

2024-2

IN RE: INDIGENT GUARDIANSHIP

*

IN THE COUNTY COURTS

CONTRACT CASES FILED IN THE

*

AT LAW NO. ONE AND TWO

BRAZOS COUNTY COURTS AT LAW

*

OF BRAZOS COUNTY, TEXAS

**ADMINISTRATIVE ORDER REGARDING DETERMINATION OF INDIGENCY IN BRAZOS
COUNTY INDIGENT GUARDIANSHIP CONTRACT CASES**

The Brazos County Courts at Law, on their own Motion, enter this Administrative Order regarding all Brazos County indigent guardianship contract cases. This Order shall apply to each guardianship case transitioning from self-pay to the indigent contract on or after May 1, 2024.

IT IS HEREBY ORDERED that all guardianship cases transitioning from self-pay to the indigent contract on or after May 1, 2024 shall follow the procedure outlined below:

- 1) The Brazos County Courts at Law will schedule quarterly conference calls with the Brazos County Indigent Guardianship Contract Provider and any guardian of the estate/trustee/financial representative to discuss cases potentially transitioning from self-pay to the indigent contract.
- 2) At least six months before indigency is expected, the guardian of the person/indigent guardianship contract provider will collaborate with the guardian of the estate/trustee/financial representative and will jointly file an Interim Report to the appropriate Court to include a financial depletion analysis and projection of when indigency will occur, describe how the remaining assets will be managed, and indicate the anticipated closure date of the estate. This may require consultation with a Medicaid specialist which the Courts will approve upon proper application.
- 3) At least three months before indigency is expected, the guardian of the person/indigent guardianship contract provider will collaborate with the guardian of the estate/trustee/financial representative to file a final updated depletion analysis, and will ensure that all parties file Applications for expenditures and final fees to ensure a proper and appropriate spend-down of assets.
- 4) When indigency has been accomplished, the guardian of the person/indigent guardianship contract provider will collaborate with the guardian of the estate/trustee/financial representative to file a Statement of Inability to Afford Payment of Court Costs or an Appeal Bond, a Motion for Certification of Indigency and Request to move the ward from private pay status to the indigent contract as of

a date certain, which should be the first day of the next upcoming month. This motion should include reference to how any remaining assets will be managed upon certification of indigency and termination of management of the estate.

- 5) The guardian of the estate/trustee/financial representative will promptly file a final account no later than 60 days after certification of indigency.

SIGNED this the 21 day of May, 2024.


AMANDA MATZKE, JUDGE
BRAZOS COUNTY COURT AT LAW NO. ONE


ROY D. BRANTLEY, JUDGE
BRAZOS COUNTY COURT AT LAW NO. TWO

