



COMMISSIONER
Adelaide Horn

Memorandum

To: Guardianship Contractors

From: Cindy Kenneally, MSW, RG, Texas Certified Guardian
Unit Manager, Oversight and Community Support
Guardianship Section, Access and Intake Division

Subject: Bond Payments for Wards with an Estate

Date: June 26, 2008

The rules for the Guardianship program reference reimbursement to DADS Guardianship Contractors in TITLE 40, PART 1, CHAPTER 10, SUBCHAPTER C, RULE §10.319 (b), (c), (d) 1 -3.

b) A contractor must accept payment from DADS as payment in full for services rendered. The contractor must not duplicate billing or receipt of other funds.

(c) A contractor must not seek or accept reimbursement from a DADS ward to whom it provides purchased services.

(d) A contractor must not collect:

(1) payment from a ward;

(2) a percentage of the Social Security or Supplemental Security Income check specified in the Omnibus Reconciliation Act of 1990; or

(3) payment authorized by the court in accordance with Texas Probate Code, §665.

A review of the rules has resulted in the following policy interpretation.

A contractor may charge the bond required by the court to a ward's estate if the ward's estate has sufficient funds to pay the bond and the contractor is or will be guardian of the estate or guardian of the person and estate. A contractor may not charge legal fees for guardianship of the estate, guardianship of the person and estate and may not charge bond or legal fees for guardianship of the person. If the contractor is guardian of the person and someone else is guardian of the estate and there are enough funds in the estate, the contractor may work with the guardian of the estate for payment of the bond.

This policy clarification is effective July 1, 2008.

If you have questions, please contact Tim McGinnis, Guardianship Section Manager, at 512-438-4727, or e-mail him at timothy.mcginis@dads.state.tx.us.