

RESTORING YOUR RIGHTS



The Dallas County Probate Courts want to ensure those individuals who have regained capacity have an opportunity to restore their rights. The entire restoration process can take 3-6 months depending on how long it takes for you and the attorney to complete the steps.

Pursuant to §1202.051 of the Texas Estates Code, the Incapacitated Person, or any person interested in the welfare of the Incapacitated Person may file a written application with the court for an order to:

- a) Close the guardianship: restore all rights to the IP
- b) Modify the guardianship: restore some rights, but not all.

DALLAS COUNTY PROBATE COURT

INVESTIGATORS OFFICE

COURT VISITOR PROGRAM

The Court Visitor Program is a statutory mandated visitor program. The Dallas County office consists of four court investigators who investigate concerns with existing guardianships and respond to restoration requests made by interested parties. The Court Investigators also initiate applications before the court to address concerns within established guardianships. This includes applications to restore the rights of an Incapacitated Person.

CONTACT INFORMATION

Nurenia Spencer, LMSW
Chief Court Visitor
(Under 50-Probate 2)
(214) 653-6533

Mozali Lopez, LMSW
Elder Safety Investigator (50+)
(214) 653-7644

Doris Aguilar, LMSW-Investigator
(Under 50-Probate 3)
214-875-2586

Sarita Thomas, LMSW-Investigator
(Under 50-Probate 1)
(214) 653-6328

WHAT DO I NEED TO DO?

Pursuant to §1202.054: REQUEST BY INFORMAL LETTER STEP ONE: NOTIFY THE COURT OF YOUR REQUEST

You can notify the probate court in several ways of your request to have your rights back.

- Write an Informal Letter to the court
- File an Application requesting Restoration or Modification

Pursuant to §1202.152: PHYSICIANS CERTIFICATE STEP TWO: COMPLETE THE MEDICAL EVALUATION

The Court Investigator assigned to your case will mail you a medical evaluation that you will need to take to a physician licensed in the State of Texas. This medical **MUST** be returned to the court to complete the process. If after 90 days (3 months) the Investigator has not received your medical, they will contact you.

STEP THREE: INTERVIEW W/COURT INVESTIGATOR

The Court Investigator assigned to your case will contact you after they have reviewed your medical. A meeting will be scheduled so that the Investigator can prepare the report to the court. An Attorney Ad Litem will be appointed to represent your interest in the restoration. This Attorney will file your application to the court, if one has not been previously filed on your behalf.

Pursuant to §1202.151: BURDEN OF PROOF AT HEARING STEP FOUR: RESTORATION HEARING

Your Attorney Ad Litem will prepare you to appear before the court and possibly testify on your own behalf at the hearing. Your attorney will request the hearing date and is responsible for ensuring your case is processed timely through the court.

CALL YOUR INVESTIGATOR FOR QUESTIONS