

## **GUARDIANSHIP CERTIFICATION BOARD**

### **MINUTES OF MEETING**

October 24, 2008  
11:00 a.m.  
Office of Court Administration  
205 W. 14th St., Sixth Floor  
Austin, Texas

#### **COMMENCEMENT OF MEETING**

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on October 24, 2008 at 11:05 a.m. The meeting was held at the Office of Court Administration in Austin, Texas. Notice of this meeting was posted on the GCB's website and distributed to interested persons in accordance with the GCB's public meetings policy.

#### **ATTENDANCE OF MEMBERS**

Meredith Musick-Higgins, Executive Assistant at the Office of Court Administration, called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair	Don D. Ford, III
Leah Cohen, Vice-Chair	Phillip A. Grant
Barry Anderson	Marlane Meyer
Jason Armstrong	Gina Patterson
Dr. Raymond Costello	Kathy Strong
Carol Patrice Dabner	Patti Turner
Susan Eason	Robert Warach

Jason Armstrong, Dr. Raymond Costello, Marlane Meyer, Gina Patterson, Kathy Strong, Patti Turner and Robert Warach attended via telephone conference call. Garth Corbett did not participate. Others present were Carl Reynolds, Administrative Director; Lesley Ondrechen, Guardianship Certification Program Director; Meredith Musick-Higgins, Executive Assistant; and Katie Bond, Assistant General Counsel, all of the OCA. Justice Phil Johnson of the Supreme Court of Texas and Kevin Heyburn from the Office of the Attorney General were also present. Members of the public present at the meeting were Alex Jones and Dr. Barbara Scobey of the Texas Department of Aging and Disability Services (DADS) and Jan McLaughlin of the Harris County Guardianship Program.

#### **MINUTES OF JULY 25, 2008 MEETING**

Upon motion by Ms. Strong and second by Mr. Anderson, the minutes of the Board's July 25, 2008 meeting were approved as submitted.

#### **DIRECTORS' REPORTS**

Mr. Reynolds addressed the Board on legislative issues. He reported that he is in contact with Senator Uresti concerning sponsorship of the four proposals for which the Texas Judicial

Council (TJC) adopted resolutions in support. Several proposals by the Probate, Mental Health and Guardianship workgroup will be considered by the TJC's Legislative Committee, and then the full TJC. If resolutions in support are adopted, OCA will work on Senate sponsorship for those proposals. In response to a comment by the Chair, Mr. Reynolds told the Board that Angela Garcia, OCA's Judicial Information Manager, will become conversant with reporting requirements for Texas compliance with the Brady Bill. Ms. Garcia may address the Board at a future meeting.

Ms. Ondrechen introduced Justice Phil Johnson, the Board's liaison on the Supreme Court of Texas and Kevin Heyburn from the Office of the Attorney General, who has been assigned to serve as the Board's prosecutor in disciplinary matters.

The director reported that as of October 23, 2008, 200 guardians are certified and 67 are provisionally certified. She also reported that a certified guardian in Austin, David Pharis, died in September. She noted that the terms of four members and one public member expire on February 1, 2009; re-appointments are being considered by the Supreme Court.

Ms. Ondrechen told the Board she had spoken at the National Guardianship Association's conference earlier in the month about the certification process in Texas, and how we have fared in the first year. She has been invited to speak at the Texas Guardianship Association's fall conference next month on certification, concentrating on re-certification and continuing education.

The director reported that the Conference of State Court Administrators and the Council of Chief Justices has adopted a resolution in support of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. The American Bar Association has funding to develop a web-based clearinghouse to disseminate educational materials on the need for the act. The National Center for State Courts is launching a center for Elders and the Courts as a result of a grant from the Retirement Research Foundation in Chicago. It is intended to be a primary resource for the judiciary and court staff on issues relating to guardianship, aging and elder abuse. She mentioned one administrative matter, regarding small corrections to travel vouchers.

Finally, Ms. Ondrechen mentioned an attorney general's opinion regarding whether generic agenda items satisfy notice requirements under the Open Meetings Act. She noted that the OCA and the GCB are not subject to the Open Meetings Act, and are not bound by AG opinions interpreting it. Mr. Reynolds noted that the law always required notice; problems can arise if action items are included under general descriptions such as "Directors' Reports."

## **PETITIONS FOR DISCIPLINARY ACTION**

### **A. Consideration of Recommendation of the Disciplinary Review Committee**

Sevie Dean has failed to provide her new business contact information to the Board, as required by Rule X(c), despite repeated requests by the director. The director summarized the recommendation before the Board, and provided a chronology of events. The documentation

provided to the Board showed that Ms. Dean had been given notice as required by the Board's rules.

Mr. Armstrong moved that Ms. Dean's certification be suspended until such time as she provides the required information to the Board. Ms. Meyer seconded, and the motion carried.

### **B. Consideration of Form: Petition to Initiate Disciplinary Procedures**

Based on Board review at its May meeting, the director changed the format and added an instruction sheet to her draft form. Mr. Reynolds suggested including a link to the Rules Governing Guardianship Certification and to the Minimum Standards Governing Guardianship Services on the form and on the instruction sheet. In response to a question by Ms. Cohen, Ms. Ondrechen told the Board that the instruction sheet indicates what information is required. The director will make the suggested changes, and have the form posted to the Board's website. Because the use of the form is not mandatory, formal adoption by the Board is not required.

### **REQUEST FOR EXTENTION OF PROVISIONAL CERTIFICATION PERIOD**

Ms. Ondrechen told the Board that Rodney Hamilton, whose provisional certification expires in October 2009, requested an extension of his provisional certification period for medical reasons. She cautioned the Board not to discuss Mr. Hamilton's medical information in the public meeting. The Board discussed an extension versus an additional two-year certification period. The director was instructed to inform Mr. Hamilton that an extension will not be granted, and to ask him to contact the Board when his certification is within ninety days of expiring, if he believes he needs additional time to prepare for full certification. He can then request a waiver and request another two-year provisional certification period.

### **DESIGNATION FOR GUARDIANS CERTIFIED AND PROVISIONALLY CERTIFIED BY THE BOARD**

The Board discussed use of a uniform designation. The consensus of the Board was any such designation should be a part of the Rules Governing Guardianship Certification. Board staff will research how this is handled in other states. The Chair suggested, and the Board concurred, that it be taken up by the Rules Committee.

### **PROPOSED RULE CHANGES**

The proposed rule changes were approved by the Board at its July 25 meeting. The director reported that no public comments were received during the thirty day comment period. She told the Board that a certified guardian had posed a question about supervisors meeting with provisionally certified guardians; he was invited to comment, but did not. There being no discussion, Mr. Ford moved that the Board approve the proposed amendments for submission to the Supreme Court.

Justice Johnson questioned the proposed amendment to Rule XIV permitting meetings between provisionally certified guardians and certified guardian supervisors by means other than face-to-face. Mr. Ford explained the history and the reasoning behind the requirement. After

discussion, including unusual circumstances such as natural disasters and comment by Mr. Jones, Mr. Ford proposed requiring one meeting each month must be face-to-face while retaining the requirement to meet at least once every two weeks, and the director proposed new wording. There being no further discussion, Mr. Ford revised his motion that the Board approve the proposed changes to the rules as amended for submission to the Supreme Court. Mr. Grant seconded, and the motion carried.

The meeting adjourned at 12:01 p.m. and re-convened at 12:35 p.m.

### **PROPOSED LEGISLATION REGARDING GUARDIANSHIP CERTIFICATION**

The Senate Committee on Government Organization meets Monday, October 27 to discuss an interim charge about reducing costs and streamlining the process for obtaining criminal history background checks on licensing professionals. This charge directly relates to one of the proposals for legislation. The director will attend the meeting.

Ms. Ondrechen directed the Board's attention to the four resolutions in support of legislative proposals approved by the TJC and some pending items from the Probate, Mental Health and Guardianship workgroup. Ms. Ondrechen summarized the legislative process. The director reminded the Board that during the 80th Legislative Session in 2007, several Board members had volunteered to be available for testimony before the House and Senate as required. Judge Burwell and Ms. Cohen volunteered. The director will contact Mr. Corbett and ask if he can be available as he was last session.

In response to a question from the Chair, Mr. Reynolds indicated the OCA is not seeking House sponsorship at this time. He noted that Representatives Hartnett and Naishtat have been supportive of guardianship issues.

### **RE-CERTIFICATION**

#### **A. Consideration of Re-Certification Application Form**

The Board reviewed the proposed form prepared by the director. Reporting of continuing education hours earned during the time an applicant was provisionally certified will be removed from the application for re-certification. The Application for Certification form will be changed to require those hours to be reported when an individual applies for certification. Mr. Ford suggested clarifying that education and employment history information is needed only if it has changed since original certification. He also noted revisions to the form will be made once rule changes regarding denial, revocation or suspension of certification in Texas or other jurisdictions requiring licensure or certification of guardians are adopted by the Supreme Court.

Mr. Ford suggested the applications for certification, provisional certification and re-certification be changed to include a question regarding civil liability on an action in surcharge. A rule change would be required; this will be taken up at the next meeting of the Rules Committee. The Board discussed adding "breach of fiduciary duty" to the list of circumstances on the questions regarding removal as a guardian and civil liability. This will be added to the application for re-

certification, application for certification and application for provisional certification. The director will change the latter two forms and have them posted to the Board's website.

The Board discussed the continuing education requirement, vis a vis the requirement that the re-certification application be filed ninety days before expiration of certification. The form will be changed to indicate that continuing education credit claimed must either be on the approved list, or a request for approval must accompany the application for re-certification.

Ms. Ondrechen told the Board about working with the Department of Public Safety about the possibility of re-running the required criminal history reports without an application being re-fingerprinted. Mr. Grant raised the possibility of not requiring new criminal history reports. Ms. Bond and Dr. Scobey gave the Board information on how other licensing boards deal with this issue. The Rules Committee will address this requirement at its next meeting.

The director stated she intends to have the re-certification form and instructions posted by early January, pending the outcome of her discussions with DPS regarding criminal history reports. She will send reminder letters to certified guardians approximately four months before certification expires. Provisionally certified guardians will be sent letters three months before expiration stating that their provisional certification is expiring.

### **B. Continuing Education**

Ms. Cohen reported that she had complaints about the number of hours approved for continuing education by the Board. The Board discussed the approval process, including lack of information on a topic - particularly keynote speakers - that demonstrates its relevance to the provision of guardianship services. Dr. Scobey, Ms. McLaughlin and Mr. Jones commented on this subject. The Chair asked all Board members to communicate with the director as they become aware of continuing education activities and ask her to consider them for approval.

### **POLICY REGARDING PARTICIPATION (OR RECUSAL) OF REVIEW COMMITTEE MEMBERS IN BOARD VOTE ON COMMITTEE RECOMMENDATIONS**

Ms. Bond told the Board this arises from a recommendation by Barbara Deane, chief of the Administrative Law Division at the OAG. Ms. Deane recommends that Board members who participate in a review panel/committee recuse themselves from discussion, deliberation and voting on Board action. Ms. Bond has done some research on how other boards handle this, but would like to do more. This proposal will be reviewed by the Rules Committee at its next meeting. Ms. Bond will talk with Mr. Jones regarding DADS' recusal policy as part of her research, and will present it to the Rules Committee.

Ms. Cohen acted as chair during Judge Burwell's short absence from the meeting.

### **APPOINTMENT OF COMMITTEES**

Ms. Cohen noted that the Chair appointed the following members to serve for the period January 1 through June 30, 2009:

Application Review Committee

Robert Warach, Chair  
Dr. Raymond Costello  
Susan Eason

Denial of Certification Review Committee

Barry Anderson, Chair  
Don Ford  
Gina Patterson

Disciplinary Review Committee

Carol Dabner, Chair  
Garth Corbett  
Marlane Meyer

**PUBLIC COMMENT**

Mr. Jones and Dr. Scobey commented during discussion of the proposed rule changes. Mr. Jones, Dr. Scobey and Ms. McLaughlin commented during the discussion of the continuing education component of re-certification. No other public comment was made.

**PROPOSED SCHEDULE FOR 2009 QUARTERLY MEETINGS**

After review of the proposed dates provided by the director - taking into account holidays, legislative deadlines and other events - the Board scheduled its 2009 quarterly meetings for February 20, May 15, July 17 and October 16. The director noted a special meeting of the Board may be necessary if anything else needs to be done regarding the re-certification process.

**ADJOURNMENT**

On motion by Mr. Grant and second by Ms. Dabner, the meeting was adjourned at approximately 1:42 p.m.

filed 11/10/2008

81R776 BEF-D

By: Solomons

H.B. No. 128

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that applicants for certain licenses be eligible for employment in the United States.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Occupations Code, is amended by adding Chapter 60 to read as follows:

CHAPTER 60. EMPLOYMENT ELIGIBILITY IN UNITED STATES REQUIRED FOR BUSINESS, OCCUPATIONAL, OR PROFESSIONAL LICENSE

Sec. 60.001. DEFINITIONS. In this chapter:

(1) "Employment eligibility" means eligibility for employment in the United States.

(2) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) an individual must obtain to engage in a particular business, occupation, or profession.

(3) "Licensing authority" means a department, commission, board, office, or other agency of this state or a political subdivision of this state that issues a license.

Sec. 60.002. EMPLOYMENT ELIGIBILITY REQUIRED. (a) An applicant for a license must establish employment eligibility if the applicant is:

(1) applying for an original license; or

(2) renewing a license and the applicant has not previously established employment eligibility.

(b) The licensing authority may not issue a license to an applicant or renew an applicant's license unless the applicant establishes employment eligibility as required by Subsection (a).

Sec. 60.003. DOCUMENTS THAT ESTABLISH EMPLOYMENT ELIGIBILITY. (a) To establish employment eligibility, an applicant shall provide to the licensing authority for inspection an original or a copy of:

(1) one of the following documents:

(A) a United States passport, unexpired or expired;

(B) a Certificate of United States Citizenship;

(C) a Certificate of Naturalization;



(D) an unexpired foreign passport, with I-551 stamp or attached Form I-94 indicating unexpired employment authorization;

(E) a Permanent Resident Card or Alien Registration Receipt Card with photograph;

(F) an unexpired Temporary Resident Card;

(G) an unexpired Employment Authorization Card;

(H) an unexpired reentry permit;

(I) an unexpired Refugee Travel Document; or

(J) an unexpired Employment Authorization Document issued by the United States Department of Homeland Security that contains a photograph; or

(2) two documents as follows:

(A) one document listed in this paragraph:

(i) a driver's license or identification card that is issued by a state or outlying possession of the United States and that contains the applicant's photograph or information, including the applicant's name, date of birth, sex, height, eye color, and address;

(ii) an identification card that is issued by a federal, state, or local government agency and that contains the applicant's photograph or information, including

the applicant's name, date of birth, sex, height, eye color, and address;

(iii) a voter registration certificate;

(iv) a United States military card or draft record;

(v) a military dependent's identification card;

(vi) a United States Coast Guard Merchant Mariner Card;

(vii) a Native American tribal document; or

(viii) a driver's license issued by a Canadian government authority; and

(B) one document listed in this paragraph:

(i) a social security card issued by the Social Security Administration, other than a card stating it is not valid for employment;

(ii) a Certification of Birth Abroad issued by the United States Department of State;

(iii) an original or certified copy of a birth certificate issued by a state, county, municipality, or outlying possession of the United States bearing an official seal;

(iv) a Native American tribal document;

(v) a United States Citizen Identification Card;

(vi) an Identification Card for Use of Resident Citizen in the United States; or

(vii) an unexpired Employment Authorization Document issued by the United States Department of Homeland Security.

(b) In addition to the documents required by Subsection (a), an applicant may establish employment eligibility by submitting to the licensing authority a document verifying that the applicant provided to their current or most recent employer a true and correct Form I-9 along with authentic supporting documents.

(c) Except as provided by this subsection, the documents required by Subsection (a) or (b) must be submitted with the license application. An applicant who submits an application through the TexasOnline system or another electronic means shall submit the documents required under Subsection (a) or (b) not later than 30 days after the date the application is submitted electronically.

Sec. 60.004. TEMPORARY LICENSE. (a) After an applicant has submitted all documents that will be required for a licensing authority to verify the applicant's employment

eligibility and before the licensing authority verifies the applicant's employment eligibility, the licensing authority may issue a temporary license to the applicant.

(b) A temporary license under this section expires on the 21st day after the date the temporary license is issued.

(c) The licensing authority shall determine the applicant's employment eligibility not later than the day the temporary license expires.

Sec. 60.005. AUDIT. A licensing authority may audit some or all of the applications submitted to the licensing authority for compliance with this chapter, including documents used to establish employment eligibility.

Sec. 60.006. CONFIDENTIALITY. Information provided by an applicant under this chapter that is not subject to disclosure under other law is confidential and not subject to disclosure under Chapter 552, Government Code.

Sec. 60.007. NONDISCRIMINATION. A licensing authority shall implement this chapter without regard to an applicant's race, religion, sex, ethnicity, or national origin.

SECTION 2. The purpose of this Act is to assist in the enforcement of 8 U.S.C. Chapter 12.

SECTION 3. (a) In this section:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) an individual must obtain to engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of this state or a political subdivision of this state that issues a license.

(b) Each licensing authority shall adopt rules under Chapter 60, Occupations Code, as added by this Act, not later than January 1, 2010.

(c) The change in law made by this Act applies only to an application for the issuance or renewal of a license that is filed with a licensing authority on or after March 1, 2010. An application for the issuance or renewal of a license that is filed before March 1, 2010, is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2009.

Annual Reporting to the Guardianship Certification Board  
as of February 12, 2009

County Clerks

254 county clerks

155 filed a report

62 of 155 reporting advised there were no private professional guardians or guardianship programs in their county.

Department of Aging and Disability Services

One report was received for all certified and provisionally certified DADS guardians.

Guardianship Programs

21 local programs identified by Health and Human Services Commission

4 provide money management programs only

1 discontinued its guardianship program early last year

1 additional program not on HHSC's list

17 program reports expected

15 filed a report

1 of the 15 is not appointed as guardian. It helps family members of proposed ward with the guardianship process

Private Professional Guardians

63 certified and provisionally certified guardians not employed by DADS or local program

2 will not report

1 suspended

1 no longer employed in guardianship field and will let her certification lapse

6 subsequently identified as program employees

55 individuals expected to report

29 individuals filed their required reports as private professional guardians.

8 individuals filed as "other certified guardian"



## APPLICATION FOR TEXAS EXAM AND NATIONAL CERTIFIED GUARDIAN CERTIFICATION

\$250 application and exam fee for the Texas Exam and National Certified Guardian Certification  
\$100.00 exam application fee for the Texas Exam (only if applicant already possesses NCG Certification)  
(\$100 Re-testing fee)

1. Full Name: \_\_\_\_\_  
(as you wish it to appear on your certificate)

Exam Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Exam location: \_\_\_\_\_

I would like to take my exam in the following manner:  Online (using my own laptop)  
 Using paper and pencil

2. Business/Firm Name: \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

4. Work Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

5. Home Telephone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Check # \_\_\_\_\_ for \$ \_\_\_\_\_ is enclosed.

**Please make check payable to Center for Guardianship Certification.**

MasterCard/Visa#: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Three-Digit Security Code: \_\_\_\_\_ Signature: \_\_\_\_\_

### Return Application with Appropriate Fees to:

Center for Guardianship Certification  
PO Box 5704  
Harrisburg, PA 17110  
(717) 238-4689 Phone ♦ (717) 238-9985 Fax

**APPLICATION DEADLINE IS 30 BUSINESS DAYS PRIOR TO SCHEDULED EXAM DATE!**

Center for Guardianship Certification  
PO Box 5704, Harrisburg, PA 17110  
717-238-4689 ♦ 717-238-9985 (fax)  
[www.guardianshipcert.org](http://www.guardianshipcert.org)

6. List your experience providing guardianship or other alternative protective services of person or estate for the last two years, beginning with the most recent. (optional)

<i>Employer Name/Address</i>	<i>Position</i>	<i>Start and end dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Have you ever been convicted or pled guilty or no contest to a felony?  Yes  No

8. Have you ever been found civilly liable for an action of fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion?  Yes  No  
If yes, please submit a letter of explanation, including the case number.

9. Have you ever been relieved of responsibilities as a guardian or conservator by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion? If yes, please submit a letter explaining the circumstances.  Yes  No

10. Are you bonded in accordance with Texas statutes and local practice?  Yes  No  
If no, please explain.

\_\_\_\_\_

\_\_\_\_\_

11. Have you ever been found liable in a subrogation action by an insurance or bonding agent?  Yes  No  
If yes, please explain. \_\_\_\_\_

\_\_\_\_\_

12. Do you have any special needs requiring CGC attention?  Yes  No

**I certify that the information provided in this application is true and correct to the best of my knowledge and belief and understand and agree that I have a continuing obligation to advise the Center for Guardianship Certification if there is a change in circumstances.**

*(Must be signed before a Notary Public)*

\_\_\_\_\_  
*Date* *Signature of Applicant*

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_ who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_  
*Notary Public*

**Center for Guardianship Certification**  
**PO Box 5704, Harrisburg, PA 17110 • 717-238-4689 (fax) 717-238-9985 [www.guardianshipcert.org](http://www.guardianshipcert.org)**





## National Certified Guardian Declaration and Agreement



I affirm that I have carefully read and voluntarily agree to be bound by the Terms and Conditions of Certification listed below. Furthermore, I declare under penalty of perjury that the representations contained in this Declaration are true and complete.

\_\_\_\_\_  
*Candidate Name*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Telephone Number*

\_\_\_\_\_  
*Address*

Upon certification, the applicant and the CGC Board will be bound by the terms and conditions contained in this document.

I understand that permission to use the certification marks National Certified Guardian is valid for a period of two years. At the end of such period, if the certification is not renewed, the certification expires and any right to use the marks will terminate. If I fail to comply with requirements to renew my certification, I agree to cease use of the marks immediately. I understand that the CGC Board may relinquish any rights I may have in the use of its marks if I fail to maintain a current certification status.

I have read and understand the NGA Model Code of Ethics, as well as the CGC Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians. I agree to adhere to the provisions of those documents as they presently exist and as they may be amended from time to time.

I further understand and agree that the CGC Board has the absolute and unrestricted right to revoke any rights I may have to use its marks National Certified Guardian if it finds that I have failed to comply with the NGA Model Code of Ethics and the CGC Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians.

In consideration of the certification granted hereby, I further agree that neither the CGC Board nor its directors, officers, employees and others acting on its behalf shall be liable to me for any actions taken or omitted to be taken in any official capacity or in the scope of employment, except to the extent that such actions or omissions constitute willful misconduct or gross negligence, and I hereby release the CGC Board and the other persons identified above from any liability for such actions or omissions.

CGC will take every precaution to ensure the exam is secure from the testing location to the CGC offices. CGC utilizes courier or overnight services to send the exams and, due to this process, an exam may be lost or destroyed prior to grading. In the unlikely event this occurs, it will be the responsibility of the candidate to retake the exam at no additional fee.

I affirm that I have read carefully and understand the items set forth in this statement, including the release of liability and the items described herein. I further affirm that my statements are true and complete to the best of my knowledge and freely given.

\_\_\_\_\_  
*Candidate*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing Declaration and Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_, who is personally known to me or has produced appropriate identification.

\_\_\_\_\_  
*Notary Public*

**Center for Guardianship Certification**  
**PO Box 5704, Harrisburg, PA 17110 ♦ 717-238-9985 (fax) 717 238-4689 ♦ www.guardianshipcert.org**



## *Application Process for National Certified Guardian Certification*

*Revised February 5, 2009*



Guardians of the person and estate can now be designated as a National Certified Guardian by the Center for Guardianship Certification (NCG). This certification can be obtained by meeting certain qualification requirements and passing an examination.

The following is an explanation of the qualifications, the certification examination, fees for certification and instruction on completing the application process:

### **QUALIFICATIONS**

The applicant for the National Certified Guardian Certification must meet all of the following requirements, except as otherwise provided by state certification law:

- A. Must attest that he/she has not been convicted or pled guilty or no contest to a felony.
- B. Must attest that he/she has not been found civilly liable for an action of fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion.
- C. Must attest that he/she has not been relieved of responsibilities as a guardian or conservator by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.
- D. Must attest that he/she has not been found liable in a subrogation action by an insurance or bonding agent.
- E. Must attest that he/she is bonded in accordance with state statutes and local practice.
- F. All applicants shall be high school graduates or possess the GED equivalent.
- G. All applicants for the National Certified Guardian Certification shall have one year of relevant work experience related to guardianship or conservatorship or the following education or training requirements: (1) a degree in a field related to guardianship, or (2) completion of a course curriculum or training specifically related to guardianship or conservatorship approved by the CGC.
- H. Must be at least 21 years of age.

### **THE EXAMINATION**

The examination is a comprehensive test consisting of multiple choice questions related to best practices in guardianship of the person and estate including, but not limited to, fiduciary, ethics, duties and responsibilities of guardians and property management. The passing score is 75%.

### **FEEES FOR NATIONAL CERTIFIED GUARDIAN CERTIFICATION**

**The fees for individuals who are National Certified Guardians through a CGC approved state-administered program is: \$50.00 nonrefundable application fee and a \$150.00 Exam fee for NGA Members and Non- Members.** A full refund, less a \$50.00 administrative fee, will be made if the applicant sends a written notice of cancellation. Cancellations received less than ten working days prior to the examination date will not be eligible for a refund.

Applicants may postpone sitting for the examination until the next date without penalty, provided such notice is received ten working days prior to the initial examination date.

Unsuccessful candidates may retake the examination for a \$100.00 fee. Notice of intention to retake the examination must be received no later than thirty (30) days prior to the examination date.

The certification is valid for two years. You may become re-certified before the end of two years without the taking of an examination. **Proof of twenty hours of approved continuing education received during this two-year period, a completed re-certification application and a \$150.00 payment is required to maintain the National Certified Guardian Certification.**

All fees connected with the certification program are subject to change without notice.

**Center for Guardianship Certification**  
**PO Box 5704, Harrisburg, PA 17110**  
**717-238-4689 • 717-238-9985 (fax)**  
[www.guardianshipcert.org](http://www.guardianshipcert.org)

Revised: 2/5/09



## **The Center for Guardianship Certification Application Process for National Certified Guardian Certification**

### **APPLICATION PROCESS**

The application for National Certified Guardian Certification is attached. Below are the instructions to complete the application:

1. Please print legibly or type.
2. Please answer all questions for information fully, including names, dates, addresses and zip codes. If requested information is not applicable, please state so.
3. If additional space is needed, please use plain white paper and number your responses thereon to correspond to the question number on the application, which required the additional information.
4. Please fill out the application and National Certified Guardian Declaration and Agreement completely and sign both.
5. A notary public must verify and sign both the application and National Certified Guardian Declaration and Agreement.
6. The appropriate fee(s) must accompany this application.
7. Mail the application, additional answers, and National Certified Guardian Declaration and Agreement to the Center for Guardianship Certification, PO Box 5704, Harrisburg, PA 17110.

***Attached to this application packet is a complete listing of the CGC Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians. Please read these before filling out the application.***

**Center for Guardianship Certification  
PO Box 5704, Harrisburg, PA 17110  
717-238-4689 ♦ 717-238-9985 (fax)  
[www.guardianshipcert.org](http://www.guardianshipcert.org)**



**APPLICATION FOR CERTIFICATION AS A NATIONAL CERTIFIED GUARDIAN**



**APPLICATION**

(\$50.00 non-refundable application fee and a \$150.00 exam fee)  
(\$100 Re-Testing Fee)

1. Full Name: \_\_\_\_\_  
(as you wish it to appear on your certificate)

Exam Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Exam location: \_\_\_\_\_

I would like to take my exam in the following manner:  Online (using my own laptop)  
 Using paper and pencil

2. Business/Firm Name: \_\_\_\_\_

3. Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

4. Work Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

5. Home Telephone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Check # \_\_\_\_\_ for \$ \_\_\_\_\_ is enclosed.  
**Please make check payable to Center for Guardianship Certification for CGC National Certified Guardian Exam ONLY.**  
MasterCard/Visa #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
Three-Digit Security Code: \_\_\_\_\_ Signature: \_\_\_\_\_

**Return Application with Applicable Fees to:**  
Center for Guardianship Certification  
PO Box 5704  
Harrisburg, PA 17110  
(717) 238-4689 – Phone ♦ (717) 238-9985 – Fax

**APPLICATION DEADLINE IS 30 BUSINESS DAYS PRIOR TO SCHEDULED EXAM DATE!**

**Center for Guardianship Certification**  
PO Box 5704, Harrisburg, PA 17110  
717-238-4689 ♦ 717-238-9985 (fax)  
[www.guardianshipcert.org](http://www.guardianshipcert.org)

6. List your experience providing guardianship or other alternative protective services of person or estate for the last two years, beginning with the most recent.

<i>Employer Name/Address</i>	<i>Position</i>	<i>Start and end dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Guardianship or Alternative Education

Please attach a listing of the dates, courses taken, program sponsors, locations, and the number of hours completed for each course.

8. Have you ever been convicted or pled guilty or no contest to a felony?  Yes  No

9. Have you ever been found civilly liable for an action of fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion?  Yes  No  
If yes, please submit a letter of explanation, including the case number.

10. Have you ever been relieved of responsibilities as a guardian or conservator by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion?  Yes  No  
If yes, please submit a letter explaining the circumstances.

11. Are you bonded in accordance with state statutes and local practice?  Yes  No  
If no, please explain. (Please refer to your local state courts)

\_\_\_\_\_

\_\_\_\_\_

12. Have you ever been found liable in a subrogation action by an insurance or bonding agent?  Yes  No  
If yes, please explain. \_\_\_\_\_

\_\_\_\_\_

13. Do you have any special needs requiring CGC attention?  Yes  No

I certify that the information provided in this application is true and correct to the best of my knowledge and belief and understand and agree that I have a continuing obligation to advise the Center for Guardianship Certification if there is a change in circumstances.

*(Must be signed before a Notary Public)*

\_\_\_\_\_

\_\_\_\_\_

*Date*

*Signature of Applicant*

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_ who is personally known to me or who has produced

\_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_

*Notary Public*

**Center for Guardianship Certification**  
**PO Box 5704, Harrisburg, PA 17110**  
**717-238-4689 ♦ 717-238-9985 (fax)**  
[www.guardianshipcert.org](http://www.guardianshipcert.org)

Revised: 2/5/09

## National Certified Guardian Declaration and Agreement

I affirm that I have carefully read and voluntarily agree to be bound by the Terms and Conditions of Certification listed below. Furthermore, I declare under penalty of perjury that the representations contained in this Declaration are true and complete.

\_\_\_\_\_  
Candidate Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

Upon certification, the applicant and the CGC Board will be bound by the terms and conditions contained in this document.

I understand that permission to use the certification marks National Certified Guardian is valid for a period of two years. At the end of such period, if the certification is not renewed, the certification expires and any right to use the marks will terminate. If I fail to comply with requirements to renew my certification, I agree to cease use of the marks immediately. I understand that the CGC Board may relinquish any rights I may have in the use of its marks if I fail to maintain a current certification status.

I have read and understand the NGA Model Code of Ethics, as well as the CGC Rules and Regulations Regarding Certification and Re-Certification of Registered Guardians. I agree to adhere to the provisions of those documents as they presently exist and as they may be amended from time to time.

I further understand and agree that the CGC Board has the absolute and unrestricted right to revoke any rights I may have to use its marks National Certified Guardian if it finds that I have failed to comply with the NGA Model Code of Ethics and the CGC Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians.

In consideration of the certification granted hereby, I further agree that neither the CGC Board nor its directors, officers, employees and others acting on its behalf shall be liable to me for any actions taken or omitted to be taken in any official capacity or in the scope of employment, except to the extent that such actions or omissions constitute willful misconduct or gross negligence, and I hereby release the CGC Board and the other persons identified above from any liability for such actions or omissions.

CGC will take every precaution to ensure the exam is secure from the testing location to the CGC offices. CGC utilizes courier or overnight services to send the exams and, due to this process, an exam may be lost or destroyed prior to grading. In the unlikely event this occurs, it will be the responsibility of the candidate to retake the exam at no additional fee.

I affirm that I have read carefully and understand the items set forth in this statement, including the release of liability and the items described herein. I further affirm that my statements are true and complete to the best of my knowledge and freely given.

\_\_\_\_\_  
Candidate

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing Declaration and Agreement was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by

\_\_\_\_\_, who is personally known to me or has produced appropriate identification.

\_\_\_\_\_  
Notary Public

**Center for Guardianship Certification**  
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Revised: 2/5/09



Center for Guardianship Certification  
PO Box 5704  
Harrisburg, PA 17110  
717-238-4689 ♦ 717-238-9985 Fax

## CHECKLIST FOR RE-CERTIFICATION

*Before mailing, please check to be sure that you include these items in your packet:*

- Provide a completed application form that has been signed and notarized.
- Provide a continuing education sheet filled out with a **minimum** of 20 hours for the past **two** years. The time period for which you are tracking your CEU's is calculated from the month that you were originally certified; not an automatic calendar year. For example, if you were certified in March 2004, please provide twenty hours from March 2004 – March 2006.
- Provide certificates of attendance (copies are acceptable) for the program/course/work items for each CEU listing.
- Provide the declaration and agreement that has been signed and notarized.
- Provide a check in the amount of \$150.00 and add an additional \$35.00 late fee (if applicable.) Please make all checks payable to CGC or Center for Guardianship Certification.

Please provide all of this documentation in order for your re-certification to be fully processed. Keep in mind that re-certifications not received within the expiration date are subject to a \$35 late fee.





# Center for Guardianship Certification

PO Box 5704  
Harrisburg, PA 17110  
717-238-4689 • 717-238-9985 Fax

## APPLICATION FOR RE-CERTIFICATION AS A NATIONAL CERTIFIED GUARDIAN (Re-Certification Application Fee: \$150.00)

Full Name: \_\_\_\_\_ Date Certified: \_\_\_\_\_  
(as you wish it to appear on your certificate and the website)

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

***We accept Checks, made out to Center for Guardianship Certification and  
Visa or MasterCard***

Check # \_\_\_\_\_ for \$ \_\_\_\_\_ is enclosed.  
**Please make check payable to Center for Guardianship Certification.**

Visa                  MasterCard

Credit Card Number: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Three-Digit Security Code: \_\_\_\_\_ Signature: \_\_\_\_\_

**Re-Certification Application Fee: \$150.00  
Late Fee: \$35.00**

**Return Application with Applicable Fees to:  
Center for Guardianship Certification  
PO Box 5704  
Harrisburg, PA 17110  
(717) 238-4689 Phone - (717) 238-9985 Fax  
[www.guardianshipcert.org](http://www.guardianshipcert.org)**

List your experience providing guardianship or other alternative protective services of person or estate for the last two years, beginning with the most recent. If you are a family guardian, who has no employer, please list the family member and experience.

<i>Employer Name/Address</i>	<i>Position</i>	<i>Start and end dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Guardianship or Alternative Education**

Please attach a listing of the dates, courses taken, program sponsors, locations, and the number of hours completed for each course in the last two years. Re-certification requires attendance/participation in at least 20 hours of continuing education and guardianship training every two years. Please complete the attached Documentation for Re-Certification Form and return with this application.

Have you ever been convicted or pled guilty or no contest to a felony?  
Yes                      No

Have you ever been found civilly liable for an action of fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion?  
Yes                      No

If yes, please submit a letter of explanation, including the case number.

Have you ever been relieved of responsibilities as a guardian or conservator by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion?  
Yes                      No

If yes, please submit a letter explaining the circumstances.

Are you bonded in accordance with state statutes and local practice?  
Yes                      No

If no, please explain. (please refer to your local state court)

\_\_\_\_\_  
\_\_\_\_\_

Have you ever been found liable in a subrogation action by an insurance or bonding agent?  
 Yes                       No

If yes, please explain.

\_\_\_\_\_  
\_\_\_\_\_

I certify that the information provided in this application is true and correct to the best of my knowledge and belief and understand and agree that I have a continuing obligation to advise the Center for Guardianship Certification if there is a change in circumstances.

*(Must be signed before a Notary Public)*

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_,

by \_\_\_\_\_ who is personally known to me or who

has produced \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_  
*Notary Public*

**THIS APPLICATION MUST BE RETURNED NO LESS THAN ONE MONTH  
PRIOR TO THE CERTIFICATION EXPIRATION DATE.**

**CENTER FOR GUARDIANSHIP CERTIFICATION**

PO Box 5704 ♦ Harrisburg, PA 17110

(717) 238-4689 ♦ (717) 238-9985 Fax

www.guardianshipcert.org

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**National Certified Guardian Declaration and Agreement**

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I affirm that I have carefully read and voluntarily agree to be bound by the Terms and Conditions of Certification listed below. Furthermore, I declare under penalty of perjury that the representations contained in this Declaration are true and complete.

\_\_\_\_\_  
*Candidate Name*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Telephone Number*

\_\_\_\_\_  
*Address*

Upon certification, the applicant and the CGC Board will be bound by the terms and conditions contained in this document.

I understand that permission to use the certification marks National Certified Guardian is valid for a period of two years. At the end of such period, if the certification is not renewed, the certification expires and any right to use the marks will terminate. If I fail to comply with requirements to renew my certification, I agree to cease use of the marks immediately. I understand that the CGC Board may relinquish any rights I may have in the use of its marks if I fail to maintain a current certification status.

I have read and understand the NGA Model Code of Ethics, as well as the CGC Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians. I agree to adhere to the provisions of those documents as they presently exist and as they may be amended from time to time.

I further understand and agree that the CGC Board has the absolute and unrestricted right to revoke any rights I may have to use its marks National Certified Guardian if it finds that I have failed to comply with the NGA Model Code of Ethics and the CGC Rules and Regulations Regarding Certification and Re-Certification of National Certified Guardians.

In consideration of the certification granted hereby, I further agree that neither the CGC Board nor its directors, officers, employees and others acting on its behalf shall be liable to me for any actions taken or omitted to be taken in any official capacity or in the scope of employment, except to the extent that such actions or omissions constitute willful misconduct or gross negligence, and I hereby release the CGC Board and the other persons identified above from any liability for such actions or omissions.

I affirm that I have read carefully and understand the items set forth in this statement, including the release of liability and the items described herein. I further affirm that my statements are true and complete to the best of my knowledge and freely given.

\_\_\_\_\_  
*Candidate Signature*

\_\_\_\_\_  
*Date*

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing Declaration and Agreement was acknowledged before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_ by \_\_\_\_\_, who is personally known to me or has produced appropriate identification.

\_\_\_\_\_  
*Notary Public*

## CGC DOCUMENTATION FOR RE-CERTIFICATION

NAME: \_\_\_\_\_ Date Certified: \_\_\_\_\_

Re-certification for the NCG certification requires attendance/participation in at least 20 hours of continuing education and/or guardianship training every two years. The time period for which you are tracking your CEU's is calculated from the month that you were originally certified; not an automatic calendar year. For example, if you were certified in March 2004, please provide twenty hours from March 2004 – March 2006. Appropriate programs include junior college, university, state bar, state guardianship, or other specific seminars or training courses related to guardianships. Up to 10 hours of continuing education credit may be requested for teaching courses, speaking at seminars, or authoring books or articles. **You are required to attach certificates of attendance (copies are acceptable) for the program/course/work items described in the following list.** The Certification Board may require additional information or documentation. Note: 60 minutes is equal to one CEU credit of instruction.

**If you need additional space, photocopies of this form are acceptable.**

Title of program/course/work: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s) presented/published: \_\_\_\_\_

Number of hours of attendance/teaching/preparation: \_\_\_\_\_

Title of program/course/work: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s) presented/published: \_\_\_\_\_

Number of hours of attendance/teaching/preparation: \_\_\_\_\_

Title of program/course/work: \_\_\_\_\_

Sponsor: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s) presented/published: \_\_\_\_\_

Number of hours of attendance/teaching/preparation: \_\_\_\_\_

Total Hours: \_\_\_\_\_

I certify that I have completed the above and that I can produce appropriate documentation if requested by the Certification Board.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Thirty days prior to certification, send to:

**Center for Guardianship Certification  
PO Box 5704  
Harrisburg, PA 17110**



**Rules and Regulations  
Regarding Certification and Re-Certification  
of  
National Certified Guardians**

*Revised: February 5, 2009*

## **I. GENERAL PRINCIPLES**

The purpose of the Center for Guardianship Certification (CGC) National Certified Guardian certification program is to identify those individuals who are involved in guardianship issues and who meet minimum qualifications and have a minimum level of knowledge and experience in guardianship services to be identified to the public as a National Certified Guardian.

Certification is individual and voluntary. CGC Certified guardians are expected to act in compliance with the CGC Rules and Regulations in any fiduciary capacity, whether court-appointed, non-court appointed, or any position of trust.

Application with the appropriate fee shall be made to the CGC on the forms it shall supply. Certification is open to all qualified applicants without regard to age, race, religion, color, ethnic background, gender, sexual orientation, or disability.

All applications and other information submitted to the CGC as part of the certification and recertification process shall be privileged and confidential except that the CGC may reveal that an application has been made for the purpose of verifying (a) information submitted by the applicant or (b) whether an individual is a National Certified Guardian.

## **II. ADMINISTRATION OF CERTIFICATION AND RE-CERTIFICATION**

The certification and re-certification of National Certified Guardians shall be administered by the CGC.

The CGC shall certify all individuals in accordance with these rules and regulations.

The CGC shall develop and oversee the following:

- A. Approval of the application process used for guardian certification and re-certification.
- B. Determination as to whether particular applicants have met the standards for certification or recertification.
- C. Approval of training and continuing education courses related to meeting certification or recertification requirements.
- D. Approval of waivers or modification of specific certification requirements for good cause.
- E. Oversight of the preparation and administration of certification examinations.
- F. Approval of all examination questions.
- G. Development of the procedure for reviewing any applicant's examination that receives a failing grade.
- H. Establishment of criteria relative to denial, suspension or revocation of certification.
- I. Determination of all requests for reconsideration of denials, revocations, or suspensions of certification.
- J. Maintenance of all appropriate records relative to certification.
- K. Provision of accommodations in accordance with the ADA.
- L. Upon certification, the registrant will be issued a certificate and card, which will be valid for two years. A new certificate and card will be issued bi-annually upon satisfactory completion of the re-certification process.

**Center for Guardianship Certification**  
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[www.guardianshipcert.org](http://www.guardianshipcert.org)

Revised: 2/5/09

### III. APPLICATION PROCEDURE

**A. Application Forms.** Applications for Certification and Re-certification shall be made in writing on forms provided by the CGC. The CGC may require the applicant to submit information in addition to that called for on the application forms.

**B. Fees.** All fees connected with certification and re-certification shall be set by the CGC and are subject to change at any time.

1. **Application Fee.** Each applicant shall submit a non-refundable application fee along with the completed application form. No application will be processed until the application fee has been paid.
2. **Examination Fee.** Each applicant shall pay an examination fee before taking the certification examination. The fee shall be submitted with the completed examination registration form to the CGC at least thirty (30) days before the day on which the applicant wishes to take the certification examination.
3. **Re-certification Fee.** Each application for re-certification shall be accompanied by a nonrefundable re-certification fee. No re-certification application may be processed until the re-certification fee has been paid.
4. **Late Fee.** The CGC may impose a late fee for certification and re-certification applications received after the deadline.

**C. Application Procedures.** Upon receipt of a completed application form, the CGC staff shall review the application to determine that (1) the application form has been completed, (2) the applicant meets the minimum standards and (3) the appropriate fees have been paid. If so, the application shall be accepted.

**D. Examination Failure.** In the event the applicant does not pass the certification examination, the applicant may retake the examination upon submission of an additional examination fee and a new examination registration form for each examination date. If the applicant does not pass the examination by the second anniversary of the date on which the original certification application was accepted, the application for certification shall be denied. If an applicant whose application is so denied subsequently seeks to become certified, the application process must start again.

**E. Application for Re-certification.** Certification shall expire two years after the date it is issued. CGC must receive a properly completed application for re-certification not more than 45 days after the certification expires. The re-certification application shall be accompanied by the appropriate fee or it shall be denied. Individuals filing re-certification applications more than 45 days after their certification expires shall be denied re-certification. In such case, the certification process must begin again. At that time, the CGC website will be updated to remove the individual from the listing of certified guardians. An application for re-certification filed less than one month before the certification expires will be subject to a late fee.

### IV. MINIMUM STANDARDS FOR NATIONAL CERTIFIED GUARDIAN CERTIFICATION

#### **A. Minimum Standards for Certification**

To qualify for certification the applicant shall pay all required fees, comply with the application procedures herein, and meet the following minimum standards, except as otherwise provided by state certification law:

1. Must be at least 21 years of age.
2. Must be a high school graduate or possess the GED equivalent.
3. Must have one year of relevant work experience related to guardianship or conservatorship or the following educational or training requirements: (1) a degree in a field related to guardianship, or (2) completion of a course curriculum or training specifically related to guardianship or conservatorship approved by the CGC.
4. Must not have been convicted or pled guilty or no contest to a felony?

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5. Must attest that he or she has not been civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, or conversion.
6. Must attest that he or she has not been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.
7. Must attest that he or she is bonded in accordance with state statutes and local practice.
8. Must attest that he or she has not been found liable in a subrogation action by an insurance or bonding agent.

#### **B. Examination.**

The applicant shall make a satisfactory showing of competency in guardianship by successfully completing an examination administered by the CGC. Notification of examination results shall be mailed to the applicant within 60 days.

#### **V. MINIMUM STANDARDS FOR RE-CERTIFICATION**

The period of certification is two years. A national certified guardian who desires continued certification shall apply for re-certification within the time limits prescribed in section III. To be eligible for re-certification, the certified individual shall pay all required fees and meet the following minimum standards:

##### **A. Reaffirmation.**

The National Certified Guardian shall reaffirm items 4 through 8 of IV of the Minimum Standards for National Certified Guardian Certification, IV of these Rules.

##### **B. Continuing Education.**

The National Certified Guardian shall, during the period since certification or most recent re-certification, have participated in at least twenty hours of continuing education and guardianship training as approved by the applicant's state guardianship association and/or by the CGC. National Certified Guardian shall list on the application for re-certification the dates, locations, sponsors, and number of credits earned for all continuing education courses to satisfy this requirement. The National Certified Guardian may request on the application for re-certification credit up to ten hours of continuing education credit for teaching courses, speaking at seminars, or authoring books or articles.

#### **VI. DISCRETION TO REQUEST ADDITIONAL INFORMATION**

If after reviewing the information submitted by the applicant the CGC determines that the applicant does not meet the standards established by these rules and regulations, the CGC may conduct further investigation or require additional information from the applicant or other sources. The CGC may deny certification and re-certification based on the information it receives.

#### **VII. DENIAL AND DISCIPLINARY CRITERIA**

The CGC may deny, suspend or revoke a certification, or impose other disciplinary action on a National Certified Guardian, who as the guardian of the person or estate, or who in any other court appointed or non-court appointed fiduciary capacity, or position of trust, if it is determined that they have violated any of the following criteria:

- A. Failed to abide by the Rules and Regulations promulgated by the CGC to govern the certification program;
- B. Failed to pay any applicable fee established by the CGC;
- C. Failed to meet the Minimum Standards for Certification established by the CGC;
- D. Been convicted or pled guilty or no contest to a felony.
- E. Been found civilly liable in an action that involved fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion.
- F. Been relieved of responsibilities as a guardian or fiduciary by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.
- G. Not been bonded in accordance with state statutes and local practice.
- H. Been found liable in a subrogation action by an insurance or bonding agent.
- I. Failed to notify CGC of a violation as set forth in IV. A 4-8.

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J. Violated the NGA Code of Ethics.

K. CGC may also discipline a National Certified Guardian, including by suspension or revocation of certification if: (a) the certificate was granted contrary to the Rules and Regulations of the CGC; or (b) the certificate was granted to an individual who is not eligible to acquire a certificate or who has made any false representations or misstatement of material fact to the CGC.

### **VIII. DISCIPLINARY PROCEDURE FOR NATIONAL CERTIFIED GUARDIAN**

**A. Initiation of Process.** Any person ("Petitioner") may Petition CGC to initiate disciplinary procedures against a National Certified Guardian ("Respondent"). If information or allegations come to the attention of CGC that a National Certified Guardian has violated one or more of the disciplinary criteria set forth in Paragraph VII herein, and no complaint is forthcoming from any person, then the CGC President may appoint an agent or agents to conduct an inquiry and fact finding to determine whether there is a reasonable basis to file a formal complaint. If the agent or agents file a formal complaint, then this complaint shall be processed in accordance with the disciplinary procedures set forth herein. The person or persons who initiated/participated in the inquiry should not be part of the final appeal decision and would be asked to recuse themselves, if an appeal was made. Those same individuals will also not be asked to serve on the Professional Review Board (PRB) convened for the specific inquiry in which they were involved.

**B. Content of the Petition.** A Petition, which is to be submitted to the CGC Executive Director, must be in writing and must include: the name and pertinent contact information of the Petitioner and the Respondent; an allegation of the existence of one or more of the disciplinary criteria set forth in section VII; an adequate factual basis for the allegation(s); and any necessary documentation or other supporting materials or information.

**C. Initial Review of Petition.** The CGC Executive Director, in consultation with the CGC President and CGC General Counsel, will review the Petition to determine if it includes the necessary elements identified in paragraph B herein. If the Executive Director determines that the Petition does not conform to paragraph B herein, then, citing the specific deficiency or deficiencies, the Executive Director shall notify the Petitioner that the Petition will not be considered. The Petitioner may re-file an amended Petition, or may seek a review of the Executive Director's decision by the CGC Executive Committee by so notifying the CGC Executive Director within fifteen (15) days of the date of the rejection letter. In addition, if a complaint includes allegations of criminal conduct by a guardian or conduct that is actionable against a guardian in a court of law, the CGC Executive Director, in consultation with the CGC President and CGC General Counsel, may decline consideration and instead defer to the authority of an appropriate court of law, law enforcement agency, or other governmental investigatory or adjudicatory body. An outcome of such legal proceedings adverse to a guardian may form the basis of a subsequent complaint.

**D. Professional Review Board.** Once a Petition is determined to conform to the requirements of paragraph B herein, the Executive Director will notify the CGC President, who will appoint three individuals to a Professional Review Board ("PRB") to address the Petition. At least one appointee shall be a member of the CGC Board of Trustees at the time of appointment. The CGC President shall also designate one of the PRB members to be PRB Chair. The PRB will act by majority vote.

**E. Notice; Response.** Concurrent with notification of the President, the Executive Director will also inform the Respondent in writing that a Petition has been submitted; provide the Respondent with a copy of the Petition, including all supporting materials, as well as a copy of these Rules and Regulations; and ask for a written Answer to the Petition to be received by CGC within fifteen (15) business days from the date of the letter.

**F. Suspension Pending Decision.** The CGC Executive Committee may, in its discretion, suspend the certification of the Respondent pending the decision of the PRB, and/or pending final disposition of any appeal.

**G. Review by PRB.** The PRB Chair will schedule at least one meeting, in person or via conference call, to review the Petition and Answer, if any. Additional meetings may be held as deemed necessary by the PRB. While the PRB may seek additional information in its discretion; it has no obligation to do so; the PRB is not an investigatory body, and will generally render its decision based on the submissions of the Petitioner and Respondent.

*Center for Guardianship Certification*  
*PO Box 5704, Harrisburg, PA 17110*  
*717-238-4689 ♦ 717-238-9985 (fax)*  
[www.guardianshipcert.org](http://www.guardianshipcert.org)

Revised: 2/5/09

**H. Hearing.** The PRB shall offer the Respondent the opportunity for a hearing. The date and location of the hearing will be determined by the PRB. The respondent is responsible to bear all costs to attend the hearing including the cost of witnesses for the respondent and all other costs for respondent to prepare for the hearing. At this proceeding, the Respondent will be permitted to testify; present evidence; respond to questions from the PRB; and examine and cross-examine witnesses who are also present. The Respondent may be represented by legal counsel at the hearing. No hearing need be held if the PRB decides to dismiss the Petition. The PRB may establish rules for the conduct of the hearing, though formal rules of evidence will not apply.

**I. Decision of PRB.** The PRB shall strive to render a decision on the Petition within ninety (90) days of the submission of all documents by the Petitioner and Respondent or any hearing herein, and shall notify the Petitioner and Respondent in writing of that decision. The written notification shall include an explanation of the basis for the decision. In most cases a decision of the PRB will be one of the following: the Respondent has engaged in prohibited conduct; the Respondent has not engaged in prohibited conduct; or there is insufficient evidence to determine whether or not the Respondent has engaged in prohibited conduct. A finding of a prohibited conduct must include the PRB's decision as to any disciplinary action to be imposed including, but not limited to censure, suspension, and revocation. The PRB may issue an Advisory Letter or Letter of Concern to the Respondent even though there is no finding of prohibited conduct.

**J. Definitions:** The following represent definitions of terms associated with the decision herein of the PRB:

Non-Disciplinary Action

1. Advisory Letter means written communication from the PRB notifying the Respondent that the conduct, while not warranting discipline or a finding of prohibited conduct, may result in future disciplinary action if not modified or eliminated. An Advisory Letter is not disciplinary action and there is no appeal of an Advisory Letter by the Respondent. The Advisory Letter will be placed in the permanent file of the Respondent. The Respondent may respond in writing to the Advisory Letter. Any such correspondence will be included in the permanent file.

2. Letter of Concern means written communication from the PRB notifying the Respondent that, while there is insufficient evidence to support disciplinary action, the PRB believes the Respondent should modify or eliminate certain practices that led to the Complaint. A Letter of Concern is not a disciplinary action and there is no appeal of a Letter of Concern by the Respondent. The Letter of Concern will be placed in the permanent file of the Respondent. The Respondent may respond in writing to the Letter of Concern. Any such correspondence will be included in the permanent file.

Disciplinary Action

3. Censure means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Paragraph VII of the Rules and Regulations herein.

4. Suspension means written disciplinary action finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Paragraph VII of the Rules and Regulations herein, resulting in not permitting the Respondent to exercise the privileges of a National Certified Guardian for a set period of time. The CGC Executive Committee may suspend a certification pending a decision by the PRB.

5. Revocation means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more criteria contained in Paragraph VII of the Rules and Regulations herein, resulting in removal by the PRB of the Respondent's Certification as a National Certified Guardian.

**J. Appeal.** Except as otherwise provided in this Section VIII, a Petitioner or Respondent may appeal the decision of the PRB to the CGC Board of Trustees by submitting a written notice with the CGC Executive Director within thirty (30) days of the date of the PRB's decision. Either the PRB or the CGC Board of Trustees may postpone implementation of the disciplinary action, if any, imposed by the PRB until after disposition of the appeal. The CGC Board of Trustees shall seek to issue its ruling within sixty (60) days of receipt of the appeals notice. There shall be no right to a hearing. The decision of the CGC Board shall be final.

**K. Publication.** CGC may publicize the nature, existence, or preliminary or final result of any disciplinary proceeding or action, at any stage, if deemed by CGC to be in the interests of CGC, the Certification Program, or any segment of the general public.

**L. Correspondence.** All correspondence and notices herein between the petitioner and respondent should be made by certified mail and courier service

#### **IX. THE OFFICIAL ADDRESS FOR ALL CORRESPONDENCE**

The official address for all correspondence to the Center for Guardianship Certification is PO Box 5704, Harrisburg, PA 17110.

#### **X. OFFICIAL LANGUAGE**

Except as restricted by applicable law, an individual holding a current certification from CGC shall use the following language to disclose the certification in written communications: "certified as a National Certified Guardian" and/or the designation of "NCG."

#### **XI. AMENDMENTS PROCEDURES**

These rules and regulations may be amended as provided in the Bylaws of the Center for Guardianship Certification.

*Center for Guardianship Certification*  
*PO Box 5704, Harrisburg, PA 17110*  
*717-238-4689 ♦ 717-238-9985 (fax)*  
[www.guardianshipcert.org](http://www.guardianshipcert.org)

Revised: 2/5/09



**Guardianship Certification Board**  
 205 W. 14<sup>th</sup> Street, Suite 600, Tom C. Clark Bldg, Austin,  
 Texas 78701

<b>\$25.00</b> <b>Application Fee</b> Must accompany this application
--

**Certification Application Form**

1. Name	Last	First	M.I.	Suffix	2. Date of Birth	mm/dd/yyyy																					
3. Provisional Certification	If you are provisionally certified at the time you file this application, check here <input type="checkbox"/> and provide continuing education information under question #9.				Provisional Certification Number																						
4. Address (both home and work addresses must be provided)	Home	Street	City	State	Zip	Phone																					
	Work	Street or P.O. Box	City	State	Zip	Phone																					
	Email Address		Other Phone (e.g., cell)			FAX																					
5. Contact Preference	Mail: <input type="checkbox"/> Home <input type="checkbox"/> Work (if both, or neither, is selected, Board-related mailings will be sent to work address) <input type="checkbox"/> E-Mail: If this box is selected, Board staff will communicate with you by e-mail, except when notice by U.S. mail is required.																										
6. Education	High School	High School Name		High School Location		Graduation Date: mm/yyyy																					
		<b>Or</b>		Equivalency Type		Date: mm/yyyy																					
	College or University	Name and Location of School			<table border="1"> <tr> <th colspan="4">Dates Attended</th> <th rowspan="2">Degree</th> <th rowspan="2">Major</th> </tr> <tr> <th colspan="2">From</th> <th colspan="2">To</th> </tr> <tr> <th>Mo</th> <th>Yr</th> <th>Mo</th> <th>Yr</th> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Dates Attended				Degree	Major	From		To		Mo	Yr	Mo	Yr							
Dates Attended				Degree	Major																						
From		To																									
Mo	Yr	Mo	Yr																								
7. Work Experience (provide at least 10 years of experience. Attach separate sheet if necessary)	Start Date	Leave Date		Employer:		Location:																					
	Mo	Yr	Mo	Yr	Current																						
	Describe relevant experience:																										
	Start Date	Leave Date		Employer:		Location:																					
	Mo	Yr	Mo	Yr																							
	Describe relevant experience:																										
Start Date	Leave Date		Employer:		Location:																						
Mo	Yr	Mo	Yr																								
Describe relevant experience:																											
8. Exams/Certification	Texas Exam			Center for Guardianship Certification Exam																							
	Passed? <input type="checkbox"/>		Date Expect to Take		Passed? <input type="checkbox"/> Yes <input type="checkbox"/> No																						
	Yes	Date Taken	<input type="checkbox"/> No		Date Taken	Date Expect to Take																					
CGC Registered Guardian: CGC Certification Date				In good standing? <input type="checkbox"/> Yes <input type="checkbox"/> No																							

9. Continuing Education (provide only if you are provisionally certified when you file this application)	If you answered "Yes" to question #3, provide the following information on courses you took during the period you were provisionally certified. (Attach separate sheet if necessary.)					
	date of course	sponsor	name and location of course	total hours	ethics hours	legislative update hours

10. Have you ever been adjudged guilty of or entered a plea of no contest in return for a grant of deferred adjudication to any felony or misdemeanor other than juvenile offenses or misdemeanor traffic offenses?

Note: Answer yes even if your plea resulted in a probation or deferred adjudication that was successfully completed and subsequently dismissed.

Driving While Intoxicated is NOT considered a traffic offense and should be reported.

No  Yes – Provide a certified copy of the charging instrument, judgment, and disposition, including dates, charges, court, court location, and any other pertinent information.

11. Have you ever been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft conversion or breach of fiduciary duty?

No  Yes – Provide details (attach separate sheet if necessary):

12. Have you ever been found civilly liable in an action, or settled a claim, involving allegations of fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, conversion, or breach of fiduciary duty on your part?

No  Yes – Provide details (attach separate sheet if necessary):

13. Have you ever been denied certification, or had your certification revoked or suspended in Texas or any other jurisdiction requiring certification, registration or licensure to provide guardianship services?

No  Yes – Provide details (attach separate sheet if necessary):

I certify under penalty of perjury that the information provided in this application is true and correct. I have read and understand the Guardianship Certification Board's Rules Governing Guardianship Certification and Minimum Standards for Guardianship Services and agree to comply with the current and subsequent Rules and Minimum Standards. I understand that the fee submitted with this application is non-refundable. I understand that if I am certified, I will have a continuing obligation under Rule X(c) and (d) of the Rules Governing Guardianship Certification to notify the Board if there is a change in circumstances.

(Must be signed before a Notary Public) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**Mail:**

- 1) Your completed, signed, and notarized application form, and
- 2) A check or money order in the amount of \$25.00 payable to the Office of Court Administration to:

Office of Court Administration  
Guardianship Certification Board  
P.O. Box 12066  
Austin, Texas 78711-2066

**Hand Deliver:**

Alternatively, you may deliver your original application and fee to the Office of Court Administration, 205 West 14th Street, Suite 600, Austin, Texas 78701.

**Faxed or e-mailed applications are not acceptable.**

DRAFT

TEXAS GUARDIANSHIP CERTIFICATION BOARD  
INSTRUCTION SHEET FOR CERTIFICATION APPLICATION FORM

1. To provide guardianship services in Texas, you must be certified if you are a private professional guardian, if you provide services to a ward of a private professional guardian or the Department of Aging and Disability Services, or if you provide services to a ward of a guardianship program on behalf of the program. If you are a volunteer for a guardianship program, or a family member or friend of the ward, you do not need to be certified.
2. To qualify for certification, you must be at least 21 years old and have a high school diploma or GED equivalent. You must have two years of relevant experience related to guardianship OR have a four-year degree in a field related to guardianship. You must also take and pass an exam on Texas guardianship law, and must take and pass the Center for Guardianship Certification (CGC), formerly known as the National Guardianship Foundation (NGF), National Certified Guardian exam OR be currently certified by and in good standing with the CGC. The CGC administers both exams. For an exam schedule, locations, and registration information, please see the CGC's website: [www.guardianshipcert.org](http://www.guardianshipcert.org).
3. Complete the Certification Application Form. You may attach a resume, but you must fill out the form completely. Please provide sufficient detail to enable Board staff to determine the nature and extent of your work experience. Your completed application must be notarized.
4. Certified guardians must complete 6 hours of continuing education during each year of the two-year certification period. Provisionally certified guardians are bound by the same continuing education rules as certified guardians. If you are provisionally certified at the time you apply for certification, report hours taken during the time you were provisionally certified on the certification application. Once you are certified, continuing education hours earned during your two-year certification period will be reported when it is time for you to re-certify.
5. You must provide the Board with your Texas and national criminal history records by having your fingerprints submitted to the Department of Public Safety (DPS). DPS will perform a Texas criminal history search and forward the fingerprints to the FBI for a national criminal

history search. If you are provisionally certified when you apply for certification, and your provisional certification was granted within one year of your application for certification, it is not necessary for you to submit a new criminal history report.

DPS has contracted with Fingerprint Applicant Services of Texas (FAST) to provide fingerprinting services. You may also be able to obtain fingerprinting services from local law enforcement officials. For a list of FAST locations and hours of operation, please visit [www.Llenrollment.com](http://www.Llenrollment.com). If you use FAST, you must schedule an appointment by visiting their website or calling 1-888-467-2080. When you go to the FAST location, you must take a FAST Pass, available on the Board's website, [www.courts.state.tx.us/gcb/docs/FASTPass.doc](http://www.courts.state.tx.us/gcb/docs/FASTPass.doc). If you do not use FAST, you must provide the Board's ORI Number (TX922180Z) to the entity that fingerprints you so that your search records reach the Board. The FAST charge for the fingerprinting service is \$9.95; the charge for a Texas criminal history record search is \$15.00; and the charge for an FBI search is \$19.25, for a total of \$44.20. All fees are paid to FAST at the time your fingerprints are taken. The criminal history records resulting from both the Texas and national criminal history searches will be forwarded directly to the Board. **The Board will not process your application until it has received the results of the criminal history searches.** The Texas and national criminal history searches must be conducted no earlier than 90 days prior to the date you submit your application.

**Note:** Applicants are required to self-report criminal history (see question #10), except juvenile and misdemeanor traffic offenses. If you are unsure if an offense is a traffic offense, it should be reported. The Board may require further information and review on any criminal history.

6. Mail your completed application and the \$25.00 application fee to:  
Office of Court Administration  
Guardianship Certification Board  
P.O. Box 12066  
Austin, Texas 78711-2066

Alternatively, you may deliver your application and fee to 205 West 14th Street, Suite 600, Austin, Texas. Faxed or e-mailed applications are not acceptable.

7. Upon receipt, Board staff will review your application. You will be notified if it is complete or if any required information or documentation is missing. The Board reserves the right to request further information from you during the certification process.
8. You will be notified when your application for certification is approved or denied. If your application is denied, you will be informed of the reason(s) for denial and will have the right to appeal a denial of certification as set forth in Rule IX, Rules Governing Guardianship Certification.
9. Certification is valid for two years and may be suspended or revoked by the Board at any time for the reasons set forth in Rule XI, Rules Governing Guardianship Certification. You must apply for re-certification every two years. To re-certify, you must meet the requirements set forth in Rule VII, Rules Governing Guardianship Certification, including payment of a \$25.00 re-certification fee.
10. It is your responsibility to re-certify. You must file your application for re-certification at least 90 days before your certification expires. If you file your application for re-certification after this deadline but not later than 90 days after your certification expires, you must pay a late fee of \$75.00. Applications for re-certification received more than 90 days after expiration will not be processed, and you must begin the certification process anew.





**Guardianship Certification Board**  
 205 W. 14<sup>th</sup> Street, Suite 600, Tom C. Clark Bldg, Austin,  
 Texas 78701

<p><b>\$25.00</b>  <b>Application Fee</b>          Must accompany this          application</p>
---

**Provisional Certification Application Form**

1. Name	Last	First	M.I.	Suffix	2. Date of Birth	mm/dd/yyyy																					
3. Address (both home and work addresses must be provided)	Home	Street	City	State	Zip	Phone																					
	Work	Street or P.O. Box	City	State	Zip	Phone																					
	Email Address			Other Phone (e.g., cell)		FAX																					
4. Contact Preference	Mail: <input type="checkbox"/> Home <input type="checkbox"/> Work (if both, or neither, is selected, Board-related mailings will be sent to work address) <input type="checkbox"/> E-Mail: If this box is selected, Board staff will communicate with you by e-mail, except when notice by U.S. mail is required.																										
5. Education	High School	High School Name		High School Location		Graduation Date: mm/yyyy																					
	<b>Or</b>		Equivalency Type		Date: mm/yyyy																						
	College or University	Name and Location of School			<table border="1"> <tr> <th colspan="4">Dates Attended</th> <th rowspan="2">Degree</th> <th rowspan="2">Major</th> </tr> <tr> <th colspan="2">From</th> <th colspan="2">To</th> </tr> <tr> <th>Mo</th> <th>Yr</th> <th>Mo</th> <th>Yr</th> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Dates Attended				Degree	Major	From		To		Mo	Yr	Mo	Yr							
Dates Attended				Degree	Major																						
From		To																									
Mo	Yr	Mo	Yr																								
6. Work Experience (Provide your current employer and show 2-3 years work experience. Attach separate sheet if necessary.)	Start Date	Leave Date	Employer:		Location:																						
	Mo	Yr	Mo	Yr																							
	Current																										
	Describe relevant experience:																										
6. Work Experience (Provide your current employer and show 2-3 years work experience. Attach separate sheet if necessary.)	Start Date	Leave Date	Employer:		Location:																						
	Mo	Yr	Mo	Yr																							
	Current																										
	Describe relevant experience:																										
6. Work Experience (Provide your current employer and show 2-3 years work experience. Attach separate sheet if necessary.)	Start Date	Leave Date	Employer:		Location:																						
	Mo	Yr	Mo	Yr																							
	Current																										
	Describe relevant experience:																										
7. Under Board rules, a provisionally certified guardian may provide guardianship services <b>only under the supervision of a certified guardian supervisor</b> . My certified guardian supervisor is:																											
Name	Last	First	M.I.	Suffix	Certification Number:																						
Business																											
Address	Street or P.O. Box	City	State	Zip	Phone																						

Signature of Certified Guardian Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

8. Have you ever been adjudged guilty of or entered a plea of no contest in return for a grant of deferred adjudication to any felony or misdemeanor other than juvenile offenses or misdemeanor traffic offenses?

Note: Answer yes even if your plea resulted in a probation or deferred adjudication that was successfully completed and subsequently dismissed.

Driving While Intoxicated is NOT considered a traffic offense and should be reported.

No  Yes – Provide a certified copy of the charging instrument, judgment, and disposition, including dates, charges, court, court location, and any other pertinent information.

9. Have you ever been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, conversion or breach of fiduciary duty?

No  Yes – Provide details (attach separate sheet if necessary):

10. Have you ever been found civilly liable in an action, or settled a claim, involving allegations of fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, conversion or breach of fiduciary duty on your part?

No  Yes – Provide details (attach separate sheet if necessary):

11. Have you ever been denied certification, or had your certification revoked or suspended in Texas or any other jurisdiction requiring certification, registration or licensure to provide guardianship services?

No  Yes – Provide details (attach separate sheet if necessary): \_\_\_\_\_

I certify under penalty of perjury that the information provided in this application is true and correct. I have read and understand the Guardianship Certification Board's Rules Governing Guardianship Certification and Minimum Standards for Guardianship Services and agree to comply with the current and subsequent Rules and Minimum Standards. I understand that the fee submitted with this application is non-refundable. I understand that if I am certified, I will have a continuing obligation under Rule X(c) and (d) of the Rules Governing Guardianship Certification to notify the Board if there is a change in circumstances.

(Must be signed before a Notary Public) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**Mail:**

- 1) Your completed, signed, and notarized application form, and
- 2) A check or money order in the amount of \$25.00 payable to the Office of Court Administration to:

Office of Court Administration  
Guardianship Certification Board  
P.O. Box 12066  
Austin, Texas 78711-2066

**Hand Deliver:**

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**Faxed or e-mailed applications are not acceptable.**

DRAFT

TEXAS GUARDIANSHIP CERTIFICATION BOARD  
INSTRUCTION SHEET FOR APPLICATION FOR PROVISIONAL CERTIFICATION 02/20/2009

1. To provide guardianship services in Texas, you must be certified if you are a private professional guardian, if you provide services to a ward of a private professional guardian or the Department of Aging and Disability Services, or if you are an individual providing services to a ward of a guardianship program on behalf of the program. If you are a volunteer for a guardianship program, or a family member or friend of the ward, you do not need to be certified.
2. If you do not meet the experience, education, or examination requirements for certification (have two years of relevant experience related to guardianship OR a four-year degree in a field related to guardianship AND pass an exam on Texas guardianship law and the Center for Guardianship Certification, formerly known as the National Guardianship Foundation National Certified Guardian exam), you may qualify for provisional certification. To qualify for provisional certification, you must be at least 21 years old and have a high school diploma or GED equivalent. You must also meet certain criminal history and other requirements set out in Rule VI, Rules Governing Guardianship Certification. Under Board rules, if you are provisionally certified, you may provide guardianship services only under the supervision of a certified guardian supervisor.
3. Complete the Application for Provisional Certification. You may attach a resume, but you must fill out the form completely. Be sure to give the requested information about your certified guardian supervisor and obtain that person's signature and certification number on the form. Sign your application in front of a notary public.  
  
NOTE: While college education and relevant work experience are not required for provisional certification, the Board requests that you provide this information for its records.
4. You must provide the Board with your Texas and national criminal history records by having your fingerprints submitted to the Department of Public Safety (DPS). DPS will perform a Texas criminal history search and forward the fingerprints to the FBI for a national criminal history search. DPS has contracted with Fingerprint Applicant Services of Texas (FAST) to provide fingerprinting services. You may also be able to obtain fingerprinting services from local law enforcement officials. For a list of FAST locations and hours of operation, please visit [www.LIenrollment.com](http://www.LIenrollment.com). If you use FAST, you must schedule an appointment by visiting their website or calling 1-888-467-2080. When you go to the FAST location, you must take a FAST Pass, which is available on the Board's website, [www.courts.state.tx.us/gcb/docs/FASTPass.doc](http://www.courts.state.tx.us/gcb/docs/FASTPass.doc). If you do not use FAST, you must provide the Board's ORI Number (TX922180Z) to the entity that fingerprints you so that your search records reach the Board. The FAST charge for the fingerprinting service is \$9.95; the charge for a Texas criminal history record search is \$15.00; and the charge for an FBI search is \$19.25, for a total of \$44.20. All fees are paid to FAST at the time your fingerprints are taken. The criminal history records resulting from both the Texas and national criminal history searches will be forwarded directly to the Board. **The Board will not process your application until it has received the results of the criminal history searches.** The Texas and national criminal history searches must be conducted no earlier than 90 days prior to the date you submit your application.  
**Note:** Applicants are required to self-report criminal history (see question #8), except juvenile and misdemeanor traffic offenses. If you are unsure if an offense is a traffic offense, it should be reported. The Board may require further information and review on any criminal history.
5. Mail your completed application for provisional certification and the \$25.00 application fee to:  
Office of Court Administration  
Guardianship Certification Board  
P.O. Box 12066  
Austin, Texas 78711-2066  
Alternatively, you may deliver your application and fee to 205 West 14th Street, Suite 600, Austin, Texas. Faxed or e-mailed applications are not acceptable.
6. Upon receipt, Board staff will review your application. You will be notified if it is complete, or if any required information or documentation is missing. The Board reserves the right to request further information from you during the provisional certification process.
7. You will be notified when your application for provisional certification is approved or denied. If your application is denied, you will be informed of the reason(s) for denial and will have the right to appeal a denial of provisional certification as set forth in Rule IX, Rules Governing Guardianship Certification.
8. Provisional certification is valid for two years. To continue providing guardianship services after expiration of your provisional certification, you must obtain certification by filing an application for certification and meeting the requirements set forth in Rule VI, Rules Governing Guardianship Certification, unless you seek and the Board grants a waiver of the two year limit on your provisional certification.
9. Your provisional certification may be suspended or revoked by the Board at any time for the reasons set forth in Rule XI, Rules Governing Guardianship Certification.

**PROPOSED AMENDMENTS  
RULES GOVERNING GUARDIANSHIP CERTIFICATION**

**III. CERTIFICATION AND RE-CERTIFICATION**

- (a) To provide guardianship services in this state, the following individuals must be certified by the Board pursuant to Section 111.042, Texas Government Code:
  - 1) an individual who is a private professional guardian;
  - 2) an individual who will provide guardianship services to a ward of a private professional guardian or the Texas Department of Aging and Disability Services on the guardian's or department's behalf; and
  - 3) an individual, other than a volunteer, who will provide guardianship services to a ward of a guardianship program on the program's behalf.
- (b) Notwithstanding subsection (a), an individual who must be certified but does not meet the requirements for certification under Section VI(c) or (d) of these rules may provide guardianship services in this state if the person obtains provisional certification pursuant to Section XIV.
- (c) Notwithstanding any other provision of these rules:
  - 1) pursuant to section 696B of the Texas Probate Code, a family member or friend of an incapacitated person is not required to be certified under these rules to serve as the person's guardian, and
  - 2) an employee of the United States Veterans Administration appointed to serve as a guardian for an incapacitated person under section 601(14)(C) of the Texas Probate Code is not required to be certified under these rules to serve as the person's guardian.
- (d) The Board shall certify all individuals in accordance with these rules. Criteria not rationally related to the performance of guardianship services shall not be used to deny certification.
- (e) Upon certification, the individual will be issued a certificate, which will be valid for two years according to the provisions of Section V(d). New certificates will be issued for successive two-year periods upon timely and satisfactory completion of the re-certification process.
- (f) A certified guardian may use the designation "TxCG" to indicate that the guardian has been certified by the Board. Provisionally-certified guardians may not use such designation.

**V. APPLICATION PROCEDURE**

- (a) Application Forms. Applications for certification, provisional certification, and re-certification shall be made in writing on forms provided by the Board. In appropriate circumstances, the Board may require the applicant to submit information in addition to that called for on the application forms.
- (b) Fees. All fees connected with certification and re-certification shall be set by the Board with the approval of the Supreme Court and are non-refundable. A schedule of fees shall be published on the Board's web site.
  - 1) Application Fee. Each applicant must submit a non-refundable application fee along with the completed application form. No application will be

processed until the application fee has been paid. However, an employee of the Texas Department of Aging and Disability Services who is applying for a certificate to provide guardianship services to a ward of the department is exempt from payment of the application fee.

- 2) Examination Fee. Each applicant must submit a non-refundable examination fee to take the examination approved by the Board that affirms competency in Texas guardianship matters. The fee must be paid by the date established in the examination schedule.
  - 3) Re-certification Fee. Each application for re-certification must be accompanied by a non-refundable re-certification fee. However, an employee of the Texas Department of Aging and Disability Services who is applying for re-certification to provide guardianship services to a ward of the department is exempt from payment of the re-certification fee. No re-certification application may be processed until the re-certification fee, if applicable, has been paid.
  - 4) Late Fee. Each late application for re-certification must be accompanied by a non-refundable late fee.
- (c) Application Procedures.
- 1) Upon receipt of a completed application form, Board staff shall review and accept the application if:
    - A.        the application form has been completed;
    - B.        the applicant meets the requirements for certification or provisional certification; and
    - C.        the appropriate application fee has been paid.
  - 2) An applicant who submits an application form but does not complete the requirements for certification or provisional certification within twelve (12) months of submitting the form must begin the certification process anew.
- (d) Application for Re-certification. Certification shall expire on the second anniversary of the date the certificate is issued. Re-certification shall expire every two years thereafter on the same day and month of the original certification. Applications for re-certification accompanied by the appropriate fee must be filed at least ninety (90) days before the certification expires; applications filed after this deadline but within ninety (90) days after the certification expires will be subject to a late fee. Re-certification applications filed more than ninety (90) days after the certification expires shall be denied and the certification process must begin anew.
- (e) Application for Provisional Certification. In addition to the other information required on the application form, an applicant for provisional certification must identify the applicant's supervisor on the application form. The supervisor must sign the application form.
- (f) Expiration of Certification. Upon expiration of a certified guardian's certification, the guardian must immediately provide written notice of the expiration to each court in which the guardian has been appointed pursuant to section 693 of the Texas Probate Code and, if the guardian provides guardianship services on behalf of the Department of Aging and Disability

Services or a guardianship program, to each of those organizations on whose behalf the guardian provides guardianship services.

## VI. REQUIREMENTS FOR CERTIFICATION

To qualify for certification, the applicant must pay all required fees, comply with the application procedures herein, and must:

- (a) Be at least twenty-one (21) years of age;
- (b) Be a high school graduate or possess the GED equivalent;
- (c) Have two years of relevant work experience related to guardianship or the following educational or training requirements:
  - 1) a minimum of a bachelors degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board in a field related to guardianship, including but not limited to medical, mental health and mental retardation, law, business, accounting, social work, sociology, psychology, human services, protective services, and criminal justice fields, or
  - 2) completion of a course curriculum or training specifically related to guardianship approved by the Board;
- (d) Meet one of the following criteria:
  - 1) have successfully completed an examination approved by the Board covering Texas law and procedure related to guardianship, and any other examination required and approved by the Board testing knowledge of guardianship issues, or
  - 2) be currently certified by and in good standing with the National Guardianship Foundation and have successfully completed an exam approved by the Board covering Texas law and procedure related to guardianship issues;
- (e) Attest under penalty of perjury as to whether he or she has ever been adjudged guilty of or entered a plea of no contest in return for a grant of deferred adjudication to a felony, crime of moral turpitude, or any offense listed in sections 22.01 (assault), 22.011 (sexual assault), 22.02 (aggravated assault), 22.021 (aggravated sexual assault), 22.04 (injury to a child, elderly individual, or disabled individual), 22.041 (abandoning or endangering a child), 22.05 (deadly conduct), 22.07 (terroristic threat), and 32.45 (misapplication of fiduciary property) of the Texas Penal Code; and
- (f) Attest under penalty of perjury as to whether he or she:
  - 1) has ever been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion;
  - 2) has ever been found civilly liable in an action, or settled a claim, involving allegations of fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, or conversion on the applicant's part; or

- 3) has ever been denied certification or had his or her certification revoked or suspended in Texas or any other jurisdiction requiring certification, registration or licensure to provide guardianship services; or
  - 4) has ever been found civilly liable or settled a claim in a surcharge action.
- (g) Provide the Board with his or her Texas and national criminal history records by having his or her fingerprints submitted to the Texas Department of Public Safety (DPS), to be used by DPS for a Texas criminal history search and forwarded to the Federal Bureau of Investigation for a national criminal history search. The criminal history records resulting from both the Texas and national criminal history searches will then be forwarded to the Board. The Texas and national criminal history searches must be conducted no earlier than 90 days preceding the date the application is submitted.
- (h) If the applicant has ever been adjudged guilty of or pleaded no contest to any crime described in Section VI(e) above, or been relieved of guardian responsibilities, been found civilly liable, settled a claim, or been denied certification or had certification revoked or suspended as described under Section VI(f)(1), (2) or (3) above, the applicant must describe with particularity the circumstances and provide any related documentation requested by the Board.

## **XII. COMPLAINTS; DISCIPLINARY PROCEDURE**

- (a) Initiation of Process. Any person ("Petitioner"), including the Director, may petition the Board to initiate disciplinary procedures against a certified guardian or provisionally-certified guardian ("Respondent").
- (b) Content of the Petition. The Petition must be submitted to the Board in writing and must include:
- 1) The name and pertinent contact information of the Petitioner and the Respondent;
  - 2) An allegation of the existence of one or more of the disciplinary criteria set forth in Section XI (relating to Disciplinary Criteria);
  - 3) An adequate factual basis for the allegation(s); and
  - 4) Any necessary documentation or other supporting materials or information.
- (c) Initial Review of Petition. If a Petition filed by a person other than the Director does not conform to the requirements of subsection (b) of this section, the Director shall notify the Petitioner that the Petition will not be considered. If a Petition filed by the Director does not conform to the requirements of subsection (b) of this section, the Board Chair shall notify the Director that the Petition will not be considered. The Petitioner may re-file an amended Petition.
- (d) Review Committee. Once a Petition is determined to conform to the requirements of subsection (b), the Director will notify the Board Chair, who will appoint three Board members to a Review Committee to address the Petition. The Board Chair shall also designate one of the Review Committee members to be Review Committee Chair. The General Counsel of the Office of Court Administration or the General Counsel's designee shall serve as



counsel to the Review Committee. The Review Committee will act by majority vote.

(e) Notice; Answer.

- 1) Notice to Respondent. At the same time the Director notifies the Board Chair, the Director will also inform the Respondent in writing that a Petition has been submitted, provide the Respondent with a copy of the Petition, including all supporting materials, as well as a copy of these Rules, and direct that the Respondent submit a written Answer to the Petition, to be received by the Board within fifteen (15) days after the Respondent's receipt of the notice. Respondent may request an extension of time to file an Answer. The request must be made in writing before the expiration of the fifteen (15) day period. For good cause shown, the Review Committee or its designee may extend the Respondent's time to answer for such period as it may determine, but in no event shall the extension exceed thirty (30) days.
- 2) Failure to Submit Answer. If the Respondent fails to submit an Answer within the required time, absent good cause shown, such failure will constitute default, and all facts alleged in the Petition may be taken as true. If the Review Committee believes that such default has occurred, it will recommend to the Board whether any sanctions should be imposed. Absent good cause for the failure to timely submit an Answer, the Board shall enter an order of default and determine any sanctions to be imposed.

(f) Review and Recommendation by Review Committee.

- 1) Review by Review Committee. The Review Committee Chair will schedule at least one meeting to review the Petition and Answer, if any. Additional meetings may be held as deemed necessary by the Review Committee. The Review Committee may seek additional information in its discretion, but it has no obligation to do so. The Review Committee is not an investigatory body and will generally render its recommendation to the Board based on the submissions of the Petitioner and Respondent.
- 2) Review Committee's Recommendation. If the Review Committee does not request additional information from the Petitioner or Respondent, the Review Committee must make a recommendation to the Board within thirty (30) days after the Review Committee receives the Answer. If the Review Committee requests additional information, the Review Committee may allow up to thirty (30) days to provide the additional information and must make a recommendation to the Board within fifteen (15) days after the date it receives or should have received the additional information. The Review Committee's recommendation must be in writing and furnished to the Respondent at the same time it is furnished to the Board.

(g) Hearing. If the Review Committee recommends disciplinary action, or if the Board does not adopt a recommendation from the Review Committee to dismiss the Petition, the Respondent may request a hearing. The request must be made no later than fifteen (15) days after the date the Respondent receives the Review Committee's recommendation.

- 1) Hearing Date and Location. If the Respondent timely requests a hearing, the date and location of the hearing will be determined by the Board or its designee. The hearing must be held within one hundred twenty (120) days from the date the Board receives a timely request for hearing, unless the Board extends the hearing date for good cause.
  - 2) Notice of Hearing; Requirements. The Board shall give notice of the hearing to the Petitioner and the Respondent. The notice must include a statement of the time, place, and nature of the hearing; a reference to the particular sections of the statutes and rules involved; and a short statement of the disciplinary action recommended. The Board must also provide the Respondent a copy of the Review Committee's recommendation.
  - 3) Costs of Attending Hearing. The Respondent is responsible for Respondent's costs of preparing for and attending the hearing, including any costs associated with witnesses called on the Respondent's behalf. The Petitioner is responsible for Petitioner's costs of preparing for and attending the hearing.
  - 4) Respondent's Rights at Hearing. At the hearing, the Respondent will be permitted to testify; present evidence; respond to questions from the Board; and examine and cross-examine witnesses who are also present. The Respondent may be represented by legal counsel at the hearing.
  - 5) Conduct of the Hearing; Burden of Proof. The Board may establish rules for the conduct of the hearing. Formal rules of evidence will not apply. Testimony of witnesses must be given under penalty of perjury. The burden of proof shall be on the Petitioner to show why disciplinary action should be imposed. The burden of proof shall be by a preponderance of the evidence.
  - 6) Board Counsel. The General Counsel of the Office of Court Administration or the General Counsel's designee shall serve as counsel to the Board.
  - 7) Board Action. The Board will act by majority vote of Board members attending the meeting.
  - 8) Recusal. At the hearing, each member of the Board serving on the Review Panel must recuse him/herself and take no part in the Board's consideration or vote on the matter.
- (h) Default. If the Respondent fails to appear at the hearing:
- 1) upon proof that notice of the hearing was given to Respondent, the Board may proceed in the Respondent's absence on a default basis; and
  - 2) the factual allegations in the Petition may be deemed admitted.
- (i) Board Decision. The Board shall notify the Respondent and the Petitioner in writing of its decision not more than forty-five (45) days after the conclusion of the hearing. The written notification shall include an explanation of the basis for the decision and the Board's decision as to any disciplinary action to be imposed, including reprimand, suspension, revocation, or other disciplinary action.
- (j) Publication. The Board may publish or otherwise provide public notice of the final result of any disciplinary proceeding or action.

**DRAFT**  
**2/2009**

- (k) Correspondence. All correspondence and notices herein sent by or to the Petitioner or Respondent should be made by regular and certified mail to ensure receipt of the item served.



**Guardianship Certification Board**  
 205 W. 14<sup>th</sup> Street, Suite 600, Tom C. Clark Bldg, Austin,  
 Texas 78701

<p><b>\$25.00</b>  <b>Re-Certification</b>  <b>Application Fee</b>          Must accompany this          application</p>
--

**Re-Certification Application Form**

1. Name	Last				First				M.I.		Suffix		2. Certifica- tion Number	Expires On	
	mm/dd/yyyy														
3. Provisional Certification	If you were provisionally certified before being granted certification, check here: <input type="checkbox"/>											Provisional Certification Number			
4. Address (provide current home and work contact information)	Home <input type="checkbox"/>	Street				City				State		Zip		Phone	
	Work <input type="checkbox"/>	Street or P.O. Box				City				State		Zip		Phone	
	Email Address						Other Phone (e.g., cell)						FAX		
5. Contact Preference	Mail: <input type="checkbox"/> Home <input type="checkbox"/> Work (if both, or neither, is selected, mail will be sent to work address)														
<input type="checkbox"/> E-Mail: If this box is selected, Board staff will communicate with you by e-mail, except when notice by U.S. mail is required															
6. Education (provide information on any degrees earned since you were certified)	College or University		Name and Location of School				Dates Attended				Degree		Major		
							From		To						
							Mo	Yr	Mo	Yr					
7. Work Experience (list your current employer, employer as of date you were certified if different, and any changes to employer during your certification period)															
Start Date		Leave Date		Employer:						Location:					
Mo	Yr	Mo	Yr	Current											
Describe experience:															
Start Date		Leave Date		Employer:						Location:					
Mo	Yr	Mo	Yr												
Describe experience:															
Start Date		Leave Date		Employer:						Location:					
Mo	Yr	Mo	Yr												
Describe experience:															
Start Date		Leave Date		Employer:						Location:					
Mo	Yr	Mo	Yr												
Describe experience:															

**8. Continuing Education**  
 (6 hours for each year of the certification period, including 1 hour of ethics each year and 1 hour of legislative update for the 2 year period. All courses must be approved by the Board to claim continuing education credit.)

Report continuing education hours earned during your two-year certification period. If you earned more hours than needed in one year of your two-year certification period, (or in your immediately preceding year of provisional certification, if applicable), up to 2 hours may be carried forward for the next year's reporting requirement; however, ethics hours do not carry forward. (Attach separate sheet if necessary.)

date of course	sponsor	name and location of course	hours	ethics hours	legislative update hours

If you have not completed the required hours, but are scheduled to attend a course or courses before your certification expires, please check here:  and provide information on the future courses below. Your application will be held pending receipt of verification of attendance of those hours.


**9. Have you ever been adjudged guilty of or entered a plea of no contest in return for a grant of deferred adjudication to any felony or misdemeanor other than juvenile offenses or misdemeanor traffic offenses?**

Note: Answer yes even if your plea resulted in a probation or deferred adjudication that was successfully completed and subsequently dismissed.

Driving While Intoxicated is NOT considered a traffic offense and should be reported.

No  Yes – Provide a certified copy of the charging instrument, judgment, and disposition, including dates, charges, court, court location, and any other pertinent information.

**10. Have you ever been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, moral turpitude, misrepresentation, material omission, misappropriation, theft, or conversion?**

No  Yes – Provide details (attach separate sheet if necessary):

**11. Have you ever been found civilly liable in an action, or settled a claim, involving allegations of fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, or conversion on your part?**

No  Yes – Provide details (attach separate sheet if necessary):

**12. Have you ever been denied certification, or had your certification revoked or suspended in Texas or any other jurisdiction requiring certification, registration or licensure to provide guardianship services?**

No  Yes – Provide details (attach separate sheet if necessary):

I certify under penalty of perjury that the information provided in this re-certification application is true and correct. I further certify that I completed the continuing education hours listed on this re-certification application. I have read and understand the Guardianship Certification Board's Rules Governing Guardianship Certification and Minimum Standards for Guardianship Services and agree to comply with the current and subsequent Rules and Minimum Standards. I understand that the renewal fee (and the late fee, if applicable) submitted with this application is non-refundable. I understand that if my certification is renewed, I will have a continuing obligation under Rule X(c) and (d) of the Rules Governing Guardianship Certification to notify the Board if there is a change in circumstances.

(Must be signed before a Notary Public) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_ County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

**Mail:**

- 1) Your completed, signed, and notarized application form, and
- 2) A check or money order in the amount of \$25.00 (or \$100.00 if the \$75.00 late fee applies), payable to the Office of Court Administration, to:  
Office of Court Administration  
Guardianship Certification Board  
P.O. Box 12066  
Austin, Texas 78711-2066

**Hand Deliver:**

Alternatively, you may deliver your original application and fee to the Office of Court Administration, 205 West 14th Street, Suite 600, Austin, Texas.

**Faxed or e-mailed applications are not acceptable.**

TEXAS GUARDIANSHIP CERTIFICATION BOARD  
INSTRUCTION SHEET FOR RE-CERTIFICATION APPLICATION FORM

1. To qualify for re-certification, you must comply with Rule VI(e), (f) and (g) of the Rules Governing Guardianship Certification; see questions 9, 10, 11 and 12 on the Re-Certification Application Form. Even if the information was disclosed and considered during your initial application process, you must report it as part of the re-certification process.
2. In addition, you must complete six hours of continuing education during *each* year of the certification period, including one hour of ethics *each* year and one hour of legislative update for the two-year certification period. A maximum of two hours may be carried forward from one year to the next, but ethics hours cannot carry forward. Continuing education must be participatory, and must be on the list of Board-approved courses in order to claim credit for it. Go to [www.courts.state.tx.us/gcb/edu.asp](http://www.courts.state.tx.us/gcb/edu.asp) for a list of approved activities.

Attendance at a continuing education activity must be verified to claim credit. Attach a certificate of attendance, verification of attendance form, or other document to prove you completed the activity. This is particularly important if you are claiming ethics or legislative update hours that were earned during a "break-out" session at a seminar, conference, etc. that offered multiple concurrent sessions.

Continuing education hours may be earned for teaching, speaking or writing. Attach a copy of your Request for Approval of Continuing Education Credit for Teaching, Speaking or Writing, signed by the Guardianship Certification Program Director, as verification for these hours.

Continuing education hours may be earned during your entire two-year certification period. If you have not completed sufficient hours before your application for re-certification should be filed (see item 6), but you are scheduled to do so, please indicate that on the application. Submit the required course information and verification as soon as you complete the required hours.

2. Complete the Re-Certification Application Form. Be sure to provide complete information. Your application must be notarized.

3. You must provide the Board with your Texas and national criminal history records by having your fingerprints submitted to the Department of Public Safety (DPS). DPS will perform a Texas criminal history search and forward the fingerprints to the FBI for a national criminal history search. DPS has contracted with Fingerprint Applicant Services of Texas (FAST) to provide fingerprinting services. You may also be able to obtain fingerprinting services from local law enforcement officials. For a list of FAST locations and hours of operation, please visit [www.LIenrollment.com](http://www.LIenrollment.com). If you use FAST, you must schedule an appointment by visiting their website or calling 1-888-467-2080. When you go to the FAST location, you must take a FAST Pass, available from the Board's website [www.courts.state.tx.us/gcb/docs/FASTPass.doc](http://www.courts.state.tx.us/gcb/docs/FASTPass.doc). If you do not use FAST, you must provide the Board's ORI Number (TX922180Z) to the entity that fingerprints you so that your search records reach the Board. The FAST charge for the fingerprinting service is \$9.95, the charge for a Texas criminal history record search is \$15.00, and the charge for an FBI search is \$19.25, for a total of \$44.20. All fees are paid to FAST at the time your fingerprints are taken. The criminal history records resulting from both the Texas and national criminal history searches will be forwarded directly to the Board. **The Board will not process your application until it has received the results of the criminal history searches.** The Texas and national criminal history searches must be conducted no earlier than 90 days prior to the date you submit your application.

**Note:** Applicants are required to self-report criminal history (see question #9), except juvenile and misdemeanor traffic offenses. If you are unsure if an offense is a traffic offense, it should be reported. The Board may require further information and review on any criminal history.

6. Mail your completed application and the \$25.00 application fee to:  
Office of Court Administration  
Guardianship Certification Board  
P.O. Box 12066  
Austin, Texas 78711-2066

You may deliver your application and fee to 205 West 14th Street, Suite 600, Austin, Texas. Faxed or e-mailed applications are not acceptable.

Your application should be filed no more than ninety (90) days before your current certification expires. You may apply for re-certification up to 90 days after your current certification expires. If you apply less than 90 days before or up to 90 days after your certification expiration date, you must pay a late fee of \$75 **in addition to** the \$25 application fee. Applications for re-certification received by the Board more than 90 days past your certification expiration date will be denied. You must begin the certification process anew.

7. Upon receipt, Board staff will review your application. You will be notified if any required information or documentation is missing. The Board reserves the right to request further information from you during the re-certification process.
8. You will be notified when your application for re-certification is approved or denied. If your application is denied, you will be informed of the reason(s) for denial and will have the right to appeal a denial of re-certification as set forth in Rule IX, Rules Governing Guardianship Certification.
9. Re-certification is valid for two years and may be suspended or revoked by the Board at any time for the reasons set forth in Rule XI, Rules Governing Guardianship Certification. You must apply for re-certification every two years.





## TEXAS GUARDIANSHIP CERTIFICATION BOARD

205 WEST 14<sup>TH</sup> STREET, SUITE 600 • TOM C. CLARK BUILDING • AUSTIN, TEXAS 78701  
P. O. BOX 12066 • AUSTIN, TEXAS 78711-2066  
512/463-1625 • FAX 512/463-1648

CHAIR  
JUDGE GLADYS BURWELL, Galveston  
VICE CHAIR  
LEAH COHEN, Austin

PROGRAM DIRECTOR  
LESLEY MARTIN ONDRECHEN

[date/120 days before expiration]

[name and address]

Re: Re-Certification  
Certification Number [ ], expires on expiration date]

Dear [title and last name]:

Your certification by the Texas Guardianship Certification Board will expire as noted above. This letter concerning the re-certification process is being sent as a courtesy reminder, and no other reminders will be sent.

Your application for re-certification should be filed at least ninety days before your certification expires. An application fee of \$25.00 is required. To avoid payment of a late fee, your application must be received by Board staff on or before [90 day date].

You may apply for re-certification up to ninety days after your certification expires. If your application is received by Board staff after [90 day date] but before [90 days after], you must pay a late fee of \$75.00 in addition to the application fee.

If your application for re-certification is received more than ninety days after your certification expires (that is, after [90 days after date]), your application for re-certification will be denied. You must begin the certification process anew.

Please refer to the Rules Governing Guardianship Certification, the re-certification application form and instructions for complete information on what is required to re-certify. These are available on the Board's website, [www.courts.state.tx.us/gcb](http://www.courts.state.tx.us/gcb).

It is your responsibility to re-certify and to ensure your application form and accompanying documents are submitted timely. If you have any questions about the re-certification process, please contact me. My direct telephone number is 512/475-2873, and my e-mail address is [lesley.ondrechen@courts.state.tx.us](mailto:lesley.ondrechen@courts.state.tx.us).

Sincerely,

Lesley Martin Ondrechen  
Director, Guardianship Certification Program