

Notice

Proposed Guardian: Background Check Requirement

To: Private professional guardians, employees or volunteers for private professional guardian; Proposed Guardian, Proposed Temporary Guardian, Proposed successor Guardian-other than an attorney. (HB 1438, 84th Legislation)

This does not apply to those holding a certificate issued under TX Government Code 111.042 or a provisional certificate issued under TX Government Code 111.0421 if the Certification Board conducted a criminal history before issuing or renewing the certificate. The board shall provide to the clerk at the court's request the information obtained from DPS or FBI.

Estates Code §1104.402, 88th Legislation:

Clerk Shall obtain criminal history of any person proposed to serve as a guardian, including a proposed temp guardian and successor guardian, or any person who will have contact with the ward's estate on behalf of the proposed guardian, excluding an attorney or person who is a certified guardian.

Estates Code §1104.404: Clerk not required to obtain criminal history from DPS for a person if the JBCC conducted a criminal history check. BUT clerk shall obtain criminal history info from FBI identification division related to each person.

Gov't Code §155.205: Clerk shall obtain fingerprint-based criminal history, if liquid assets of estate of the ward exceed \$50,000 or the ward is not a resident of this state.

Not later than the 10th day before the date of the hearing to appoint, the proposed guardian may submit to the clerk a copy of the criminal history record information that was obtained not earlier than the 30th day before the date of the hearing from DPS or FBI (TX Estates Code 1104.403)