

## **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](http://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?

If yes, please submit a letter explaining the circumstances.  Yes  No

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

**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