  
please call us at  
972/548-6463**



## **GUARDIAN OF THE PERSON DUTIES AND RESPONSIBILITIES**



### **STACEY KEMP COLLIN COUNTY CLERK PROBATE CLERK'S OFFICE**

1800 N. GRAVES, SUITE 115  
MCKINNEY, TEXAS 75069  
972/548-6463

OFFICE HOURS:  
MONDAY-FRIDAY  
8:00 a.m. to 4:30 p.m.

**JUDGE WELDON COPELAND, PRESIDING**



## Becoming a Guardian

You have just gone through a major life change and now you must become the guardian of your husband, wife, minor child, grandparent, other relative or friend. What exactly are you supposed to do now? What are you allowed to do? What are you required to do?

Becoming the guardian of another is a very big responsibility and there are several things you will need to know. The information in this pamphlet has been provided to help you through this transition.

You are required to retain an attorney before you may apply as a guardian. Your attorney will assist you in completing the required processes and help ensure you comply with the Orders of the Court.



## Qualifications

You must take the oath of office and execute a bond in the amount set by the court in order for you to act on the behalf of the ward and receive letters of guardianship.

## Letter of Guardianship

After the Court has approved your oath and bond, the clerk of the Court is authorized to issue the Letter of Guardianship. This letter notifies third parties that you can act on the behalf of the ward. The letter will expire one year and four months after the date of issuance. Letters are reissued by the clerk of the Court once the guardian's annual report has been received by the clerk and approved by the Court.

## Your Powers and Duties

Upon approval of your oath and bond, you will have the authority to take physical possession of the ward.

- ◆ You must establish the ward's legal residence and establish protection of the estate.
- ◆ It is your duty to care, control and protect the ward.
- ◆ You will have the power to consent to medical, psychiatric and surgical treatment other than inpatient psychiatric commitment of the ward.

- ◆ You may not mix funds of the estate with your personal funds.
- ◆ Funds of the ward should be placed in a separate account specifically for the ward and any investments of these funds should be made for the best interest of the ward.



## Annual Report of the Person

The guardian of the ward must complete a sworn Annual Report of the Person each year. This Annual Report is due 12 months from the date of qualification. The Annual Report is to include statutory specific information. Your attorney will be able to assist you with this requirement.