

# PROBATE COURT NO. 2 NEWS THAT MATTERS TO YOU



February 1, 2024

Issue 1



JUDGE VERONICA VASQUEZ

*Dear Counselors,*

*We are excited to provide this monthly newsletter to attorneys and the public. The goal of the newsletter is to inform you about best practices and important updates in the law. This month's issue was written by Court Investigator, Francesca Cammack. All issues of the newsletter will be archived on our website.*

*In Your Service,  
Judge Veronica Vasquez*

## Top News 2024

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## Affidavit Containing Contact Information of Certain Persons

Under [Texas Estates Code §1101.003](#), applicants in a pending Guardianship case are required to submit an **Affidavit Containing Contact Information of Certain Persons**. The form, which can be found on the Probate No.2 Court's website, must be completed, notarized, and submitted by email to the paralegal, Sandra Esquivel, before the final guardianship hearing. The Affidavit Containing Contact Information of Certain Persons will be kept in a confidential Court file and will not be placed in the Clerk's Records. If the applicant is not also the Proposed Guardian, the form will be provided to the Permanent Guardian once the guardianship is established. If you have questions regarding the Affidavit Containing Contact Information for Certain Persons, please contact the Court Investigator, Francesca Cammack.

## Healthcare Professionals Certificate of Medical Examination

Obtaining Medical Records for your guardianship cases just got a little less complicated. The Texas Estates Code now allows individuals other than a licensed physician to complete the Certificate of Medical Examination and it will now be known as the **Health Care Provider Certificate of Medical Examination (HPCME)**. The Health Care Provider Certificate of Medical Examination can now be completed by a physician or an advanced practice registered nurse. An advanced practice registered nurse as defined by [Sec. 301.152](#) of the Occupations Code is "a registered nurse licensed by the board to practice as an advanced practice registered nurse on the basis of completion of an advanced educational program. The term includes a nurse practitioner, nurse midwife, nurse anesthetist, and clinical nurse specialist. The term is synonymous with "advanced nurse practitioner" and "advanced practice nurse." An advanced practice registered nurse may compete the CME only if they are acting under a physician's delegation authority and supervision.

The new **HPCME** form can be found on the Probate Court No.2 Website. [If your guardianship was filed after September 1, 2023, you are required to use the updated form.](#) As always, whether completed by a physician or an advanced practice registered nurse, please make sure your HPCME is filled out completely, correctly, and signed by a physician licensed in Texas before it is E-filed to ensure that the guardianship process runs as smoothly as possible.

## Guardianship Background Checks and Fingerprinting

Over the past year, there have been a few changes regarding the JBCC background check process. If the applicant is applying for a guardianship of the person only or a guardianship of the estate where the value of the estate is less than \$50,000 and the Proposed Guardian is a Texas resident there is no change. The Proposed Guardian will register the guardianship with JBCC. Once the registration is complete JBCC will complete the background check and forward it to the clerk.

If the Applicant is applying for a Guardianship of the Estate and the value of the estate is greater than \$50,000 or the Proposed Guardian is not a Texas Resident a fingerprint background check is required. The Proposed Guardian should register the guardianship with JBCC as usual. Once the registration is complete the proposed guardian can contact the Bexar County Probate Clerk's Office or visit their website to obtain their unique County Service Code. The Proposed Guardian will then take the County Service Code to the Identego location of their choice where their fingerprints will be taken and the background check will be sent directly to the clerk's office.

Before setting a hearing always contact the County Clerk Probate Office at (210)335-2241 to ensure the required background check is on file.

## Modification VS. Restoration

Guardianships are established to protect individuals who are unable to care for themselves, but what happens when an individual's condition or circumstance improves?

If the Ward's condition improves or supports and services are in place, and it is believed that the Ward should regain all or some of their rights an attorney can apply for a restoration or a modification of the guardianship.

A **restoration is** a finding that the Ward is no longer an incapacitated person and ordering the settlement and closing of the guardianship. In contrast, a modification is more of an *à la carte* approach. A **modification is** a finding that the Ward has the capacity, or sufficient capacity with supports and services, to do some, but not all, of the tasks necessary to provide food, clothing, or shelter for himself or herself, to care for the Ward's own physical health or to manage the Ward's own financial affairs. When an application for modification is filed, it is a request to have some but not all the Ward's rights restored. The Guardian will retain some rights over the Ward and the guardianship will remain in effect. A modification can also increase the powers of the guardian.

An application for restoration or modification must be supported by medical evidence in the form of a HPCME or letter from a physician or advanced practice registered nurse.



Francesca Cammack is the Court Investigator for Probate Court No. 2. She began her career as an ad valorem tax attorney for Perdue Brandon Fielder Collina & Mott before joining the Probate Court No. 2 Staff in January of 2019.

Francesca earned her J.D in 2013 from St. Mary's School of Law in San Antonio, Texas and her B.A. in 2010 from the University of Texas at Austin.

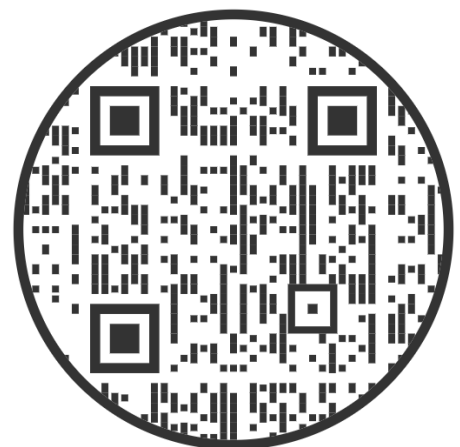
Francesca is a member of the Junior League of San Antonio, the Bexar County Women's Bar Association, and the San Antonio Young Lawyer's Association. In her free time, she enjoys volunteering at the Children's Bereavement Center and the San Antonio Food Bank.

Francesca also enjoys photography, traveling, and shopping. Francesca has been married for seven years to her husband Thomas Cammack and is a proud pet parent to her adorable dog Skye.

## TIPS from Your Court Investigator

1. Confirm that your HPCME is filled out completely before E-filing.
2. Email your HPCME to the Court Reporter at least 48 hours before the final hearing.
3. Contact the Probate Clerk's Office before setting a hearing to ensure the Proposed Guardian's Background Check is on file.
4. Once you file an application for guardianship please provide your client's contact information to the Court Investigator as soon as possible.
5. If you have questions, please do not hesitate to contact me at [francesca.cammack@bexar.org](mailto:francesca.cammack@bexar.org) or (210) 335-2279.

Please scan the QR code below to keep up to date with the latest Probate Court No.2 information via text.



JudgeVeronicaVasquez