

Supreme Court of Texas

Misc. Docket No. 23-9097

Order Approving Education Rules on Guardianship, Alternatives to Guardianship, and Supports and Services for Proposed Wards and Wards

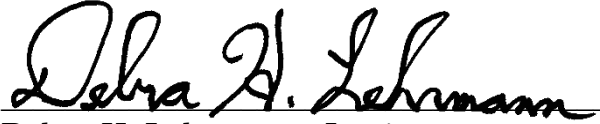
ORDERED that:

1. In accordance with the Act of May 27, 2023, 88th Leg., R.S. ch. 939 (S.B. 1624, codified at TEX. GOV'T CODE § 22.0133 and TEX. EST. CODE § 1054.157), the Court approves the following Education Rules on Guardianship, Alternatives to Guardianship, and Supports and Services for Proposed Wards and Wards, effective immediately.
2. The Clerk is directed to:
 - a. file a copy of this Order with the Secretary of State;
 - b. cause a copy of this Order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this Order to each elected member of the Legislature; and
 - d. submit a copy of this Order for publication in the *Texas Register*.

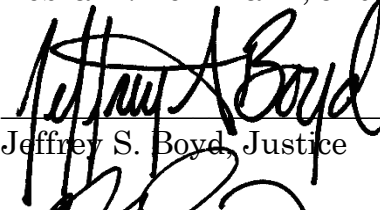
Dated: November 29, 2023.



Nathan L. Hecht, Chief Justice



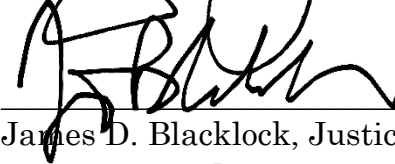
Debra H. Lehrmann, Justice



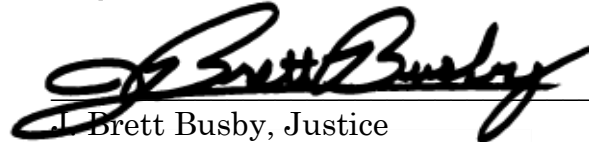
Jeffrey S. Boyd, Justice



John P. Devine, Justice



James D. Blacklock, Justice



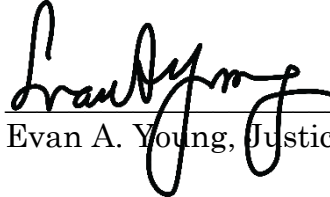
J. Brett Busby, Justice



Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice

Education Rules on Guardianship, Alternatives to Guardianship, and Supports and Services for Proposed Wards and Wards

Rule 1. Authority

These rules are adopted pursuant to Section 22.0133 of the Government Code and Section 1054.157 of the Estates Code.

Rule 2. Definitions

In these rules:

- (a) “Alternatives to guardianship” has the same meaning as is assigned in Section 1002.0015 of the Estates Code.
- (b) “Court investigator” means a person appointed under Subchapter D of Chapter 1054 of the Estates Code.
- (c) “Court visitor” means a person appointed to conduct evaluations of wards and file reports with the court under Subchapter C of Chapter 1054 of the Estates Code.
- (d) “Probate judge” means a constitutional county court judge, statutory county court judge, statutory probate judge, or any associate judge who has jurisdiction over guardianship.
- (e) “Proposed ward” means a person for whom an application for the appointment of a guardian has been filed but who is not under guardianship.
- (f) “Supports and services” has the same meaning as is assigned in Section 1002.031 of the Estates Code.
- (g) “Ward” means a person under guardianship.

Rule 3. Biennial Education

- (a) *Probate Judge.*
 - (1) A probate judge who was in office on September 1, 2023, must complete:
 - (A) one hour of education on alternatives to guardianship and supports and services available to proposed wards and wards by December 1, 2025; and

- (B) one hour of education on alternatives to guardianship and supports and services available to proposed wards and wards every two years thereafter.
 - (2) A probate judge who assumes office after September 1, 2023, must complete one hour of education on alternatives to guardianship and supports and services available to proposed wards and wards every two years from the probate judge's anniversary of assuming office.
 - (3) The probate judge must certify completion consistent with Rule 9 of the Rules of Judicial Education.
- (b) *Court Investigator or Court Visitor.*
- (1) A court investigator or a court visitor must complete two hours of education on guardianship every two years. Of the two hours of education, the court investigator or the court visitor must complete one hour of education on alternatives to guardianship and supports and services available to proposed wards and wards.
 - (2) Certification. The court investigator and the court visitor must file with each appointing court a certificate or other proof of completion.
- (c) *Other Laws and Rules Applicable.* Nothing in this rule excuses completion of other education requirements mandated by law or rule.

Rule 4. Approved Programs

- (a) Programs sponsored by the following organizations may be used to satisfy the education requirements of these rules:
 - (1) programs listed in Rule 2(c) of the Rules of Judicial Education; and
 - (2) any other program approved by the Supreme Court, in consultation with the Court of Criminal Appeals and the Judicial Branch Certification Commission.
- (b) A provider of a continuing education program, a probate judge, a court investigator, or a court visitor may request approval of a program under (a)(2). The request must be accompanied by an outline of the materials that describe the course content, identify the presenters, indicate the time allotted to each segment, and provide the date and location of the program.