

## **GLOSSARY**

### **Annual account**

A report made to a court by a guardian of the estate covering a specific period related to activity pertinent to the estate within the designated period.

### **Annual report**

A report made yearly to a court by a guardian of the person covering a specified reporting period related to the condition of the ward within the designated period.

### **Assisted living program**

A 24-hour living arrangement providing services, including personal care, home management, escort, social and recreational activities, 24-hour supervision, supervision of, assistance with, and direct administration of medications, and the provision or arrangement of transportation.

### **Attorney ad litem**

A court-appointed lawyer representing the proposed ward during guardianship proceedings. The attorney ad litem advocates for the wishes and desires of the proposed ward.

### **Bill of rights**

A ward has rights and freedoms granted under state and federal constitution and law. The ward retains all rights except those limited by court ordered guardianship or otherwise restricted by law.

### **Bond**

An insurance policy required by a court in an amount set by a judge to cover the assets of the estate.

### **Capacity**

Legal qualification, competency, power or fitness. Also, the ability to understand the nature of the effects of one's acts.

**Certificate of medical examination (CME)**

A document prepared by a physician licensed to practice in Texas who examines a person and assesses his or her mental capacity and capabilities.

**Conservator**

An adult legally appointed with authority over a child.

**Decisional capacity**

The ability to understand and appreciate the nature and consequences of decisions and to reach and communicate an informed decision in the matter.

**Determination of intellectual disability (DID)**

An assessment made by a physician or psychologist licensed in the state of Texas based on the measure of a person's intellectual functioning, a determination of the person's adaptive behavior and level, and evidence of origination during the person's developmental period.

**Estate**

Both real and personal, tangible and intangible, and includes anything subject to ownership.

**Estates Code**

The law containing the general provisions of guardianship.

**Family guardian**

Someone appointed for a person to whom he or she is related by blood or marriage. When a family member who has no conflict with the proposed ward is willing and able to serve as guardian, the court prefers to appoint a family member as guardian.

**Guardian**

A person appointed by a probate court for someone who does not have the capacity to protect his or her own interests.

**Guardian ad litem**

A disinterested person appointed by the court on behalf of the ward to represent a proposed ward or a ward's best interest.

**Guardian of the estate**

A guardian who possesses any or all powers and rights with regard to the property of a ward.

**Guardian of the person**

A guardian who is responsible for and who advocates for the health, well-being and personal needs of a ward.

**Guardian with full authority (full guardianship)**

Someone appointed by the court to exercise all legal rights and powers of the ward after the court has found the ward lacks the capacity to perform all of the tasks necessary to care for his or her person or property. It is the opposite of a limited guardian.

**Incapacitated person**

An adult who, because of physical or mental conditions, is substantially unable to feed, clothe or shelter himself or herself, to care for his or her physical health, or to manage his or her financial affairs.

**Less restrictive alternative**

An alternative meant to preserve a person's autonomy or independence.

**Letters of guardianship**

A certificate issued by the clerk of court to a guardian after appointment and qualification by the guardian that states facts of appointment, qualification and the date the letters of guardianship expire.

**Limited guardian**

A guardian appointed by the court to exercise the legal rights and powers specifically designated by a court order entered after the court has found the ward lacks capacity to perform some, but not all, of the tasks necessary to care for his or her person or property.

**Oath or Declaration**

A sworn written statement made by the guardian in which he or she swears to fulfill his or her obligation.

**Power of attorney**

A document appointing someone to act as agent for another person. The agent may be authorized to make medical or financial decisions, depending on the document.

**Proposed ward**

A person alleged to be incapacitated in a guardianship proceeding.

**Supported decision-making agreement**

A written agreement between a person with a disability and another who commits to providing support to the person in seeing the person's wishes are carried out.

**Supported decision-maker**

A person who has entered into a written agreement with a person with disabilities to support them in their life's decisions.

**Surrogate decision-maker**

A person with decision-making capacity who has authority to consent to medical treatment on behalf of an incapacitated person.

**Ward**

An incapacitated person who has been placed in the care, custody and supervision of a guardian.