

**Continuum of Guardianship Avoidance or Limiting Tools**

<b>Guardianship of the Person Avoidance Tools</b>	<b>Advanced Medical Directives</b>	<b>Guardianship of the Estate Avoidance Tools</b>	<b>Guardianship Limiting Tools</b>
<b>Emergency Protective Order</b> [TEX. HUM. RES. CODE § 48.208]	<b>The Federal Self-Determination Act</b> [42 USCA § 1395cc(f)]	<b>Durable Power of Attorney</b> [TEX. EST. CODE § 751.001ff]	<b>Pre-Need Designation of Guardian</b> [TEX. EST. CODE § 1104ff]
<b>Surrogate Decision-Making</b> [TEX. HLTH. & SAF. CODE § 313.001-.007]	<b>Medical Power of Attorney</b> [TEX. HLTH. & SAF. CODE § 166.151]	<b>Convenience Accounts</b> [TEX. EST. CODE § 113.102] [TEX. EST. CODE § 113.106]	<b>Pre-Need Designation of Guardian by Parent</b> [TEX. EST. CODE §§ 1104.103, 1104.151 □]
<b>Surrogate Decision-Making – Intellectual Disability (ID/IDD)</b> [TEX. HLTH. & SAF. CODE § 597.041]	<b>Directive to Physicians and Family or Surrogates (“Living Will”)</b> [TEX. HLTH. & SAF. CODE § 166.031]	<b>Sophisticated Tax Planning</b>	<b>Pre-Need Declaration - Mental Health</b> [TEX. CIV. PRAC & REM. CODE § 137.007]
<b>Surrogate Decision Making For Minors When Parent Unavailable</b> [TEX. FAM. CODE § 32.001ff]	<b>Intractable Pain Treatment Act</b> [TEX. REV CIV. STATS Art. 4495c]	<b>Inter Vivos (“Living”) Trusts</b> [TEX. PROP. CODE §§ 111-115]	<b>Safekeeping (“Freeze”) Agreements</b> [TEX. EST. CODE § 1105.155]
<b>Authorization Agreement for Non-Parent Relative</b> [TEX. FAM. CODE Ch. 34]	<b>Out-of-Hospital DNR (“EMT-DNR”)</b> [TEX. HLTH. & SAF. CODE § 166.081]	<b>§ 142 Trusts</b> [TEX. PROP. CODE § 142.005]	<b>Restoration of Ward</b> [TEX. EST. CODE § 1202.051]
<b>Supported Decision-Making Agreements</b> [TEX. EST. CODE Ch. 1357]	<b>End-Stage Planning: The Patient’s Intent, If Known</b> [www.agingwithdignity.com. □]	<b>Testamentary Trusts</b>	<b>Annual Determination</b> [TEX. EST. CODE § 1201.052]
<b>Emergency Medical Treatment Act</b> [TEX. HLTH. & SAF. CODE § 773.008]		<b>Guardianship Management Trusts</b> [TEX. EST. CODE § 1301.051]	<b>Emancipation of Minor Ward</b> [TEX. FAM. CODE § 31.01ff]
<b>Emergency Medical Treatment for Minors</b> [TEX. FAM. CODE Ch. 153]		<b>Pool Trusts Subaccounts</b> [TEX. EST. CODE §§ 1302.001ff]	<b>Enumeration of Powers in Guardianship Order</b> [TEX. EST. CODE § 1101.151ff]

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<b>Managing Conservatorship</b> [TEX. EDUC. 6 CODE §25.001(d)]		<b>Special Needs/Medicaid Qualification Trusts</b> [42 USC 1396p(d)(4)(a)] [42 USC 1396p(d)(4)(c)]	<b>Interstate Guardianships</b> [TEX. EST. CODE § 1253.001ff]
<b>School Admission Procedures</b> [TEX. EDUC. CODE § 25.001(b)(9)]		<b>Trusts for Intellectually Disabled Persons</b> [TEX. HLTH. & SAF. CODE § 593.081]	<b>Negligible Estate</b> [TEX. EST. CODE §§ 1204.001]
<b>School Admission Procedures (Grandparents)</b> [TEX. EDUC. CODE § 25.001(d)]		<b>Community Administrator</b> [TEX. EST. CODE § 1353.002]	<b>Minor Ward's Estate &lt;\$100,000</b> [TEX. EST. 14 CODE §§ 1204.001(d) & 1355.102]
<b>Mental Health Services</b> [TEX. HLTH. & SAF. CODE §§ 462.001, 571.001, 574.001]		<b>Court Registry</b> [TEX. EST. CODE § 1355.001]	<b>Mediation and Family Settlement Agreements</b> [TEX. EST. CODE § 1055.151]
<b>Driving Issues: Katies Law and the Re-Test Request</b> [TEX. TRANSPORT. CODE § 521.2711]		<b>Payment of Non-Resident Creditor</b> [TEX. EST. CODE § 1355.002]	<b>Mother Nature and Father Time</b>
<b>Mental Illness Diversion Programs (Criminal Courts)</b>		<b>Sale of Minor's Interest in Property</b> [TEX. EST. CODE § 1351.001]	
<b><u>Party acting responsibly to sign Medicaid application for nursing home and Medicaid Facility Placement</u></b> [42 CFR §435.907]		<b>Sale of Adult Ward's Interest in Property</b> [TEX. EST. CODE § 1351.051]	
		<b>Mortgage of Minor's Interest/ Minor Ward's Interest in Property</b> [TEX. EST. CODE §§ 1352.051, 1352.101]	

Guardianship of the Person Avoidance Tools	Advanced Medical Directives	Guardianship of the Estate Avoidance Tools	Guardianship Limiting Tools
		<b>Uniform Transfers to Minors Act</b> <i>[TEX. PROP. CODE § 141.001 et. seq.]</i>	
		<b>Receivership</b> <i>[TEX. EST. CODE § 1354.001, TEX. CIV. PRAC. &amp; REM. CODE §§ 64.001ff]</i>	
		<b>Order of No Administration</b> <i>[TEX. EST. CODE §§ 451.001ff]</i>	
		<b>Representative Payee</b> <i>[42 USC § 1383(a)(2)]</i>	
		<b>Veteran's Benefits Fiduciary</b> <i>[38 USC § 5502(a)(1)]</i>	
		<b>Payment of Employees Retirement System Funds to Parent of Minor</b> <i>[Op. Tex. Att'y Gen. No. H-1214]</i>	
		<b>International Treaty</b>	
		<b>Suit by Next Friend</b> <i>[TEX. RULES CIV. PROC. 44]</i>	
		<b>Social Service Agencies</b>	
		<b>Geriatric Care Manager</b>	
		<b><u>Reformation of Wills to Create or Modify Trusts</u></b> <i>[Texas Estates Code §§ 255.451-.455]</i>	
		<b><u>Decanting</u></b>	

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First appeared as part of the conference materials for the  
23<sup>rd</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Alternatives to Guardianship Including Support Services"