

Continuum of Guardianship Avoidance or Limiting Tools

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

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

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

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"Alternatives to Guardianship Including Support Services"