

Montgomery County Court at Law 2 (936) 539-7832

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2015 Legislation – The New Rules

Several changes were made to the Texas Estates Code during the 2015 legislative session. These changes include:

HB 1921 (§§ 1104.402(a) and 1104.409): Eliminates the current exemption from criminal background checks for proposed guardians who are family members of the ward or proposed ward.

§1105.156: The provisions regarding safekeeping agreements order to reduce the initial bond.

§1054.201: The applicant's attorney must now successfully complete the ad litem certification course, which is increased from three hours to four

hours.

§1001.001:

An incapacitated person subject to a limited guardianship is presumed to retain the capacity to make personal decisions regarding his or her residence.

§§ 1002.0015 & 1002.031: Sec. 1002.0015. ALTERNATIVES TO GUARDIANSHIP

"Alternatives to guardianship" includes the:

(1) execution of a medical power of attorney under Chapter 166, Health and Safety Code;

(2) appointment of an attorney in fact or agent under a durable power of attorney as provided by Subtitle P, Title 2;

(3) execution of a declaration for mental health treatment under Chapter 137, Civil Practices and Remedies Code;

(4) appointment of a representative payee to manage public benefits;

(5) establishment of a joint bank account;

(6) creation of a management trust under Chapter 1301;

(7) creation of a special needs trust;

(8) designation of a guardian before the need arises under Subchapter E, Chapter 1104; and

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Guardian Angel Day



July 1, 2015, was **Guardian Angel Day** in Montgomery County, Texas. Texas State Senator Will Metcalf, County Judge Craig Doyal and County Clerk Mark Turnbull were among the distinguished elected officials who joined Judge Claudia Laird in recognizing the wards, guardians, court visitors, attorneys ad litem and county employees to celebrate another successful year of guardianship administration and the County Court 2 Court Visitor Program designed to monitor the well-being of the more than 500 wards currently under the Court's supervision in Montgomery County.

Award recipients seen pictured with Judge Laird include: **The Halo Award** to **Sen. Will Metcalf** for his work sponsoring much of the 2015 legislative changes mentioned above; **The Halo Award** to Constable Ryan Gable for capturing a fugitive who harmed one of our wards; the **Attorney ad Litem Award** to Probate Attorney **Tom Austin** and the **Court Visitor Award** to Lone Star College intern **Valencia Shaw**, both recognized for their outstanding service to Montgomery County.

And a special tribute recognized 2013 Court Visitor Award Recipient, **Diane Ragsdale**, for reaching a new milestone by completing **151** court visits. As one of the original Court Visitors who helped kickoff the program in 2011, Diane has contributed more than 455 volunteer hours.





Sandy Ledbetter
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Guardian of the Estate Tips

By Sandy Ledbetter

Just a reminder that due dates for annual accountings are very important and should be strictly followed.

A Guardian of the Estate should also understand that he or she has a grace period of only 60 days.

And that everything needs Court approval. This includes the sale of property, attorney fees, investments, etc.

Attorney fees must be a separate motion and order and again, attorney fees must be approved by the court.

Monthly budgets are a great idea if you know the fixed monthly expenses, then you can just change your monthly budgets whenever expenses increase or decrease.

Remember that receipts must also be submitted for

all approved monthly expenses.

Finally, the best rule of thumb is to follow the Texas Estates Code regarding expenses and if you have any questions, you should contact an attorney.



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Guardian of the Person Tips

As a Guardian of the Person, remember that Texas law requires you to file a report each year that covers a twelve (12) month reporting period, with the reporting period beginning on the date you qualified to serve as Guardian.

Texas law requires that your Annual Report be filed not later than sixty (60) days after the reporting period ends.

You may complete and file your Annual Report without the assistance of an attorney. If you have questions, you may call the

Guardianship Coordinator, Amber Park, at 936-538-3570.

Texas law requires a \$12.00 fee for the processing of each Annual Report to determine whether the guardianship continues to be appropriate, unless an affidavit of inability to pay costs is on file.

Letters of guardianship expire one (1) year and four (4) months after the date of issuance unless renewed.

After the Court approves a guardian's Annual Report

of the Person, letters can be renewed and reissued by the clerk of the Court

To order letters of guardianship, you can call the clerk's office at 936-539-7885.

Failure to file an Annual Report may result in your removal as Guardian and may result fees being assessed against you, that you will be responsible for paying individually and not from guardianship funds.

Report forms are available on the Montgomery County website

http://www.mctx.org/courts/county_courts/county_court_at_law_2/probate.html

Thomas Faison Selected "Best Buddies®" Ambassador

Ward, Thomas Faison, is on his way to Indianapolis, IN to serve as a Best Buddies® Ambassador. Tommy resides with his parents, Hardy and Andrea Faison, who also serve as his co-guardians, in the family's home in The Woodlands, TX.

And although Tommy has participated in the Best Buddies® Organization for

years, this will be his first trip alone and his first time serving as an ambassador.

Best Buddies® is an international organization where students with and without intellectual and developmental disabilities are matched in one-to-one friendships.

As an ambassador this

year for his local Chapter, Tommy will work with his mentor to prepare and deliver a speech.

Congratulations to Thomas and his family. We are so proud of Thomas for being selected to participate in this wonderful opportunity.

4 Student Internships

Montgomery County Court at Law 2 Court Visitor Program offers an excellent opportunity for college students interested in careers in nursing, human services, social services, criminal justice, law and a variety of other disciplines to get actively involved in guardianship cases under the supervision of the Court.

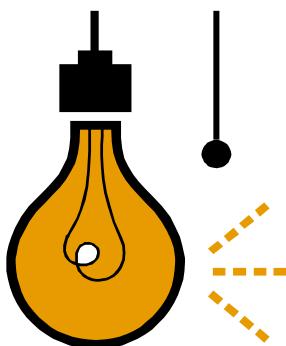
Students assigned to CCL2 as interns will serve as Court Visitors and perform the following:

- Meet with the Court Investigator for orientation and training
- Obtain case assignments and ongoing support from the Court Investigator. Review necessary information from Court files, schedule visits, interview guardians via telephone, and then personally visit with the wards
- Make an assessment of each ward's situation and then timely submit to the Court Investigator a Court Visitor Report Form documenting the Intern's observations

- Refer any irregular or unusual concerns to the Court Investigator for follow-up
- Develop excellent time management and organizational skills as Court Visitor Interns enjoy individual flexible scheduling with no required or set office hours

For more Information Contact

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2015 Legislation The New Rules

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(9) establishment of alternate forms of decision-making based on person-centered planning.

Sec. 1002.031.
SUPPORTS AND SERVICES

"Supports and services" means available formal and informal resources and assistance that enable an individual to:

- (1) meet the individual's needs for food, clothing, or shelter;
- (2) care for the individual's physical or mental health;
- (3) manage the individual's financial affairs; or
- (4) make personal decisions

regarding residence, voting, operating a motor vehicle, and marriage.

§§ 1054.004 & 1054.054:
Attorney ad litem and guardian ad litem duties as to the list of alternatives referred to above.

§§ 1101.001, 1101.101, 1101.151 & 1101.152:
The application must state whether alternatives referred to above were considered to avoid the need for a guardianship and whether the proposed ward's right to make personal decisions regarding a residence should be terminated. The court must make findings that the list of alternatives referred to above were considered but are not feasible and specifically state whether the proposed ward lacks the capacity, with or without supports and services, to make personal decisions regarding residence, voting, operating a motor vehicle and marriage.

SB 1882 (§1151.351):
Creates a bill of rights for wards.

HB 2665
(§§ 1151.055&1151.056):
Provides procedures for certain relatives of a ward to request visitation requires notice from the guardian to the relatives if the ward dies, changes residence, stays outside the ward's residence for more than a week or is admitted to an acute care medical facility for more than three days.

HB 634
Provides a guardian access to a ward if incarcerated by the State of Texas, and provides the guardian the ability to petition for a court appointed attorney for the ward.

Guardian Angels 5



Guardianship is a legal process designed to protect incapacitated individuals from abuse, neglect and exploitation.

This court-created relationship gives someone, called a Guardian, the legal right to take care of an incapacitated person, called a Ward, and make decisions on his or her behalf.

County Court at Law 2 has exclusive probate jurisdiction for all of Montgomery County, Texas, which includes guardianships.

In an effort to monitor the well-being of each ward, it is our goal to

visit every single ward at least once every single year.

The Court Visitor Guardian Angel Program was designed to train community volunteers and students to visit our incapacitated individuals, on behalf of the Court, and prepare reports which are then reviewed by the Court.

This important monitoring function enables the Court to have first-hand information regarding the wards under its supervision and determine whether a guardianship should be continued, modified or terminated.



Volunteering Helps

County Court 2 has an ongoing need for volunteers and so do a number of other agencies and non-profit organizations within Montgomery County. Many are featured on the Help Our County website.

Volunteering is generally considered an altruistic activity and is intended to promote goodness or improve human quality of life. And, although there is no financial gain involved for the individual who volunteers, it is a great opportunity to change lives, especially his or her own. Volunteering can produce a feeling of self-worth and respect.

If you'd like to support a cause but can't afford to donate money, consider donating your time instead.

Consider also, that whenever you're

feeling overwhelmed by the news of a disaster, in addition to providing the much needed assistance to those who have been directly impacted, volunteering to help can often be the best way to help yourself cope.



Consider Volunteering!!

visit the **Help Our County** site
www.helpourcounty.org

Qualifications of a Court Visitor

- Visitors must be 18 years old and pass a criminal background check
- Have access to a car or other reliable means of transportation and current auto liability insurance
- Have good listening skills, patience and tact

- Have the ability to work with a wide variety of individuals, including people with significant physical and mental impairments from different racial, socioeconomic and cultural backgrounds
- Have an ability to remain

objective and nonjudgmental in making reports to the Court

- Have an ability to keep information confidential
- Willingness to visit people where they reside whether that be in private residences, nursing homes,

group homes, hospitals and other care facilities

For more information visit our website

http://www.mctx.org/courts/county_courts/county_court_at_law_2/court_investigator_program.html

The Judicial Corner

When deciding on the topic of this article, I pondered what I would tell the people involved in our guardianships if I could only tell them one thing. Thank you.

All of our (the court) time and energy when it comes to guardianship cases is in monitoring the guardian. You have an investigation to endure, reports to make every year and court visits.

Some of you are summoned to come to the court to answer questions about the decisions you have made for your ward. I am sure it feels like you are untrusted and unappreciated. The exact opposite is the truth.

I am humbled and inspired when I see the selfless dedication of our guardians.

Parents, relatives, friends, children, neighbors, lawyers, caregivers and sometimes state agencies have all come before the court to become guardians.

My heart is filled with joy when I see the willingness of individuals to provide care, companionship, shelter and sustenance for the intellectually disabled in our community.

Sometimes I see those without someone, and it makes me that much more thankful for the work each of you do.

Please remember the court is visiting, asking questions and investigating for the same reason you do what you do. We are trying to take care of the ward.

We unfortunately do have instances where abuse or

neglect occurs, so we must always remain vigilant on every case.

But, please always know how very much you are appreciated and respected as guardians of our court.

Thank you for the hard work, financial support, energy, worry, love and dedication you give to your ward.



Claudia Laird

Judge Presiding
County Court at Law 2
Montgomery County, Texas

A special

"Thank you" from

Judge Laird to our

Guardians for all the

love, support, energy

and dedication

given to take such

good care of our

Wards

Local Special Needs Resources

1. **Special Angels of the Woodlands:**

Helpful for providing or referral to day programs

<http://www.specialangelsotthewoodlands.org/>

2. **Interfaith of the Woodlands:**

A great resource that can provide referrals to other available community resources

<http://www.woodlandsinterfaith.org/programs/>

3. **New Danville:**

An excellent day and residential program

<http://newdanville.org/>

4. **DADS Programs and Services:**

Great resource for linking you to other available community resources

<http://www.dads.state.tx.us/services/children.html>

5. **New Horizons:**

A program serving adults with developmental disabilities since 1954

<http://www.newhorizons-sfv.org/site/PageServer?pgename=Homes>

6. **Joy Ride Center:**

A Therapeutic Horsemanship Program for people with different abilities

<http://joyridecenter.org>

7. **Tri-County Services:**

Tri-County's Intellectual and Developmental Disabilities (IDD) program provides case management services for persons with certain intellectual disorders and/or related conditions to gain access to needed supports and services.

<http://www.tricountyservices.org/>

8. **SSA:**

Contact SSA directly to check eligibility and apply for benefits

<http://www.ssa.gov/disabilityssai/>

Searching the County Clerk Web Portal

Montgomery County Clerk Court Records are available to the public via an online public portal

You may search, view and print uncertified copies from case files right from your home or office

**It's easy,
It's convenient
and It's free!**

Here's how>>>>>>>>

1. Go to:

<http://odyssey.mctx.org/County/default.aspx>

2. Select: Civil & Probate

Case Records

3. Select Search Type Desired from the following:
 - a. Case
 - b. Party
 - c. Attorney
 - d. Date Filed
4. Enter any of the following field(s) as requested based on the type of search selected above:
 - a. Case Number (you may omit dashes and commas only include numbers and letters for example, 1532999P)
 - b. Party Last Name
 - c. Party First Name
 - d. Attorney Last Name
 - e. Attorney First Name

f. Case Status
g. Date Filed on or After
h. Date Filed On or Before

5. Once on the results screen double click on the blue active link for the case number you desire to view
6. Once inside the case double click on the blue active link for the document you wish to view
7. Documents will open in a separate window for viewing and / or printing

**Did you know
County Clerk Records
are Available Online?**



**Montgomery County Clerk
Court Records Inquiry
Home Screen**

<http://odyssey.mctx.org/County/default.aspx>

Safety First

In all that we do, Safety must remain foremost in our minds.

Great Safety Tips.....

FOR COURT VISITORS

1. Call the guardian to schedule your visit in advance – never arrive unannounced!
2. Visit at high activity times, like 8am – 10am or 4pm - 6 p.m. Weekend visits are acceptable, so long as it is at a mutually agreed day and time.
3. If you are unsure about going to a particular location, you can always decide not to go and turn the case back in. We do not expect you to go into areas where you feel unsafe.
4. Beware of "looking lost."

Project an image of knowing where you are going and what you are doing, even if you don't.

5. Dress professionally, but conservatively.
6. At the door of a home, LISTEN BEFORE YOU KNOCK. If sounds of any threatening situation are going on, LEAVE IMMEDIATELY. DO NOT accept invitations such as "Is that you? Just come on in." Identify yourself and ask the occupant to come to the door to let you in.
7. If at any time you feel uncomfortable, do not put yourself in jeopardy. **Leave** and call the Court Investigator immediately and the case will be re-assigned.

FOR GUARDIANS

1. DO NOT ADMIT ANYONE CLAIMING TO BE A COURT VISITOR WITHOUT A SCHEDULED APPOINTMENT
2. When your Court Visitor calls to schedule an appointment to visit – you may verify that the person calling has been appointed to visit you by viewing the Order Appointing Court Visitor online in the County Clerk's file of your case (See article on pg 6 - Searching the County
3. secure all pets in a Clerk's Web Portal). Or, feel free to call the Court (936) 539-7832 to confirm the identity of your Court Visitor.
4. Before your Court Visitor arrives, please place out of sight of the Court

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IF YOU ARE IN AN ESCALATION:

DIVERT – Switch attention to another subject, change seats, ask to speak to one party alone, Separate agitators.

DIFFUSE – Use soft voice, agree, focus on how the person feels she/he has been treated. Assure the person they are safe.

DELAY – Ask to postpone, get back-up, practice "strength in numbers."

LEAVE – Get out and avoid a dangerous situation any way you can.

**Call 911
When Appropriate!**

**County Court at Law 2
Montgomery County, TX
210 West Davis Street
Suite 300
Conroe, Texas 77301**

Phone
(936) 539-7832

Fax
(936) 788-8357

Website
http://www.co.montgomery.tx.us/courts/countycourts/county_court_at_law_2/index.html

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Visitor. Remember the visit will be brief and it is a courtesy to our volunteers that they not have to meet and greet unfamiliar pets.

4. Always answer the door and lead the Court Visitor into your home. If available, sitting at a table works best so the Court Visitor has an adequate writing surface.

5. Once inside, your Court Visitor should provide you with a copy of the Order Appointing Court Visitor – feel free to ask to see other identification if you feel uneasy. Court Visitors do not have Montgomery County ID badges but they will have a Texas Driver's License that you may ask to view.

6. All Court Visitors have successfully cleared a criminal background check and been appointed by the Court after careful screening; however, if at any time you feel uncomfortable, feel free to ask the Court Visitor to leave your home. You should immediately call the Court Investigator at (936) 760-6915. Another Court Visitor will be rescheduled to visit with you.

About Guardians and Wards

Stay in contact with us and keep the Court informed. We want to learn about the activities and major events in the lives of our Guardians and Wards and will be sharing those stories and photos with others in the community through future

issues of **e-Guardianship News**.

Please be aware that all submissions will become the property of the Court and will not be returned. We also can make no guarantees as to what can

be published but will do our best to share as many as space will permit.

Submit your Human Interest Stories and Digital Photos by email only to:

jacqueline.ullom@mctx.org

Montgomery County Court 2 Staff



Back Row (l-r): **Peggy Freeman** **Martha Koomar** **Amber Park** **Juljana Rjepaj**
Court Coordinator Court Reporter Guardianship Coordinator Asst. Court Coordinator

Front Row (l-r): Charles Rivette Bailiff	Judge Claudia Laird	Randi Easterling Probate Coordinator
	Jackie Ullom Court Investigator	Sandy Ledbetter Probate Coordinator