

HB 2384 (Performance Measures) Probate, Guardianship and Mental Health Frequently Asked Questions

General

1. How do I submit a corrected report?

Email it to data.division@txcourts.gov and state in your email that it is a corrected report. Specify which section(s) of the report has been corrected, i.e., probate or mental health section.

2. How do I create and maintain codes and configure mapping to the reports?

Please consult your software vendors for specific guidance and assistance on how to create, maintain and configure CMS codes. OCA worked closely with vendors to communicate data requirements and cannot advise clerks on these types of CMS configuration and mapping questions.

3. How do you set an “Active – Pending” case status through Enterprise Justice?

Contact your vendor support for instructions and assistance with creating new status codes in your system, as the CMS configuration may not be the same in every court that uses this system, and you may need to be given certain system administrative rights to access additional features.

Probate & Guardianship

See Probate/Mental Health Guidance on the OCA Performance Measures for District & County Courts (HB 2384) webpage for further details on reportable ACTIONS and SUBSEQUENT ACTIONS.

1. What is a reportable “action” or “subsequent action”?

An ACTION is an application or motion that asks for some type of relief from the court.

A SUBSEQUENT ACTION may be

- filed by the person who was appointed based on a need for some type of **additional authority by court order** or
- filed by another interested party or a third party after the initiation of the case, such as a contest or adverse action, application to remove a personal representative (executor/ administrator/guardian), application to appoint a successor personal representative, interpleader, application for partition and distribution, etc.

A SUBSEQUENT Action is not specifically related to subsequent action fees authorized under Local Government Code, §§ 133.151, 135.101.

The following types of filed documents should **not be reported** on the Performance Measures Report (but may be required on the Monthly Activity Report):

- Filings that are **required or expected** of an executor, administrator, or guardian as part of their **ongoing duties and responsibilities**.
- Filings associated with the original proceeding, and in which the applicant is **not asking for new or additional powers** from the court.

Examples include inventories, annual reports, annual accounts, applications for payment of attorney fees, etc.

2. What makes a case “Active Pending”?

An action should be counted as pending if:

- The application or motion filed in the case that falls under the definition of an ACTION is pending and has not been heard and DISPOSED by the court, and
- The case has not been DISPOSED or CLOSED by an order of the court.

An action should **not** be counted as pending if:

- An ORDER was signed by the judge disposing of the ACTION;
- A case with an ACTION filed was transferred out to another court (same or different county); or
- A guardianship case was ordered removed from the court’s active docket under Estates Code, § 1204.201(b) or (c).

3. Probate Active Pending Beginning of Period

a. What should be included in “Probate Active Pending Beginning of Reporting Period”?

Include all **ACTIONS** filed from 3/1/2020 through 2/29/2024 and **still pending on 3/1/2024** in the initial report (September 1 in subsequent reports). “Actions” include original applications that initiated the cases and any subsequent actions (identified in our Probate/Mental Health Guidance Document) filed after the initiation of cases. Because both original and subsequent actions are reported, a case may be counted as ACTIVE PENDING more than once if the original application and/or one or more subsequent actions are pending in that case on the first day of the reporting period or are filed during the reporting period.

b. Do we count only the number of active cases filed/pending starting on 3/1/2020?

Yes, you should count the number of original and subsequent ACTIONS that were filed starting on 3/1/2020 that were still pending on 3/1/2024. The date of 3/1/2020 was established to provide a “look-back” date to assist in establishing a starting pending cases/actions count for the March 2024 Performance Measure Report.

NOTE: This may include actions filed on or after 3/1/2020 into cases that were initiated prior to 3/1/2020 if the Action is pending as of 3/1/2020. Cases that have not seen any activity since before 3/1/2020 should not be counted in the pending case count.

c. If there is a reportable disposition on an action that pre-dates the “look back” date of 3/1/2020, should I report the disposition/order?

If an order is signed on a case/action that was not included in the initial pending case count, the Action/Case should be added to pending to dispose of the case.

d. Do I understand correctly that the first report must include 3/1/2020 – 2/29/2024?

The first report includes establishing a “pending” case count for the report that should include active pending cases/actions from 3/1/2020 - 2/29/2024. The report will also include all cases/actions filed during the reporting period of 3/1/2024 - August 31, 2024.

e. Can clerks just use the total number of cases filed from March 1 through August 31 that were reported on the Monthly Court Activity Report for the number of cases in the “Probate Active Pending Beginning of Period” column of the Performance Measures Report?

No. The number of cases reported on Lines 1 and 2 of your Monthly Court Activity Reports are the number of CASES and subsequent actions filed during the report period, not pending at the beginning of the report period.

f. Should clerks use Active from line 6 (d) of the monthly court activity report as their starting number in March?

No. Line 6.d. of the Monthly Court Activity Report should only include active **guardianship** cases, which may or may not have a Pending Action.

d. ACTIVE (AS OF THE END OF THE MONTH)

Report the **total** number of open, **active** cases as of the **end of the month** in which an order granting guardianship has been issued. **This includes all guardianships established prior to the reporting month.**

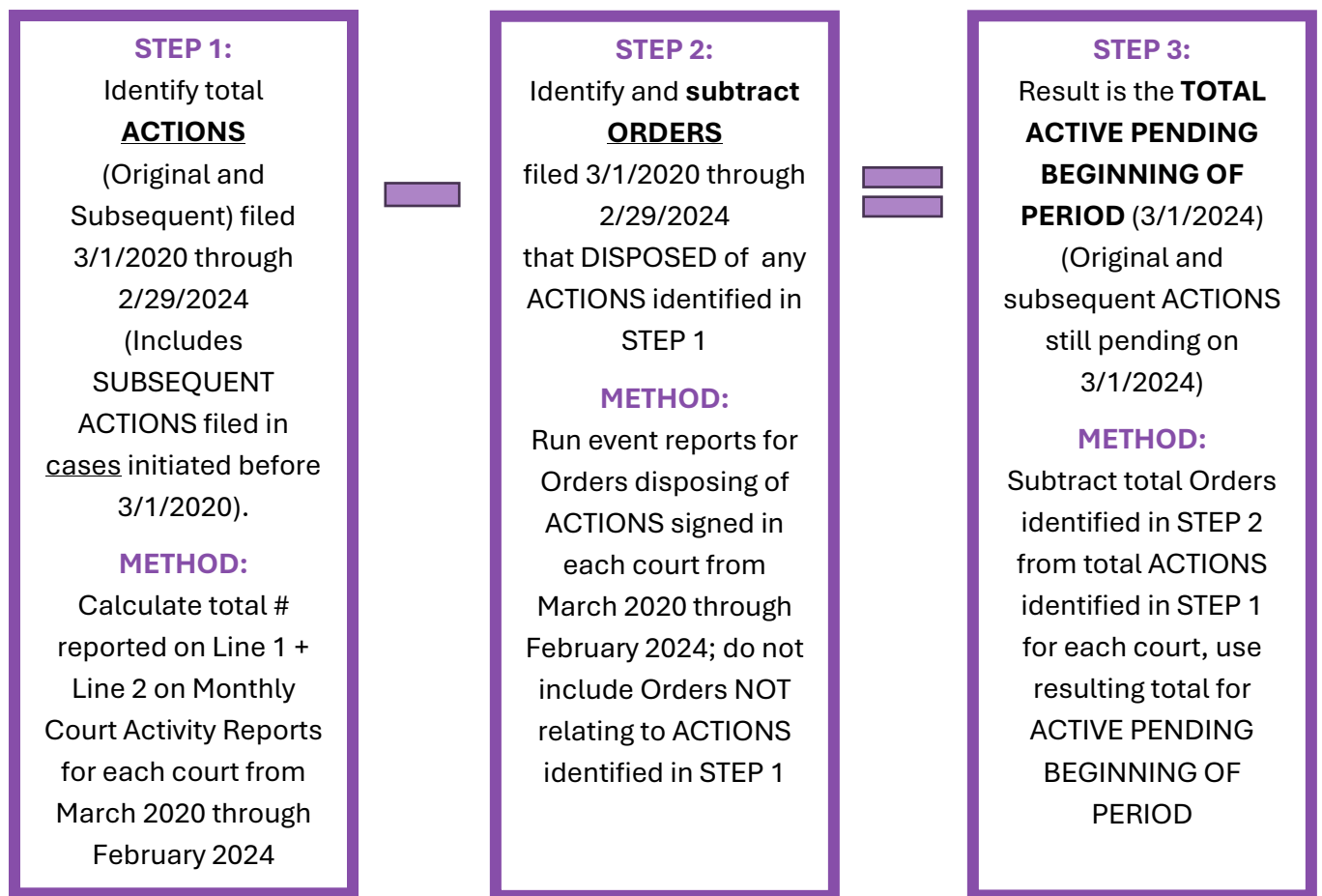
g. Is there a recommended way for clerks to calculate the number of Active Pending cases as of 3/1/2024 for the first report besides looking at every case?

OCA has provided the following interim solution to assist clerks in identifying the number of Pending Probate/Guardianship Actions as of 3/1/2024. **This solution will only work if you have just one court that handles these type of cases.**

NOTE: All filing types that are required to be reported on Line 2.b, **Other Cases Added** must have been included in the previously submitted Monthly Court Activity Reports in order to be counted in the totals. For a complete list of examples of **Other Cases Added**, refer to the Official Monthly Report Instructions.

Use the **OCA Court Activity Reporting and Directory system (CARD)** where you submit your monthly reports: <https://card.txcourts.gov/>.

CALCULATING ACTIVE PENDING CASES BEGINNING OF PERIOD (3/1/2024):



h. If a case is filed in 2021 with no other action being taken because the attorney has not requested a setting, should it be included in the pending case count?

Yes. Cases initiated 3/1/2020 or later and in which the original applications are still pending on 3/1/2024 should be included in the number of **Active Pending Beginning of Period** on your report until the application has been heard or dismissed.

However, there is a method under **Rule 165a, Texas Rules of Civil Procedure**, which provides that applications and motions which are civil in nature and that have not been scheduled for a hearing **may be dismissed from the court's docket**, including probate, guardianship, and mental health. The **court** must initiate this process and follow specific procedures.

4. a. Are there any case types that can be changed to closed, disposed, or inactive when an order is signed?

Yes. Cases in which A **no person was appointed** executor, administrator or guardian when the order disposing of the application or action is signed, and there is no immediate expectation that a subsequent action will be filed, may be changed to closed or disposed status to exclude them from the reports.

The following case types may be set to “DISPOSED” or ”CLOSED” status when an order is signed disposing of the original action:

1. **Probate of Will as a muniment of title**, Estates Code, [Chap. 257](#) *
2. **Small estate affidavit**, Estates Code, [Chap. 205](#)
3. **Application to determine heirship**, Estates Code, [Chap. 202](#) *
4. **Complaint to produce Will**, Estates Code, [§ 252.201](#) *
5. **Probate of foreign Will, no letters**, Estates Code, [§ 501.004](#) (no order required, case may be set to “disposed” once foreign probate has been recorded)
6. **Open safety deposit box and/or examine documents**, Estates Code, [§ 151.001](#) *
7. **Emergency intervention**, Estates Code, [Chap. 152](#) *
8. **Application to access decedent’s financial records**, Estates Code, [Chap. 153](#) *
9. **Delayed birth or death certificate**, Health & Safety Code, [§ 192.027](#) (birth), [§ 193.007](#) (death)
10. **Relief from firearms disability**, Estates Code, [§ 1202.201](#) (may be filed in guardianship case)

** May be followed by an application for probate or for issuance of letters, or other probate action.*

b. Does the order require specific language that a case is closed or disposed?

No. It is not necessary for the order to specify that the types of cases listed above are “closed” or “disposed.”

5. What is “Non-Pending” status and what case types/actions should be set to reflect that status?

Certain case types may be changed to a **non-pending** status after the order appointing is signed if there is no other pending action, but the cases must remain “open” until statutorily closed.

The statutory requirements for closure of these case types include:

- **Independent Administration** – closed 30 days after a report or notice of closing is filed under Estates Code, § 405.004; if report/notice is contested, closed when objection has been disposed of or the court issues an order closing the estate. *Estates Code, § 405.007*
- **Dependent Administration** – closed by an order issued by the court following approval of the final accounting. *Estates Code, §§ 362.012, 362.013*
- **Temporary Administration** – closed by an order issued by the court following approval of the final accounting. *Estates Code, § 452.152*
- **Guardianship – Adult** – closed by an order issued by the court following approval of the final accounting and/or final report, or by an order restoring ward’s capacity. *Estates Code, §§ 1204.151, 1204.152, 1202.155*
- **Guardianship – Minor** – closed by an order issued by the court following approval of the final accounting and/or final report. *Estates Code, §§ 1204.151, 1204.152*
- **Temporary Guardianship** – closed by an order issued by the court following approval of the final accounting. *Estates Code, § 1251.153*

6. How can clerks figure out the number of Probate Cases Filed? What should that include?

Cases filed must include ALL original and subsequent ACTIONS filed from 3/1/2024 through 8/31/2024 (or Sept. 1 – Aug. 31 on subsequent reports).

From the Monthly Court Activity Report, add New Cases Filed, Ancillary Cases, and All Other Matters (which includes transfers from another county or another court level).

PROBATE AND GUARDIANSHIP CASES							
	Decedents' Estates			Guardianships		All Other Cases	Total Cases
	Independent Administration	Dependent Administration	All Other Estate Proceedings	Minor	Adult		
Cases on Docket:							
New Cases, Applications or Contests Filed	45,578	2,752	15,486	519	4,820	2,863	72,018
Other Cases Added:							
<i>Ancillary Cases</i>	755	249	143	8	63	154	1,372
<i>All Other Matters</i>	5,174	2,647	731	389	4,433	831	14,205

See the Monthly Court Activity Report [instructions](#) for definitions of what is captured in each filing type.

7. a. If an application to determine heirship and for letters of administration is filed as a single application, is that reported as one action or two?

If a combined application is filed, it may be reported as a single action, but because separate orders will be signed, it is recommended that TWO Action events be created to enable dispositions as to each action. If separate applications are filed, on the same or different dates, and separate orders will typically be issued, they should be treated as separate actions and reported accordingly.

b. If an application for guardianship and a temporary restraining order is filed at the same time, is that reported as one action or two?

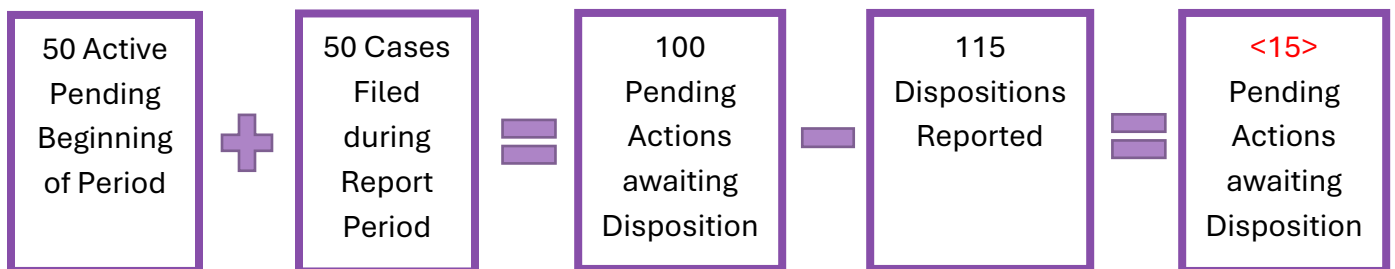
If a combined application is filed, it may be reported as a single action, but because separate orders will be signed, it is recommended that TWO Action events be created to enable dispositions as to each action. If separate applications are filed, on the same or different dates, and separate orders will typically be issued, they should be treated as separate actions and reported accordingly.

8. How can clerks figure out the number of Probate Cases Disposed? What should that include?

Dispositions should include orders disposing of pending original and subsequent ACTIONS, removing them from the Active Pending count.

The number of Dispositions reported **cannot exceed** the combined total of Active Pending Beginning of Period and Cases Filed that were reported. A reported DISPOSITION must correspond to a reported pending or filed ACTION, *even if the action was filed prior to 3/1/2020*, or the number of ACTIVE PENDING will be out of balance going forward.

Example: Report shows:



9. If an application for letters of administration is filed, and then a new application with a new title is filed after there has been a statistical closure done on the first application, does there need to be two closures?

Yes. If multiple actions are pending, each application (action) will need to be disposed, regardless of whether only one order is issued.

Here are some example scenarios:

SCENARIO ONE – MULTIPLE APPLICATIONS PENDING:

- 4/1/2024: Application to probate will as muniment of title filed – ACTIVE PENDING (initial action)
- 5/1/2024: Application to probate will and for issuance of letters testamentary filed – applicant realized that they need to be appointed executor – 2nd ACTIVE PENDING (subsequent action). Applicant does NOT file a motion to dismiss the first application or notice of nonsuit. At this point you have TWO ACTIONS pending.
- 6/1/2024: Judge signs ONE order probating will and authorizing issuance of letters testamentary. 2nd APPLICATION (subsequent action) is DISPOSED, but INITIAL APPLICATION is still pending in CMS.

Unless the order contains language that dismisses the first application or the judge issues a separate order, you may want to ask your judge if you should treat the only order signed as a disposition of both applications. This will likely require two Disposition entries in your CMS.

SCENARIO TWO – 2ND APPLICATION FILED AFTER 1ST APPLICATION IS DISPOSED:

- 4/1/2024: Application to probate will as muniment of title filed – ACTIVE PENDING (initial action)
- 4/15/2024: Order probating will as muniment of title signed – DISPOSED (initial action)
- 5/1/2024: Application for letters testamentary (applicant realized later that they need to be appointed executor) – ACTIVE PENDING (subsequent action)
- 6/1/2024: Order granting letters testamentary – DISPOSED (subsequent action)

10. Where do transfers get reported?

Transfers between another county or a different court level (*Between county courts at law/statutory probate courts and the County Court, or between any county courts and district courts*)

- Incoming transfer is reported in the **Cases Filed** column.
- Outgoing transfer is reported as a disposition.

Transfers between courts at the same level in the same county (*Between county courts at law/statutory probate courts*)

- Incoming transfer is reported in the **Internal Transfers In** column.
- Outgoing transfer is reported in the **Internal Transfers Out** column.

For additional guidance on Transfers refer to [Performance Measures Guidance](#).

11. If a contested portion of a case is transferred to the district court, like an application to remove executor and appoint a successor executor, but the probate case remains in the County Court, should that be reported in CASES DISPOSED for the county court and CASES FILED in the district court?

The transfer of the CONTESTED portion should be filed in a NEW CASE, under a new cause number, in the **district court**, but the **county court's** original case remains open under the original cause number. When the contested matter is resolved at the district court, it would be reported as a disposition at the district level and transferred back to the county court's case, until all actions are disposed and the case is closed.

12. What should clerks enter in the "Inactive" or "Reactivated" columns?

With few exceptions, there are no statutory provisions for "deactivating" and "reactivating" a probate or mental health case, so nothing will be reported in these columns for probate and mental health cases.

An exception is a guardianship case removed from the court's active docket under Estates Code § 1204.201(b) and (c), under specific limited circumstances. An order removing a guardianship from the court's active docket will be reported under "Placed on Inactive Status." If the court later enters an order restoring the guardianship to the active docket, it must be reported under "Reactivated."

13. Does a Motion for New Trial reopen/reactivate a case or action, i.e., put a case back into "Active Pending"?

No. Only an order granting the Motion for New Trial would reopen/reactivate the case or action, and that would be reported under the **Probate Cases Filed** column on the HB 2384 Performance Measures Report.

14. Does a Notice of Appeal reopen/reactivate a case or action, i.e., put a case back into "Active Pending"?

No. Notices of Appeal do not reopen/reactivate a case or action, i.e., put the case back into "Active Pending".

15. When the Court of Appeals remands a case back to the trial court for a new hearing, where should the case be reported?

Cases remanded to the probate court are reported under Line 2.b. All Other Matters on the Monthly Court Activity Report and would be counted as "**Probate Cases Filed**" on the HB 2384 Performance Measures Report.

Do not report an appellate court mandate ordering a new hearing in the probate court in the "Probate Cases Reactivated" column.

Mental Health

1. Are emergency detention orders included?

No. Only the case types on the Monthly Court Activity Report should be included. See next item.

2. What types of mental health applications are required to be included on the Performance Measures Report?

The case types have not changed from what is required reported for the Monthly Report:

1. TEMPORARY MENTAL HEALTH SERVICES: Applications for commitment under Health & Safety Code Sec. 574.034(a) or 574.034(b) for not longer than 90 days. Do not include requests for modification of existing commitment orders.
2. EXTENDED MENTAL HEALTH SERVICES: Applications for commitment under Health & Safety Code Sec. 574.035(a) or 574.035(b) for greater than 90 days, but not longer than 12 months. Do not include requests for modification of existing commitment orders.
3. MODIFICATION: INPATIENT TO OUTPATIENT: Under Health & Safety Code Sec. 574.061, applications for the modification of an existing order for commitment for inpatient services to provide for commitment for outpatient services.
4. MODIFICATION: OUTPATIENT TO INPATIENT: Under Health & Safety Code Sec. 574.065(d)(2), applications for the modification of an existing order for commitment for outpatient services to provide for commitment for inpatient services.
5. ORDER TO AUTHORIZE PSYCHOACTIVE MEDICATIONS: Under Health & Safety Code Sec. 574.106 or 592.154, applications seeking an order authorizing, reauthorizing or modifying the administration of psychoactive medication.

3. What if our county only has temporary mental health commitments? Where are those reported?

Report as new case/application filed.

4. Should an application and signed order of protective custody be reported?

Yes. Count it as a filing and disposition when the judge signs the protective custody order.

5. If an application for mental health commitment and application for protective custody are filed in a combined document, is that reported as one or two applications and dispositions?

The application for mental health commitment and motion for order of protective custody should be reported as TWO separate actions. This will require TWO dispositions to remove both actions from the court's active pending count. Courts that do not order mental health commitments may need to issue an order dismissing the application for mental health commitment or transferring it to another court or county.

6. If an Order for Protective Custody is signed and the case/patient is transferred to another county for services, do I report the case disposed?

Yes, report the transfer to dispose of the application for mental health commitment.

This key is intended to illustrate in greater detail the most common types of applications and motions filed in the probate court that should be treated as a “Subsequent Action” and included on the Performance Measures Report, and which types should not. “Subsequent Actions” may include, but are not limited to, the “Types of SUBSEQUENT ACTIONS Filed” listed below. “Subsequent Actions,” as defined for purposes of the Performance Measures Report MAY or MAY NOT be subject to the \$120 subsequent action fees set out in Local Government Code, § 133.151 and § 135.102; no direct link between applicability was intended.

Case Type	Types of SUBSEQUENT ACTIONS Filed	Filings that are NOT Subsequent Actions <i>The filings listed below are NOT subsequent actions because they are an <u>intrinsic part</u> of the original proceeding, and do not constitute a new request for judicial relief or are otherwise statutorily required.</i>	Notes
<ul style="list-style-type: none"> • Probate Will/Letters Testamentary • Independent Administration w/ Will Annexed 	<ul style="list-style-type: none"> • Contests/Adverse Actions (Before/After Probate) • Petition for Declaratory Judgment (Discharge Ind. Executor, EC §405.003) • Partition & Distribution (EC §405.008) • Motion to Compel Accounting (EC §404.001(b)) 	<ul style="list-style-type: none"> • Inventory, Appraisalment & List of Claims • Affidavit/Certificate of Notice (EC Ch. 308) • Notice to Creditors (Secured/Unsecured) w/ Publisher’s Affidavit (EC §403.051) • Beneficiary’s Demand for Accounting (EC §404.001(a), (a-1)) * • Closing Report/Notice of Closing (EC §405.004) 	<ul style="list-style-type: none"> • Beneficiary’s Demand for Accounting does not require an order unless disobeyed.
<ul style="list-style-type: none"> • Probate Will/Dependent Administration 	<ul style="list-style-type: none"> • Contests/Adverse Actions (Before/After Probate) • Determination of Heirship (Partial Intestacy) • Application to Set Aside Exempt Property (EC §353.051) • Application for Family Allowance (EC §353.101) • Suit on Rejected Claim (filed as separate Ancillary case) (EC §355.064) • Application for Sale of Property (Real/Personal) (EC Ch. 356) • Application to Rent Estate Property >1 yr. (EC §357.002) • Application to Lease Estate Property for Mineral Exploration/Development (EC §358.052) • Application for Partition & Distribution (Partial/Full) (EC Ch. 360) • Application for Successor Dependent Administrator (Death/Removal/Resignation) (EC §361.152) • Motion to Compel Settlement of Estate (filed by Beneficiary) (EC §362.002) • Other Motions/Applications requesting relief not addressed in original proceeding • Final Accounting (REQUIRED) (EC §362.003) • Application to Reduce Bond (EC §305.255) 	<ul style="list-style-type: none"> • Inventory, Appraisalment & List of Claims (EC Ch. 309) • Affidavit/Certificate of Notice (EC Ch. 308) • Notice to Creditors (Secured/Unsecured) w/ Publisher’s Affidavit (EC §308.051, §308.053) • Application for Attorney Fees (Retained/Ad Litem) (EC §352.051) • Application for Administrator Compensation (EC §352.002) • Creditor Claims (Secured/Unsecured) (EC Ch. 355) • Annual Accounting (REQUIRED if open >=1 yr.) (EC §359.001) 	

Case Type	Types of SUBSEQUENT ACTIONS Filed	<p align="center">Filings that are NOT Subsequent Actions</p> <p><i>The filings listed below are NOT subsequent actions because they are an <u>intrinsic part</u> of the original proceeding, and do not constitute a new request for judicial relief or are otherwise statutorily required.</i></p>	Notes
<ul style="list-style-type: none"> • Independent Administration (No Will) 	<ul style="list-style-type: none"> • Determination of Heirship • Contests/Adverse Actions (Before/After Probate) • Petition for Declaratory Judgment (Discharge Ind. Administrator, EC §405.003) • Partition & Distribution (EC §405.008) • Motion to Compel Accounting (EC §404.001) 	<ul style="list-style-type: none"> • Inventory, Appraisement & List of Claims • Affidavit/Certificate of Notice (EC Ch. 308) • Notice to Creditors (Secured/Unsecured) w/ Publisher's Affidavit (EC §403.051) • Beneficiary's Demand for Accounting (EC §404.001) 	<ul style="list-style-type: none"> • Combined application for heirship & independent administration may be reported as multiple Actions. • Beneficiary's Demand for Accounting does not require an order unless disobeyed.
<ul style="list-style-type: none"> • Dependent Administration (No Will) 	<ul style="list-style-type: none"> • Determination of Heirship • Contests/Adverse Actions (Before/After Probate) • Application to Set Aside Exempt Property (EC §353.051) • Application for Family Allowance (EC §353.101) • Suit on Rejected Claim (filed as separate Ancillary case) (EC §355.064) • Application for Sale of Property (Real/Personal) (EC Ch. 356) • Application to Rent Estate Property >1 yr. (EC §357.002) • Application to Lease Estate Property for Mineral Exploration/Development (EC §358.052) • Application for Partition & Distribution (Partial/Full) (EC Ch. 360) • Application for Successor Dependent Administrator (Death/Removal/Resignation) (EC §361.152) • Motion to Compel Settlement of Estate (filed by Beneficiary) (EC §362.002) • Other Motions/Applications requesting relief not addressed in original proceeding 	<ul style="list-style-type: none"> • Inventory, Appraisement & List of Claims • Affidavit/Certificate of Notice (EC Ch. 308) • Notice to Creditors (Secured/Unsecured) w/ Publisher's Affidavit (EC §308.051, §308.053) • Application for Attorney Fees (Retained/Ad Litem) (EC §352.051) • Application for Administrator Compensation (EC §352.002) • Creditor Claims (Secured/Unsecured) (EC Ch. 355) 	<ul style="list-style-type: none"> • Combined application for heirship & administration may be reported as multiple Actions.

Case Type	Types of SUBSEQUENT ACTIONS Filed	Filings that are NOT Subsequent Actions <i>The filings listed below are NOT subsequent actions because they are an <u>intrinsic part</u> of the original proceeding, and do not constitute a new request for judicial relief or are otherwise statutorily required.</i>	Notes
<ul style="list-style-type: none"> • Temporary Administration 	<ul style="list-style-type: none"> • Contests/Adverse Actions (Before/After Probate) • Application for Probate of Will or Letters of Administration • Final Accounting (REQUIRED upon expiration) (EC §452.151) • Annual Accounting (REQUIRED if open >=1 yr.) (EC §359.001) 		<ul style="list-style-type: none"> • Application for Letters of Administration <u>combined with</u> Application for Temporary Administration may be reported as multiple Actions.
<ul style="list-style-type: none"> • Guardianship – Adult • Guardianship – Minor 	<ul style="list-style-type: none"> • Contests/Adverse Actions (Before/After Order) • Application for Allowance for Ward’s Spouse or Dependent (EC §1156.052) • Suit on Rejected Claim (separate Ancillary case) (EC §1157.063) • Application for Sale or Partition of Ward’s Property (Real/Personal) (EC Ch. 1158) • Application to Rent Ward’s Property >1 yr. (EC §1159.002) • Application to Lease Mineral Rights (EC §1160.052) • Application to Invest in Insurance/Annuity(s) (EC §1161.104) • Application for Authority to Invest In Real Estate (EC Ch. 1161, Subch. D) • Application for Authority to Establish Estate or Other Transfer Plan (EC §1162.001) • Application to Make Charitable/Non-Profit Gifts (EC §1162.051) • Application for Complete Restoration of Ward’s Capacity or Modification of Guardianship (EC Ch. 1202, Subch. B) • Application for Removal of Firearm Disability On Complete Restoration of Ward’s Capacity (EC §1202.201) • Application for Resignation of Guardian (and Appointment of Successor Guardian) (EC §1203.001) • Application for Removal of Guardian (and Appointment of Successor Guardian) (EC §1203.052(a-1)) 	<ul style="list-style-type: none"> • Inventory, Appraisement & List of Claims (EC §1154.051) • Notice to Creditors (Secured/Unsecured) w/ Publisher’s Affidavit (EC Ch. 1153) • Application for Attorney Fees (Retained/Ad Litem) (EC §1054.007, §1155.054) • Application for Guardian Ad Litem Fees & Expenses (EC §1054.055) • Application for Guardian Compensation (EC Ch. 1155, Subch. A, §1155.202) • Application for Payment/Reimbursement of Expenses (EC §1151.102, Ch. 1151, Subch. F; Ch. 1155, Subch. C, Subch. B, §1155.151, §1155.202) • Application for Allowance (REQUIRED in Guardianship of Estate) (EC §1156.001) • Application to Approve Investment Plan (REQUIRED in Guardianship of Estate if Ward’s assets exceed immediate needs for maintenance and support of Ward) (EC §1161.051(2)) • Annual Accounting and/or Annual Report (EC Ch. 1163, Subch. A, Subch. C) 	

Case Type	Types of SUBSEQUENT ACTIONS Filed	<p style="text-align: center;">Filings that are NOT Subsequent Actions</p> <p><i>The filings listed below are NOT subsequent actions because they are an <u>intrinsic part</u> of the original proceeding, and do not constitute a new request for judicial relief or are otherwise statutorily required.</i></p>	Notes
<ul style="list-style-type: none"> • Guardianship – Adult • Guardianship – Minor <p><i>(Cont’d.)</i></p>	<ul style="list-style-type: none"> • Application to Pay Certain Expenses and Debts Upon Ward’s Death (EC Ch. 1204, Subch. B) • Account for Final Settlement (and Application to Close Guardianship (EC Ch. 1204, Subch. C) • Final Report of the Person Upon Ward’s Death (EC §1163.103) • Application for Appointment of Successor Guardian (EC Ch. 1203, Subch. C, Subch. D) • Application for Approval of Certain Contracts of a Minor by Guardian of the Estate (EC Ch. 1356) • Other Motions/Applications requesting relief not addressed in original proceeding 		
<ul style="list-style-type: none"> • Temporary Guardianship – Adult • Temporary Guardianship - Minor 	<ul style="list-style-type: none"> • Application for Permanent Guardianship (if NOT included in Application for Temporary Guardianship) (EC §1101.001) • Final Accounting of Temporary Guardian of the Estate (EC §1251.152) • Final Report of Temporary Guardian of the Person (EC §1251.153) 		<ul style="list-style-type: none"> • Application for Permanent Guardianship combined with Application for Temporary Guardianship may be reported as multiple Actions.
<ul style="list-style-type: none"> • Guardianship of Non-Resident Ward (EC Ch. 1252, Subch. A) 	<p><i>See Permanent Guardianship – Adult, Permanent Guardianship – Minor, above. All requirements for guardianship of the estate of a resident ward apply to guardianship of non-resident ward granted under this provision.</i></p>		
<ul style="list-style-type: none"> • Receipt & Acceptance of Foreign Guardianship (EC Ch. 1253, Subch. B) 	<p><i>See Permanent Guardianship – Adult, Permanent Guardianship – Minor, above. All requirements for guardianship originating in Texas apply to foreign guardianship accepted by a Texas court under this provision.</i></p>		
<ul style="list-style-type: none"> • Management Trust (EC Ch. 1301) 	<ul style="list-style-type: none"> • Application to Modify Trust (EC §1301.201) • Trustee’s Final Accounting (and Application to Distribute Trust Property) (EC §1301.204) 	<ul style="list-style-type: none"> • Initial/Annual Accountings of Trustee (REQUIRED) (EC §1301.1535, §1301.154) 	

Case Type	Types of SUBSEQUENT ACTIONS Filed	Filings that are NOT Subsequent Actions <i>The filings listed below are NOT subsequent actions because they are an <u>intrinsic part</u> of the original proceeding, and do not constitute a new request for judicial relief or are otherwise statutorily required.</i>	Notes
<ul style="list-style-type: none"> Application to Establish Pooled Trust Sub-Account (EC Ch. 1302) 	<p><i>No Subsequent Actions prescribed under EC Ch. 1302</i></p>	<ul style="list-style-type: none"> Annual Report of Pooled Trust Sub-Account (REQUIRED) (EC §1302.006(b)) 	<ul style="list-style-type: none"> NOTE: May be filed as SUBSEQUENT ACTION within a Guardianship of the Estate or 1301 Management Trust case.
<ul style="list-style-type: none"> Sale of Minor’s Property w/out Guardianship (EC Ch. 1351, Subch. A) 	<p><i>An Application to Withdraw Funds from the Registry of the Court filed under EC Ch. 1355 as authorized by EC §1351.005 is a new, original action, filed as a new case.</i></p>		
<ul style="list-style-type: none"> Sale of Ward’s Property w/out Guardianship of the Estate (EC Ch. 1351, Subch. B) 	<p><i>Application to Withdraw Funds from the Registry of the Court under EC Ch. 1355 as authorized by EC §1351.056 is filed as a new case.</i></p>		
<ul style="list-style-type: none"> Mortgage of Minor’s Interest in Residence Homestead Without Guardianship (EC Ch. 1352, Subch. B) 	<p><i>No Subsequent Actions prescribed under EC Ch. 1352, Subch. B</i></p>	<ul style="list-style-type: none"> Annual Report on Mortgage of Minor’s Interest in Residence Homestead (REQUIRED) (EC §1352.057) Report of Expenditures of Home Equity Loan Proceeds (REQUIRED) (EC §1352.058) 	
<ul style="list-style-type: none"> Mortgage of Minor’s Interest in Residence Homestead Without Guardianship of the Estate (EC Ch. 1352, Subch. C) 	<p><i>No Subsequent Actions prescribed under EC Ch. 1352, Subch. C</i></p>	<ul style="list-style-type: none"> Guardian of the Person’s Annual Accounting (REQUIRED) (EC §1352.107) 	

Case Type	Types of SUBSEQUENT ACTIONS Filed	<p style="text-align: center;">Filings that are NOT Subsequent Actions</p> <p><i>The filings listed below are NOT subsequent actions because they are an <u>intrinsic part</u> of the original proceeding, and do not constitute a new request for judicial relief or are otherwise statutorily required.</i></p>	Notes
<ul style="list-style-type: none"> Application to Declare Incapacity of Spouse for Administration of Community Property (EC Ch. 1353) 	<ul style="list-style-type: none"> Application for Guardianship of the Estate (Removal or Disqualification of Spouse as Community Administrator) (EC §1353.004) Motion for Inventory and Appraisal of Community Administrator (EC §1353.051) Motion for Accounting of Community Administrator (Interested Party) (EC §1353.052) Motion to Remove Community Administrator (Interested Party) (EC §1353.102) 	<ul style="list-style-type: none"> Inventory and Appraisal of Community Administrator (if ordered) (EC §1353.051) Accounting of Community Administrator (if ordered) (EC §1353.052) 	
<ul style="list-style-type: none"> Receivership – Estates of Certain Incapacitated Persons (EC Ch. 1354) 	<ul style="list-style-type: none"> Receiver’s Final Report & Accounting (EC §1354.007) 	<ul style="list-style-type: none"> Motion to Pay Expenditures by Receiver (EC §1354.004) Receiver’s Monthly Account (REQUIRED) (EC §1354.006) 	
<ul style="list-style-type: none"> Payment of Claims w/out Guardianship (EC Ch. 1355) 	<ul style="list-style-type: none"> Application to Withdraw Funds from Registry of the Court (EC §1355.103, §1355.105) Custodian’s Final Accounting of Withdrawn Funds (EC §1355.104) 		
<ul style="list-style-type: none"> Court-Ordered Mental Health Services (HSC, Ch. 574) 	<ul style="list-style-type: none"> Motion to Modify (HSC §§ 574.061, 574.062) Application for Order to Authorize Psychoactive Medication (HSC, Subch. G, Chap. 574) Motion for Rehearing (HSC § 574.067) 		