

## Information Regarding Guardianship

A guardian is someone appointed by a court who is responsible for the personal affairs of an incapacitated person, called a "ward," and making decisions for that ward. Guardianship may be awarded to make only limited decisions, such as educational decisions only, or medical decisions only, or it may be a full guardianship covering all personal affairs. A judge determines whether you have a physical or mental condition that prevents you from making decisions or taking care of yourself. Guardianship limits your freedom of choice, self-determination, decision-making, and independence. Guardianship can be an expensive process and very hard to reverse. A guardian may be appointed at any time once you turn 18. The guardian may be your parent(s) or someone else. Guardians have reporting and training responsibilities especially when there is an estate. Over time, the individual who serves as your guardian may be changed with the approval of the court. If your ability to care for yourself and make decisions later improve, the guardianship might even be ended and removed. Even while you have a guardian, you can keep the right to make some of your own decisions.

A guardian has the following rights, duties, and authorities.

- the right to make educational decisions
- the right to have physical possession of you and to determine where you live;
- the duty to provide care, supervision, and protection, and to provide you with clothing, food, medical care, and shelter;
- the authority to consent to medical, psychiatric, and surgical treatment for you (this does not include
- the authority to commit you to an inpatient psychiatric facility);
- the authority to oversee a financial trust for you; and
- the authority to sign documents necessary or appropriate to facilitate your employment.

When managing your estate, a guardian also has the following authorities:

- to possess and manage your property;
- to collect all debts, rentals, or claims that are due to you;
- to enforce all obligations in favor of you;
- to bring and defend suits by or against you; and
- to access your digital access.

A judge may also agree to limited guardianship where you make some decisions. Limited guardianship may include financial or medical decision-making, but still allow you to vote, get married and decide where you live. Your guardian would make healthcare and financial decisions for you.

Resources regarding guardianship are on the next page.

## Resources Regarding Guardianship

### **Autism Speaks**

<https://www.autismspeaks.org/family-services/tool-kits/transition-tool-kit/legal-matters>

### **Catholic Charities**

<http://www.sabirthdoulas.org/guardianship/guardianship.html>

### **Child Welfare Information Gateway**

<https://www.childwelfare.gov/topics/permanency/guardianship/>

### **Coalition of Texans with Disabilities**

<https://www.txdisabilities.org/guardianship-reform>

### **Navigate Life Texas**

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

### **Office of the Texas Governor**

<https://gov.texas.gov/organization/disabilities/guardianship>  
Governor's Committee on People with Disabilities

### **National Guardianship Association**

<https://www.guardianship.org/what-is-guardianship/>

### **Texas Guardianship Association:**

<http://texasguardianship.org/guardianship-information/faqs-2/>

<http://texasguardianship.org/guardianship-information/guardianship-basics/guardianship-process-2/>

### **Texas Health and Human Services**

<https://hhs.texas.gov/sites/default/files/documents/laws-regulations/legal-information/guardianship/pub395-guardianship.pdf>

<https://hhs.texas.gov/laws-regulations/legal-information/guardianship>

<https://hhs.texas.gov/laws-regulations/handbooks/guardianship-provider-handbook>

### **Texas Parent to Parent**

<https://www.txp2p.org/services/services-for-parents-pathway-to-adulthood/legal-issues-guardianship-financial-planning>

### **Texas Project First**

<http://texasprojectfirst.org/node/207>

### **The Arc of Texas**

<https://www.thearc.org/file/Guardianship-White-Paper.pdf>

<https://www.thearcoftexas.org/information-resources/>

### **The Legal Framework for the Child-Centered Special Education Process - ESC 18**

<https://framework.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=146&SearchTerm=adult+student>