**UNCONTESTED GUARDIANSHIP OF A PERSON – STEP BY STEP**

1. **Hire a lawyer. Guardianship applicants must be represented by an attorney who is certified as an ad litem. You can find a certified attorney at this database:**

**https://www.texasbar.com/AM/Template.cfm?Section=Course\_Search&Template=/CustomSource/mcle/search/guardianship.cfm**

1. **File a sworn application with the court.**

* **Must certify no alternatives to guardianship exist.**
* **Usually must attach a “physician certificate of medical examination” that shows person lacks capacity.**

1. **The potential ward gets served by the sheriff; all other family members get served or notified. Applicant’s attorney must file proof of service.**
2. **The court appoints an attorney ad litem to represent the potential ward.**
3. **Applicant must provide information for a criminal background check that will be sent to the court.**
4. **Applicant must complete a one hour training on guardianships (available online)**
5. **Attorney ad litem visits with the proposed ward; reviews medical records.**
6. **Court hearing.**
   * **Applicant and proposed ward must appear (ward’s presence may be excused by the judge)**
   * **Judge must find by clear and convincing evidence that person is incapacitated, that no guardianship alternatives are feasible and in the best interest of the person to have a legal guardian.**
7. **Court signs order appointing guardian and sets a bond amount. In San Antonio, the minimum bond is a $13,000 corporate surety bond. It will cost about $110 a year or you can purchase a “lifetime” bond for about $400. The bond must be posted within 20 days of the order being signed.**
8. **Once bond is posted and oath is taken, the clerk issues letters of guardianship. These letters expire after 16 months. To renew, the guardian must file an annual report with the court at least 2 months before they expire and the report must be approved by the judge. Someone may also come do a home visit. The failure to file an annual report could result in revocation of the bond or removal of guardian.**