

The Ad Litem Manual 2021

Steve M. King
Fort Worth, Texas

1

FAIR USE DISCLAIMER

This presentation is for teaching & educational purposes only. Any copyrighted works contained in this presentation are used pursuant to the “fair use” doctrine of §107 of the U. S. Copyright Act of 1976 which recognizes a fair use of copyrighted material for purposes such as criticism, comment, news reporting, teaching, scholarship, education and research.

Title 17, United States Code, 107

2

Goals

- Role(s) of Ad Litem(s)
- Less Restrictive Alternatives, Supports & Services
- Tools used:
 - Doctor's Letter
 - Capacity Assessment
- Active Contests
- Uncontested Hearings



Judicial Bonds

- Courts with Probate & Guardianship Jurisdiction:
 - Population 125,000 or less: \$100,000 Bond
 - Population 125,000 or more: \$250,000 Bond
 - Statutory Probate Courts: \$500,000 Bond
- Condition: Judge performs duties under Estates Code.
- Insurance against losses caused by Judge's Gross Negligence
- County may opt for insurance instead.

5

Attorney Certification in Guardianship

- ***NEW!* Effective September 1, 2021**
- State Bar Certification Required for:
 - Any Attorney representing *Any* Person in Guardianship
- Four hour course: Guardianship Law & Procedure
- Internet-based training to be made available
- Uncertified Attorneys: 14 days to get certified after appearance
 - but may not file any substantive pleadings before certification

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Role of the Ad Litem

Also available as part of the eCourse

[Answer Bar: Texas Guardianship Essentials](#)

First appeared as part of the conference materials for the
23rd Annual Estate Planning, Guardianship and Elder Law Conference session
"Role of the Ad Litem"