

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 § 751.001f] | 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] | |

| Guardianship of the Person Avoidance Tools | Advanced Medical Directives | Guardianship of the Estate Avoidance Tools | Guardianship Limiting Tools |
|---|------------------------------------|---|------------------------------------|
| | | 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> | |

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 \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Appendices

Also available as part of the eCourse

[2021 Estate Planning, Guardianship, and Elder Law eConference](#)

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