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How to Complete Your Texas Declaration of Guardian

Declaration of Guardian in the Event of Later Incapacity or Need of Guardian (Texas Estates Code Section 1104.204)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DOCUMENT.

About this form. This is Texas's statutory form for naming who should be your guardian if a court ever needs to appoint one for you, and who should **never** serve. It protects your choice if you become unable to care for yourself or your finances.

1. **Name your guardians (Page 1)**
   Name who should serve as guardian of your **person** (care and living arrangements) and of your **estate** (money and property), with up to three alternates for each.
2. **Disqualify anyone (optional, Page 1)**
   You may list people who must never serve as your guardian. If you list anyone here, you must sign with two witnesses (Option 1).
3. **Option 1: witnesses and notary (Pages 1–2)**
   Sign in front of two witnesses age 14 or older who are not named as guardians. You and the witnesses then swear to the self-proving affidavit before a notary. We can provide witnesses for an additional fee.
4. **Option 2: notary only (Page 3)**
   If you did **not** disqualify anyone, you may instead sign before a notary alone, using the acknowledgment on Page 3.

After It's Signed

- Keep the original in a safe place and tell your family and chosen guardians where it is. It may be filed with the county clerk.
- A court will generally appoint the person you name unless the court finds that person disqualified or not in your best interest.
- To revoke it, sign a new declaration or destroy this one. Consider also a Statutory Durable Power of Attorney and Medical Power of Attorney, which may avoid the need for a guardianship.

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Have questions about this document? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**. Main headquarters: 2315 Capitol Avenue, Sacramento, CA 95816.

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DECLARATION OF GUARDIAN

IN THE EVENT OF LATER INCAPACITY OR NEED OF GUARDIAN (Texas Estates Code Section 1104.204)

I,

Your full name

make this Declaration of Guardian, to operate if the need for a guardian for me later arises.

1. I designate the following persons to serve as guardian of my **person**:

Guardian of my person

First alternate guardian of my person

Second alternate guardian of my person

Third alternate guardian of my person

2. I designate the following persons to serve as guardian of my **estate**:

Guardian of my estate

First alternate guardian of my estate

Second alternate guardian of my estate

Third alternate guardian of my estate

3. If any guardian or alternate guardian dies, does not qualify, or resigns, the next named alternate guardian becomes my guardian.

4. I expressly disqualify the following persons from serving as guardian of my person:

Name

Name

Name

5. I expressly disqualify the following persons from serving as guardian of my estate:

Name

Name

Name

If you disqualify anyone in item 4 or 5, you must sign using Option 1 (two witnesses and self-proving affidavit).

OPTION 1: SIGNATURE WITH TWO WITNESSES (self-proving affidavit on the next page)

Signed this day of

month

year

X

Declarant

X

Witness

X

Witness

Printed name of witness

Printed name of witness

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SELF-PROVING AFFIDAVIT

STATE OF TEXAS §

COUNTY OF _____ §

Before me, the undersigned authority, on this date personally appeared

_____

the declarant

and

_____ _____

witness witness

as witnesses, and all being duly sworn, the declarant said that the above instrument was his or her Declaration of Guardian and that the declarant had made and executed it for the purposes expressed in the declaration. The witnesses declared to me that they are each 14 years of age or older, that they saw the declarant sign the declaration, that they signed the declaration as witnesses, and that the declarant appeared to them to be of sound mind.

X _____

Declarant

X _____ X _____

Affiant Affiant

Subscribed and sworn to before me by the above named declarant and affiants on

_____

Date

X _____

Notary Public, State of Texas

(Notary seal)

_____

Notary's printed name

_____ _____

Notary ID number My commission expires

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OPTION 2: SIGNATURE BEFORE A NOTARY (only if no one is disqualified in items 4 and 5)

Signed this day of _____ month _____ year _____

X _____
Declarant

Printed name _____

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on

Date _____ by (Declarant) _____

X _____
Notary Public, State of Texas

(Notary seal)

Notary's printed name _____

Notary ID number _____ My commission expires _____

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