

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

November 13, 2006
3:00 p.m.

Office of Court Administration
205 W. 14th St., Suite 605
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on November 13, 2006 at 3:22 p.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, Executive Assistant at the Office of Court Administration, called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Jason Armstrong
Garth Corbett
Dr. Raymond Costello
Carol Patrice Dabner
Don D. Ford
Philip A. Grant
Marlane Meyer
Patti Turner
Robert Warach

All members attended via telephone conference call. Leah Cohen, Susan Eason, Gina D. Patterson and Janis Thompson did not participate. Others present were Carl Reynolds, Administrative Director, Katie Bond, Assistant General Counsel, and Meredith Musick, Executive Assistant, all of the Office of Court Administration and Antonio Franco, Director of the Guardianship Certification Program. Logan Spence from the Office of the Governor was also present..

PROPOSED FEES FOR GUARDIANSHIP CERTIFICATION PROGRAM

Ms. Bond reported that no written comments were received to the proposed fees for the guardianship certification program. Judge Burwell called for a motion that the Board adopt the fees as proposed: application fee \$25; Texas examination fee \$100; re-certification fee \$25; and late fee \$75. Upon motion and second, and there being no discussion, the chair called for an

individual vote. The motion carried with no opposition. The proposed fees will be forwarded to the Supreme Court for consideration.

UPDATE ON MINIMUM STANDARDS FOR CERTIFIED GUARDIANS

Ms. Bond reminded the Board that the National Guardianship Association (NGA) had agreed to allow the Board to use its standards as a starting point for development of Texas standards. NGA had asked to be informed as standards were proposed and adopted, which Ms. Bond has done. NGA had some concerns about the changes the Board had made to standards 14 and 15. A conference call to discuss is scheduled for Wednesday, November 15. Three NGA board members, Judge Burwell, Mr. Corbett (as chair of the minimum standards committee) and Mr. Ford (chair of the rules committee) will participate in the call. Justice Phil Johnson, the Supreme Court's liaison to the Board, may participate.

The Board discussed possible scenarios and concerns regarding adoption of minimum standards if NGA is opposed to the Board's proposed standards. Ms. Bond will report the outcome of the call to the full Board.

PUBLIC COMMENT

There were no public comments.

FUTURE BOARD MEETINGS

The next Board meeting is scheduled for Friday, January 19, 2007 beginning at 9:30 a.m. It will be held in the Office of Court Administration's offices in Austin.

ADJOURNMENT

On motion and second, the meeting was adjourned at 3:45 p.m.

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

January 19, 2007
9:30 a.m.

Office of Court Administration
205 W. 14th St., Suite 605
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on January 19, 2007 at 9:35 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, Executive Assistant at the Office of Court Administration (OCA), called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Leah Cohen, Vice-Chair
Jason Armstrong
Dr. Raymond Costello
Carol Patrice Dabner
Don Ford
Phillip A. Grant
Marlane Meyer
Janice Thompson
Patti Turner
Robert Warach

Ms. Thompson, Ms. Turner and Mr. Warach attended via telephone conference call. Garth Corbett, Susan Eason, Dr. Ann Elizabeth Lemke and Gina Patterson did not participate. Others present were Justice Phil Johnson and Jody Hughes, rules attorney, of the Supreme Court of Texas; Carl Reynolds, Administrative Director, Margaret Bennett, General Counsel, Katie Bond, Assistant General Counsel, and Meredith Musick, Executive Assistant, all of the OCA and Antonio Franco, Director of the Guardianship Certification Program. Members of the public present were Alex Jones, attorney for Department of Aging and Disability Services (DADS); Barb Scobey, a program supervisor at DADS; George Ford, Executive Director of Harris County Protective Services; and Terry Hammond, director of the National Guardianship Association.

MINUTES OF OCTOBER 21, 2006 GCB MEETING

Upon motion and second, the minutes were approved as submitted.

APPROVED GUARDIANSHIP CERTIFICATION RULES AND FEES

Justice Johnson introduced Mr. Hughes, who reviewed the changes the Supreme Court had made to the rules submitted for approval by the Board. He noted most changes were minor and made for clarification. Substantive changes were made to Rule VII, Requirements for Re-Certification (hours of continuing education required); Rule IX, Review and Appeal of Certification Denial; Rule XI, disciplinary criteria; and Rule XII, Complaints; Disciplinary Procedure.

The Board discussed the changes. Justice Johnson suggested the Board review the rules after a year or so to determine if it wished to recommend changes. Mr. Hughes confirmed that the rules as modified were adopted by the Supreme Court on December 12, 2006, which means they are in effect as of that date.

The Chair asked about where the rules would be published. Whether the rules will be included in the Texas Rules of Court is a determination to be made by the publisher, Thomson West. The State Bar Journal is probably not an appropriate forum for publication of the rules, but Mr. Reynolds will ask his contact person at the Bar about it.

The Board heard public comments on the rules. Mr. Jones noted that the requirement for sworn testimony will require that a person authorized by statute to give an oath must be present at the Board hearings; for example, a court reporter or notary public.

Mr. Hammond informed the Board that the National Guardianship Association is holding its annual conference in San Antonio October 6-9, and the Texas Guardianship Association is planning its spring conference. He asked how attendees at conferences where substantive training is provided could qualify to receive continuing education. Materials are to be submitted to Mr. Franco before a conference takes place; he will determine if the program qualifies for continuing education credit.

Mr. George Ford asked about county guardianship programs being exempted from fees, as DADS is. DADS is exempted by statute, and no other program is exempted. The Board does not have the authority to waive fees. Other programs seeking exemption must approach the legislature. Mr. Ford commented he would ask the Board to support legislation to establish an apprentice-ship type program.

Ms. Bond reminded the Board that the rules as proposed and submitted to the Supreme Court had required applicants for certification to pass a Texas exam and the national exam administered by the National Guardianship Foundation. Rule VI(d)(1) as adopted references "any other examination required and approved by the Board," which preserves the Board's intent to require a Texas and a national exam, but does not tie it to the NGF's test.

The Board discussed the issue, including whether or not to require two separate exams, possibly having one comprehensive Texas and national exam in future, and costs associated with taking the national exam. Mr. George Ford, Mr. Hammond, Ms. Scobey and Mr. Jones provided input.

A motion was made to table whether to require one test or two tests until such time as the Texas test is developed, the beta testers have taken it, and the results are available. The motion was seconded and carried.

Judge Burwell requested that NGF provide the dates and locations of exams in Texas. Mr. Hammond will ask Sally Hurme to contact Ms. Bond or Mr. Franco with that information.

RESOLUTION RECOMMENDING PROVISIONAL CERTIFICATION OR APPRENTICESHIP

Ms. Bond updated the Board on the status of the legislative process. The Legislative Council has drafted an amendment to Chapter 111, Government Code to allow the Board to adopt rules to allow for provisional certification, and also amends the relevant portions of the Probate Code to make clear provisionally certified guardians can provide guardianship services. Upon motion and second, the resolution supporting the amendments was adopted. The resolution will be presented to the legislature in support of the proposed legislation.

ADOPTION OF LANGUAGE FOR MINIMUM STANDARDS PREAMBLE

Ms. Bond reported that representatives of the Board, OCA and the Supreme Court had a conference call with NGA staff to address concerns with copyright issues. The preamble to the proposed minimum standards was revised to acknowledge NGA's contribution to the development of the Texas standards. A motion was made to amend the second paragraph of the preamble as presented. Upon second, and there being no discussion, the motion carried.

ALTERNATIVE DISPUTE RESOLUTION POLICY

The Board is required by statute (Government Code section 111.019) to adopt an alternative dispute resolution (ADR) policy. The policy proposed adapts the Court Reporters Certification Board's policy to conform with the Board's standards. Employee and contract disputes will be resolved pursuant to OCA's policies and procedures. The bulk of the policy deals with complaints filed against certified guardians. Ms. Bond summarized key points of the policy.

The Board discussed the proposed policy, including the fact that the rules do not address ADR. Mr. Reynolds suggested that Mr. Hughes review the proposed ADR policy in the context of the rules, and advise if a rule change is needed. Suggestions for changing the policy were: giving the Board representative or committee members present at the mediation full authority to act for the Board or have the entire Board present at the mediation; to require that party requesting mediation must pay the fees; may former probate judges act as mediators; and mediation is not mandatory if all parties do not agree. Upon motion and second, consideration of the policy was tabled pending review by Mr. Hughes and revisions by Ms. Bond. The motion carried.

GCB AND OCA REPORTS

In May 2006, a request was made to the clerks of the 20 largest counties to provide information on guardianship cases to OCA. Mr. Franco reviewed the reports and reminded the Board that

this reporting is voluntary. Judge Burwell reported a problem in reporting cases when a case is opened but a guardianship application has not been filed; e.g., when a guardian ad litem is appointed pursuant to a doctor's letter. The instructions can be revised to accommodate these situations, and advise counties to report them as guardian of the person, or another category can be added. The solution depends on why the information is being requested; that is, number of cases, or number and type of cases.

After discussion of the various data elements in the report, a Board member queried if the reports could be made mandatory. Mr. Reynolds explained the reporting elements were set by the Judicial Council. Collecting probate/guardianship data is part of the larger project to revamp all of the reporting forms.

Mr. Franco directed the Board's attention to a document he and Ms. Bond prepared, which will be used in identifying requirements for procurement of certification software for the three regulatory boards OCA supports. He asked for input from the Board if there are additional requirements. Mr. Reynolds told the Board that OCA had requested exceptional item funding for software from the legislature of \$70,000; however, the need was so urgent that funding has been found from existing resources to purchase the certification software.

LEGISLATIVE ISSUES

Judge Burwell provided the Board a list of bills that have been filed that will affect the operation of guardianships. She summarized three of those bills: House Bill 353, House Bill 342 and House Bill 417.

PUBLIC COMMENT

Mr. George Ford provided written comments to the Board. The only item not addressed during the course of the meeting is a concern that because the Texas test has not been written, there may be a time crunch in preparing for and taking the exams to meet the September 1 certification deadline.

SCHEDULE FOR FUTURE BOARD MEETINGS

The Board will meet by telephone conference, in mid- to late February. Once the beta testing is complete and when the NGF exam schedule is provided to the Board, Ms. Bond will e-mail possible dates to the Board after the beta testing is complete and she receives the NGF exam schedule.

The next quarterly Board meeting is scheduled for Friday, May 18, 2007 beginning at 11:00 a.m. at a location to be determined. The Board agreed minutes are required for all full Board meetings, whether conducted in person or by telephone.

In response to a question regarding Board terms expiring on February 1, 2007, Ms. Bond advised the Board that members still serve, even if the term expires and even if a member resigns, until

they are reappointed by the Supreme Court. She anticipates that the vacancy should be filled and members with terms expiring February 1, 2007 reappointed by Supreme Court this month.

ADJOURNMENT

On motion and second, the meeting was adjourned at 12:30 p.m.

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

February 27, 2007

3:30 p.m.

Office of Court Administration

205 W. 14th St., Suite 605

Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on February 27, 2007 at 3:59 p.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, Executive Assistant at the Office of Court Administration (OCA), called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair

Jason Armstrong

Garth Corbett

Dr. Raymond Costello

Carol Patrice Dabner

Susan Eason

Don Ford

Phillip A. Grant

Marlane Meyer

Gina Patterson

Janice Thompson

Patti Turner

Robert Warach

All members attended via telephone conference call. Leah Cohen joined the meeting in progress. Others present were Carl Reynolds, Administrative Director; Margaret Bennett, General Counsel; Katie Bond, Assistant General Counsel; Lesley Ondrechen, Paralegal; and Meredith Musick, Executive Assistant, all of the OCA. Members of the public present were Tim McGinnis and Barb Scobey of the Department of Aging and Disability Services (DADS).

ADMINISTRATIVE DIRECTOR'S REPORT

Mr. Reynolds reported that OCA had requested an exceptional item to fund a certification division, which would indirectly benefit Board. The exceptional item was not granted on either the House or Senate side. In all likelihood, funds will not be appropriated.

LEGISLATIVE UPDATE - 80TH LEGISLATURE, REGULAR SESSION

Mr. Reynolds summarized three Senate bills affecting the Board: SB 505-criminal history; SB506-provisional certification; and SB 507-reimbursement of the Board's travel expenses to attend Board meetings. Although hearings have not yet been set, Mr. Reynolds or Ms. Bond plan to testify, and Board members are welcome to attend the hearings. Ms. Bond will inform the Board of the bills' progress. Mr. Reynolds stated that if funding is not appropriated for reimbursement for members' travel to Board meetings, OCA may be able to cover the expenses from existing resources, even if the certification division exceptional item is not granted.

CLOSED SESSION

The Board went into closed session at 4:06 p.m. to discuss Item IV - Employment Issues-Director of Guardianship Certification Program, in accordance with section 7(c) of its Public Meetings Policy. No vote was taken during the closed session. The Board reconvened in public session at 4:14 p.m.

APPOINTMENT OF COMMITTEE TO ASSIST IN SELECTION OF THE GUARDIANSHIP CERTIFICATION PROGRAM DIRECTOR

The Chair re-appointed Jason Armstrong, Gina Patterson and Bob Warach, who had served on the previous Director Selection Committee. The Director Selection Committee will review applications after OCA staff has screened them.

CERTIFICATION EXAM

Sally Hurme of the National Guardianship Foundation (NGF) joined the meeting via teleconference call. Given the change the Supreme Court made in Rule VI9d)(1), the question to be resolved by the Board is whether to require applicants to take both the national exam and the Texas-specific exam. Ms. Hurme explained that NGF's response to OCA's Request for Proposals was based on the assumption that the certification exam for Texas guardians would consist of two separate parts: the Registered Guardian (that is, national) exam and the Texas-specific exam.

The Board discussed the issue. The Board also discussed the long-term goal of developing a consolidated exam, but the consensus of the Board was it is not possible to prepare a consolidated exam in time to meet the September 1 deadline for certification. Ms. Thompson commented that cost is an issue for funding programs statewide. There is a shortage of guardians in Texas, and recruiting people to be guardians is difficult; the cost of two tests adds to the difficulty.

A motion was made to require guardians to take NGF's Registered Guardian exam and the Texas exam to be certified by the Board. Upon second, the motion carried. The Chair asked the Board to re-visit this issue in the future, and possibly develop a consolidated test for future use which would cover national and Texas-specific items.

A question was raised: if the Board goes to one consolidated test, would people have the same portability they have taking the Texas test and the Registered Guardian test. Ms. Hurme replied that once a person achieves Registered Guardian status, it is his or her responsibility to maintain that status by renewal every two years.

RULEMAKING PROCESS TO ADDRESS STATUTORY AMENDMENTS MADE BY 80TH LEGISLATIVE SESSION

Ms. Bond reviewed a proposed timeline for rulemaking with the Board. The timeline assumes that SB 506, providing for provisional certification, is passed by the legislature. She recommended a subcommittee comprised of the Board members on the Rules Committee, and those in the guardianship community interested in this issue. Ms. Bond named Colleen Colton, DADS, Steve Fields, Suzanne Cobb, Donna Baugh and Amy Gleason from the Guardianship Advisory Board; the Chair suggested the head of the Harris County guardianship program be included.

Philip Grant, Marlane Meyer, Don Ford, and Susan Eason, members of the Rules Committee, will serve on the Provisional Certification Subcommittee. Ms. Bond will contact the stakeholders, and will coordinate with Mr. Ford to convene the subcommittee.

APPLICATION FORMS AND PROCESSES

The Board reviewed the draft certification application form provided by Ms. Bond. She recommends a separate instruction sheet. The Board made suggestions for changes to the form. The Chair asked all Board members with comments and revisions to e-mail them to Ms. Bond so she can incorporate them into the form.

COMMITTEE ASSIGNMENTS

Members were assigned to the Director Selection Committee and Provisional Certification Rules Subcommittee during the course of the meeting. No other committee assignments are needed at this time.

PUBLIC COMMENT

There were no public comments.

SCHEDULE FOR FUTURE BOARD MEETINGS

The next Board meeting is scheduled for May 18, 2007 beginning at 11:00 a.m.. It will be held at the Texas Center for the Judiciary in Austin. Future meetings will be scheduled at the May meeting.

ADJOURNMENT

On motion and second, the meeting was adjourned at 5:03 p.m.

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

April 16, 2007
10:00 a.m.

Office of Court Administration
205 W. 14th St., Suite 605
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on April 16, 2007 at 10:02 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, Executive Assistant at the Office of Court Administration (OCA), called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Leah Cohen, Vice-Chair
Jason Armstrong
Garth Corbett
Don Ford
Phillip A. Grant
Marlane Meyer
Gina Patterson
Kathy Strong
Janis Thompson
Patti Turner
Robert Warach

All members attended via telephone conference call. Carol Patrice Dabner joined the meeting in progress. Dr. Raymond Costello, Susan Eason and Robert Warach did not participate. Others present were Carl Reynolds, Administrative Director; Margaret Bennett, General Counsel; Katie Bond, Assistant General Counsel; Lesley Ondrechen, Paralegal; and Meredith Musick, Executive Assistant, all of the OCA. Members of the public present were Tim McGinnis, Barb Scobey and Alex Jones of the Department of Aging and Disability Services (DADS). Margie Kyser and Baerbel Cleveland of the Department of Public Safety (DPS) attended the meeting as a resource regarding agenda item III, Criminal History Checks.

The Chair welcomed Ms. Strong to her first Board meeting. She confirmed that Ms. Strong had received the training required by Government Code Section 111.017 for new Board members.

LEGISLATIVE UPDATE - 80TH LEGISLATURE, REGULAR SESSION

Mr. Reynolds told the Board two of three bills affecting the Board have passed and are on the way to the governor for signature. Senate Bill 505, criminal history check and Senate Bill 506, provisional certification are awaiting signature; Senate Bill 507, reimbursement for Board members' travel to meetings, is scheduled for consideration this week. Mr. Reynolds stated that although funds were not specifically appropriated, OCA will ensure Board members are reimbursed if the bill passes.

CRIMINAL HISTORY CHECKS

A. Consideration of and possible action on various options and methods for obtaining criminal history checks

Ms. Bond identified three topics for discussion:

1. Will applicants obtain their own criminal history check and submit it to the Board, or will the results go directly to the Board.
2. What kind of check will the Board require - name or fingerprint? Texas or Texas and national?
3. Timing: will the Board require criminal history checks right away, or at a future date.

Ms. Kyser and Ms. Cleveland provided background information for the Board. The cost is \$15 for a Texas check, \$24 for a national check, and \$9.95 for the fingerprint service by DPS's contracted vendor. Ms. Kyser said it was best to have results sent directly to the Board; if the Board will require national checks, they must be sent to the Board and not the applicant. Ms. Cleveland noted that FBI rules require that an agency, not an individual applicant, request a national criminal history search. If the Board has an ORI number, then national search results can be sent directly to the Board. Ms. Kyser told the Board that name searches are not as reliable as fingerprint searches, and that many agencies and boards require fingerprint searches; e.g., teachers, nurses, chiropractors, process servers.

Ms. Kyser summarized how applicants may obtain fingerprints through DPS's contracted vendor, IBT. Applicants can obtain fingerprints from local law enforcement agencies, if local law enforcement is willing to perform that service, but it would take longer. By using IBT, DPS receives applicants' fingerprints electronically within one day. DPS and FBI responses are provided within 24 hours.

There was further discussion on name searches versus fingerprint searches, and national versus Texas-only searches. Comments were made by DADS representatives concerning possible duplication of criminal history searches by DADS and the Board, pending legislation that would permit DADS to share criminal history information with the Board, and cost of the fingerprint search.

Ms. Bond advised the Board that a rule change will be needed to require applicants to obtain a criminal history search as part of the application process. The Board wishes to be consistent in

its treatment of applicants from the beginning; therefore, the rule change should be made now. The consensus of the Board was to require a Texas and national fingerprint search.

B. Consideration of and possible action on amending Board rules

A motion was made to amend the rules to require applicants to obtain and cause to be sent directly to the Board the results of a fingerprint search for Texas and national criminal history. Upon second, a vote was taken, and the motion carried.

Ms. Bond told the Board that the Supreme Court has four administrative conferences scheduled in June, and one on May 21. Although a public comment period is not required, it has been the Board's practice to post proposed rules for comment in the past. The new rule to be drafted by the Rules Committee can be posted for a short public comment period. The proposed rule would then be submitted to the full Board at its May 18 meeting. Upon motion and second, the Board voted to authorize the Rules Committee to convene, draft language, publish it for comments and present the proposed rule to the Board on May 18. The rule change will be from requiring only an attestation that an applicant has no criminal history to requiring an attestation and a criminal history fingerprint search. The motion carried.

CONSIDERATION OF AND POSSIBLE ACTION ON BOARD AND STAFF ROLES IN CERTIFICATION

The Board considered the roles of staff and the Board in processing applications for certification. One option is that in circumstances where it is clear that an applicant meets, or does not meet, requirements, staff will take action and issue or deny certification. The Board discussed the matter, and agreed that their intent is to delegate that authority to staff, and no rule change is necessary.

A motion was made and seconded to delegate to Board staff the authority to review applications for certification and make decisions to deny or grant certification when decisions are clear-cut. After further discussion, the Board clarified that staff should seek assistance from the Board in making certification decisions in situations that are not clear. A vote was taken and the motion carried.

APPLICATION FORMS AND PROCESSES

The Board discussed and reached consensus on several items. The application for certification will be finalized and posted to the Board's website, accompanied by information regarding the proposed legislation and rule change to require Texas and national fingerprint criminal history searches. Applicants will be informed that applications will be held pending passage of legislation and adoption of rule changes. Certifications will be effective the date they are issued. A separate application for provisional certification will be required, and will be presented to the Board for approval at the May 18 meeting. The attestation will be required in addition to the criminal history searches.

Ms. Kyser told the Board that DPS can retain fingerprints. When certified guardians apply for re-certification, they will not have to be fingerprinted again. The FBI is currently not retaining them, but DPS can resend fingerprints to the FBI. The FBI requires payment for a new criminal history search, even though fingerprints are retained. DPS does not charge to re-check fingerprints, and will notify the Board if a certified guardian is arrested or has a criminal conviction during his or her certification period.

COMMITTEE ASSIGNMENTS

No further committee assignments are required at this time. The Rules Committee and the Provisional Certification Subcommittee of the Rules Committee are working.

PUBLIC COMMENT

There was no further public comment.

SCHEDULE FOR FUTURE BOARD MEETINGS

The next Board meeting is scheduled for May 18, 2007 at 11:00 a.m.. It will be held at the Texas Center for the Judiciary in Austin. Future meetings will be scheduled at the May meeting. Members of the Director Selection Committee will attend interviews of candidates for the Director position on May 18 before the 11:00 a.m. Board meeting.

ADJOURNMENT

On motion and second, the meeting was adjourned at 11:18 a.m.

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

May 18, 2007
11:00 a.m.

Texas Center for the Judiciary
1210 San Antonio, 8th Floor
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on May 18, 2007 at 11:22 a.m. The meeting was held at the Texas Center for the Judiciary 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, Executive Assistant at the Office of Court Administration (OCA), called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Leah Cohen, Vice-Chair
Jason Armstrong
Garth Corbett
Carol Patrice Dabner
Don Ford
Phillip A. Grant
Marlane Meyer
Gina D. Patterson
Patti Turner
Robert Warach

Gina Patterson attended via telephone conference call. Leah Cohen joined the meeting in progress. Dr. Raymond Costello, Susan Eason, Kathy Strong and Janis Thompson did not participate. Others present were Carl Reynolds, Administrative Director; Margaret Bennett, General Counsel; Katie Bond, Assistant General Counsel; and Meredith Musick, Executive Assistant, all of the OCA. Members of the public present were Barb Scobey, manager of the guardianship program; Lawrence Hornsby, managing attorney for the enforcement unit; and Charlotte Breen, legal assistant, all of the Department of Aging and Disability Services (DADS).

ADMINISTRATIVE DIRECTOR'S REPORT

Mr. Reynolds told the Board that OCA's proposal for a certification division was not adopted by the Appropriations Committee; therefore, there are no funds to implement it. He is hopeful that Senate Bill 1305, which provides funding to support the Process Server Review Board in

particular, will be of some benefit to the GCB if it passes. Mr. Reynolds is accepting ideas for OCA's quarterly newsletter, CourTex.

CLOSED SESSION

The Board went into closed session at 11:25 a.m. to discuss Item III - Employment Issues- Director of Guardianship Certification Program, in accordance with section 7(c) of its Public Meetings Policy. The Board discussed the candidates for the position. No vote was taken during the closed session. The Board reconvened in public session at 11:54 a.m.

LEGISLATIVE UPDATE - 80TH LEGISLATURE, REGULAR SESSION

Mr. Reynolds updated the Board on Senate Bills 505, 506 and 507. All three passed, and all three have been signed by the governor. Senate Bills 505 and 506, regarding criminal history and provisional certification, were effective the date they were signed, April 25, 2007. Senate Bill 507, reimbursement for Board members, will go into effect September 1, 2007. Although no funds were appropriated for reimbursement, Mr. Reynolds anticipates that OCA can cover the expenses with no problems.

CERTIFICATION EXAM UPDATE

Sally Hurme of the National Guardianship Foundation (NGF) joined the meeting via conference call. She reported on the results of the four exams already held (in Hurst, Waco, San Antonio and Abilene). An exam is taking place in Houston today, and two more are scheduled in Lubbock and in Austin. 103 guardians have sat for the exams, and about 70 more are registered for the coming exams.

Ms. Hurme responded to questions from the Board regarding pass/fail numbers, number of people re-taking the exam in Houston, and the availability of pre-test materials provided by the National Guardianship Association. She left the meeting when questions were concluded.

The Board recessed at 12:08 p.m. and reconvened at 12:48 p.m.

EMPLOYMENT ISSUES - DIRECTOR OF GUARDIANSHIP CERTIFICATION PROGRAM

Mr. Reynolds announced that Lesley Ondrechen had been selected as Guardianship Certification Program Director.

PROPOSED AMENDMENTS TO RULES GOVERNING GUARDIANSHIP CERTIFICATION

Provisional Certification

Mr. Ford reported that the Provisional Certification Subcommittee of the Rules Committee convened to develop rules for provisional certification. The Subcommittee sought and received input from the interested members of the public, guardianship programs, and other stakeholders. The existing rules were modified as necessary, and Rule XIV was added to provide for provisional certification. Provisional certification allows people who do not meet certification

criteria to gain experience so they can be certified. Mr. Ford summarized the responsibilities of the provisionally certified guardian's supervisor, the role of the provisionally certified guardian, and the application requirements for provisional certification. The Subcommittee agreed that provisional certification would be limited to one two-year period. Ms. Bond added that the Board's approval is sought to publish the proposed rules for a short comment period.

After discussion, a motion was made to submit the proposed rules for public comment. Upon second, a vote was taken and the motion carried. Comments on the proposed rules will be due on June 4. The Board will convene for a short meeting after that date to review public comments and then submit the proposed rules to the Supreme Court for approval and adoption.

A. Criminal History Information

Margie Kyser and Baerbel Cleveland of the Department of Public Safety (DPS) joined the meeting via teleconference call as a resource for the Board. The Board discussed the merits of a fingerprint search, secure name search and simple name search. Ms. Kyser noted that DPS's vendor has 68 locations in Texas, with more planned.

The Board reviewed comments from DADS and from county guardianship programs. Ms. Scobey discussed DADS' concerns regarding fingerprint searches, particularly national searches: they exceed current requirements in law; they are burdensome, especially on smaller programs; fingerprints may be rejected; and they subject DADS' employees to multiple criminal history searches. The Board discussed sharing criminal history information between it and DADS. Ms. Kyser stated that criminal history information can be shared so long as the applicant gives permission and so long as both entities receiving the information have an ORI number. Ms. Bond noted that the Board has the required ORI number so it can receive FBI criminal history searches via DPS.

Ms. Bond noted that DPS retains the fingerprints, and the Board would receive notification of arrest by anyone who is certified. Notification is available only when a fingerprint search is done, not with a simple or secure name search. To address some of DADS' concerns about duplication of searches, it was suggested that language be added to the proposed rules to permit the Board to accept a criminal history search obtained within 90 days of the application for certification.

A motion was made to approve the change to section VI(g) of the Board's rules, requiring an applicant to obtain his or her criminal history record within 90 days of the application for certification, and to adopt the proposed amendment. The motion was seconded. Mr. Grant proposed language that the criminal history search can be obtained no earlier than 90 days preceding the date of submission of the application.

The motion was amended to adopt Mr. Grant's proposed language. Upon second, a vote was taken and the motion carried. Another motion, to move forward to submit the amended rules on

criminal history to the Supreme Court for adoption, was made and seconded. A vote was taken, and the motion carried.

APPLICATION FORMS AND PROCESSES

The Board reviewed drafts of the application for provisional certification and accompanying instruction sheet. The Board discussed the necessity for an additional application form if an applicant does not meet the qualifications for certification and wishes to apply for provisional certification. Staff will notify applicants by letter. Because a certified guardian supervisor must sign the provisional certification application, another application is necessary.

The Board discussed whether to require another criminal history check when a provisionally certified guardian moves to full certification. The consensus of the Board was to require a new criminal history search if full certification is granted more than a year after the person is provisionally certified. The proposed provisional certification rules will be changed to reflect this.

A motion was made that if a provisionally certified guardian applies for full certification within one year of obtaining provisional certification, the applicant will not be required to obtain a new criminal history search. The motion was seconded, a vote taken, and the motion carried. The new provisions will be added to the proposed rules as Rule XIV(g) and included in the rules to be posted to the Board's website for public comment.

COMMITTEE ASSIGNMENTS

No assignments were needed.

PUBLIC COMMENT

Ms. Scobey requested clarification of the criminal history issues decided by the Board. She asked if the Board would consider a waiver of the fingerprint requirement if the FBI was not able to process an applicant's fingerprints. The Board's consensus was a waiver would be considered to accept a Criminal Justice Information Search (CJIS), providing the FBI verified the fingerprints were not usable. Ms Scobey noted that, in light of the Board's decision to require a fingerprint search, DADS will start doing fingerprint, not secure name, searches.

SCHEDULE FOR FUTURE BOARD MEETINGS

The next Board meeting is scheduled for June 5, 2007, at a time to be determined, to discuss provisional certification rules and any other items as may be necessary. The Board will also meet on July 27, 2007, at 11:00 a.m. CDT at OCA's offices in Austin. Future meetings will be discussed on July 27.

ADJOURNMENT

On motion and second, the meeting was adjourned at 2:15 p.m.

GUARDIANSHIP CERTIFICATION BOARD

MINUTES OF MEETING

June 5, 2007
12:00 noon

Office of Court Administration
205 W. 14th St., Suite 733
Austin, Texas

COMMENCEMENT OF MEETING

Judge Gladys Burwell called the meeting of the Guardianship Certification Board (GCB or Board) to order on June 5, 2007 at 12:05 p.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

Lesley Ondrechen, director of the Guardianship Certification Program, called the roll. The following members of the GCB were present:

Judge Gladys Burwell, Chair
Leah Cohen, Vice-Chair
Jason Armstrong
Garth Corbett
Don D. Ford
Marlane Meyer
Kathy Strong
Patti Turner

All members attended via telephone conference call. Dr. Raymond Costello, Carol Patrice Dabner, Susan Eason, Phillip A. Grant, Gina D. Patterson, Janis Thompson and Bob Warach did not participate. Others present were Katie Bond, Assistant General Counsel, and Lesley Ondrechen, Director of the Guardianship Certification Program. Members of the public present at the meeting were Tim McGuinness, Alex Jones and Barbara Scobey, Texas Department of Aging and Disability Services (DADS).

PROPOSED AMENDMENTS TO RULES GOVERNING GUARDIANSHIP CERTIFICATION

Provisional Certification

Don D. Ford, Chair of the Rules Committee, reported that amendments to the rules providing for provisional certification had been posted for public comment, and the comment period expired on June 4, 2007. Comments received from DADS and a probate judge were provided to the Board prior to the meeting.

Alex Jones presented DADS' comments to the Board. The five areas of concern are: an employee relationship is implied by the word "supervisor;" provisionally certified guardian is the only person allowed to report changes of name and address to the Board; consequences to supervisor for the actions of a provisionally certified guardian; supervisor's responsibility for provisionally certified guardian's work; and only one two-year provisional certification period.

The Board discussed each comment and DADS' proposed new language for the affected rules. In particular, the Board emphasized that a supervising guardian of a provisionally certified guardian must perform a supervisory, rather than merely a mentoring, role. Ms. Ondrechen pointed out that the last definition in Rule II should be lettered "q", not "o". On motions and seconds, the Board voted to make no changes to proposed Rules II(o), XIV(c)(3), XIV(d), and XIV(d)(1)(A). On motion and second, the Board agreed to accept DADS' wording on Rule XIV(f), permitting an extension of a provisional certification period if a waiver is sought and approved by the Board. On motion and second, the Board approved the proposed Rules as amended, and directed that the rules be submitted to the Supreme Court for approval. All motions carried.

Criminal History

Katie Bond reported that the Supreme Court rules attorney suggested changes to the language in proposed Rule VI(g) to set out the process for applicants to obtain their criminal history searches and have them sent to the Board. The Supreme Court adopted the new rules and sent them to the clerk of the court on May 29. Copies will be sent to the Board when the order is received from the Supreme Court.

FUTURE BOARD MEETINGS

The next Board meeting is scheduled for Friday, July 27, 2007 beginning at 11:00 a.m. It will be held in the Office of Court Administration's offices in Austin.

ADJOURNMENT

On motion and second, the meeting was adjourned at 12:53 p.m.

III. CERTIFICATION AND RE-CERTIFICATION

- (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.

VI. REQUIREMENTS FOR CERTIFICATION

- (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), 22.07 (deadly conduct), 22.08 (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; or
 - 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.
- (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, or settled a claim as described under Section VI(f)(1) or (2) above, the applicant must describe with particularity the circumstances and provide any related documentation requested by the Board.

VIII. BOARD DETERMINATION

If the applicant has complied with the application process, the Board shall grant certification, provisional certification, or recertification unless denial is made in accordance with Section IX. The Board may conduct further investigation or require additional information from the applicant or other sources. In appropriate circumstances, the Board may grant or deny certification, provisional certification, and re-certification based on the further information it receives.

§ 681. PERSONS DISQUALIFIED TO SERVE AS GUARDIANS. A person may not be appointed guardian if the person is:

- (1) a minor;
- (2) a person whose conduct is notoriously bad;
- (3) an incapacitated person;
- (4) a person who is a party or whose parent is a party to a

lawsuit concerning or affecting the welfare of the proposed ward, unless the court:

(A) determines that the lawsuit claim of the person who has applied to be appointed guardian is not in conflict with the lawsuit claim of the proposed ward; or

(B) appoints a guardian ad litem to represent the interests of the proposed ward throughout the litigation of the ward's lawsuit claim;

(5) a person indebted to the proposed ward unless the person pays the debt before appointment;

(6) a person asserting a claim adverse to the proposed ward or the proposed ward's property, real or personal;

(7) a person who, because of inexperience, lack of education, or other good reason, is incapable of properly and prudently managing and controlling the ward or the ward's estate;

(8) a person, institution, or corporation found unsuitable by the court;

(9) a person disqualified in a declaration made under Section 679 of this code; or

(10) a nonresident person who has not filed with the court the name of a resident agent to accept service of process in all actions or proceedings relating to the guardianship.

Added by Acts 1993, 73rd Leg., ch. 957, § 1, eff. Sept. 1, 1993.
Amended by Acts 1995, 74th Leg., ch. 1039, § 32, eff. Sept. 1, 1995.

OCCUPATIONS CODE

CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION

SUBCHAPTER A. GENERAL PROVISIONS

§ 53.001. APPLICABILITY OF CERTAIN DEFINITIONS. The definitions provided by Chapter 2001, Government Code, apply to this chapter.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

- (1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;
- (2) a peace officer or an applicant for a license as a peace officer described by Article 2.12, Code of Criminal Procedure; or
- (3) a person who:
 - (A) is licensed by the Texas State Board of Medical Examiners, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and
 - (B) has been convicted of a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

SUBCHAPTER B. INELIGIBILITY FOR LICENSE

§ 53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE. (a) A licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation.

(b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction,

felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.022. FACTORS IN DETERMINING WHETHER CONVICTION RELATES TO OCCUPATION. In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER. (a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section 53.022:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
- (6) other evidence of the person's fitness, including letters of recommendation from:
 - (A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
 - (B) the sheriff or chief of police in the community where the person resides; and
 - (C) any other person in contact with the convicted person.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and

correctional authorities as required by Subsection (a)(6).

(c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:

- (1) maintained a record of steady employment;
- (2) supported the applicant's dependents;
- (3) maintained a record of good conduct; and
- (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.024. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT. A proceeding before a licensing authority to establish factors required to be considered under this subchapter is governed by Chapter 2001, Government Code.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.025. GUIDELINES. (a) Each licensing authority shall issue guidelines relating to the practice of the licensing authority under this chapter. The guidelines must state the reasons a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the licensing authority.

(b) A state licensing authority that issues guidelines under this section shall file the guidelines with the secretary of state for publication in the Texas Register.

(c) A local or county licensing authority that issues guidelines under this section shall post the guidelines at the courthouse for the county in which the licensing authority is located or publish the guidelines in a newspaper having countywide circulation in that county.

(d) Amendments to the guidelines, if any, shall be issued annually.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

SUBCHAPTER C. NOTICE AND REVIEW OF SUSPENSION, REVOCATION, OR DENIAL OF LICENSE

§ 53.051. NOTICE. A licensing authority that suspends or revokes a license or denies a person a license or the opportunity to be examined for a license because of the person's prior conviction of a crime and the relationship of the crime to the license shall

notify the person in writing of:

(1) the reason for the suspension, revocation, denial, or disqualification;

(2) the review procedure provided by Section 53.052; and

(3) the earliest date the person may appeal the action of the licensing authority.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

§ 53.052. JUDICIAL REVIEW. (a) A person whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under Section 53.021 and who has exhausted the person's administrative appeals may file an action in the district court in the county in which the licensing authority is located for review of the evidence presented to the licensing authority and the decision of the licensing authority.

(b) The petition for an action under Subsection (a) must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999.

Lesley Ondrechen

From: Lesley Ondrechen
Sent: Friday, July 20, 2007 10:07 AM
To: Baerbel Cleveland
Cc: Katie Bond
Subject: FBI cannot process fingerprints

Hi Baerbel,

I received a notification from the FBI that "The quality of fingerprint characteristics is too low to be used" for an applicant for guardianship certification. I got the DPS report on the same individual.

This was discussed by the Board at its meeting on May 18; you and Margie Kyser participated by phone for the discussion. Margie made the comment that the FBI was more selective on prints. If prints are rejected twice, then a CJIS search is done. Can you give me an explanation of how prints that DPS can process are rejected by the FBI? Is there anything in writing that you could provide me so I can give it to the Board? Also, I believe that CJIS is a name search. Does the Board, or DPS, or the applicant, have to request this search, or is it automatically done after the fingerprints are rejected twice?

I'm asking because the Board is meeting on Friday, July 27. Consideration of a waiver of the FBI fingerprint search for this individual is on the agenda. The Board will probably ask the questions that I'm asking, and I'm trying to have the answers before they meet. If necessary, could you be available by phone as a resource for the Board during next Friday's meeting?

Thank you for your help.

Lesley Martin Ondrechen
Director, Guardianship Certification Program Office of Court Administration
512/475-2873
lesley.ondrechen@courts.state.tx.us

Lesley Ondrechen

From: Cleveland, Baerbel [Baerbel.Cleveland@txdps.state.tx.us]
Sent: Friday, July 20, 2007 11:23 AM
To: Lesley Ondrechen
Cc: Katie Bond
Subject: FW: CJIS Name Search Request-Contributor Instructions

Lesley,

Above are the instructions for the Name search request to the FBI.

Per our phone conversation, you will need 2 FBI rejections before you can submit a name search request to them. The FBI is a little more stringent on the prints and will reject an applicant, where DPS will approve the applicant. Once an applicant is rejected at DPS level, we do not submit the prints to the FBI, and the applicant will need to be reprinted by IBT at no charge. If DPS passes the prints and the FBI rejects the first set, then the applicant will also need to be reprinted by IBT at no charge until we can either get a clear from the FBI or another rejection.

If you have any other questions, please feel free to contact me. I will be available next Friday around 11:30 just in case you need to call me for your Board meeting.

Thank you,
Baerbel Cleveland
Section Supervisor
Access & Dissemination Bureau
Crime Records Service
512-424-2023

From: Molloy, Patricia
Sent: Wednesday, April 11, 2007 11:26 AM
To: Yolanda.Guerrero-Goodman@ci.austin.tx.us
Cc: Cleveland, Baerbel
Subject: FW: CJIS Name Search Request-Contributor Instructions

Dear Contributor,

Please be advised that the procedure for submitting Name Search Requests has changed. You must now fax FBI Name Search Request Forms directly to the FBI rather than sending them to DPS to forward to them. The FBI will fax the results directly back to you. Attached are instructions and a copy of the required CJIS Name Search Request Form that you must use. The Fax number for the FBI Name Search Unit is 304-625-5102 . The contact phone number is 304-625-9450 . On occasion, the FBI may send you a faxed response stating that multiple candidates were found, please submit another fingerprint card. Be sure that the same ORI is used on this card as was on the original submission. You must mail the new set of prints, along with a copy of the FBI response sheet and your original name search request to:

FBI Name Search Unit -SAT II
1000 Custer Hollow Rd.
Clarksburg, W.VA. 26306

An FBI name search request can only be submitted after the FBI has rejected the fingerprints twice. You will need to track these rejects and initiate the name search process. The FBI allows 1 year for the second fingerprint submission between the 1st and 2nd reject. FBI allows only 90 days for a name search request to be submitted after the second fingerprint

7/20/2007

reject. If you exceed these time requirements the fingerprint process must be started anew. If you would like an e-mailed copy of the form and instructions you can e-mail me at patricia.molloy@txdps.state.tx.us . Please feel free to call me if you have any questions regarding these new procedures.

Regards,

Pat Molloy

Fingerprint Section Supervisor
TX. Dept. of Public Safety
512-424-2153

CJIS NAME SEARCH REQUEST FORM

Please complete the attached form to request a name check. Please be advised that an individual's fingerprints must be rejected twice for technical issues prior to requesting a name check.

ORI of State/Federal/Regulatory Agency: _____

Your agency's Point of Contact (POC) for the response: _____

Phone number of POC: _____

Fax number of POC: _____

Address of requesting agency: _____

Please fax or mail my response to this request.

Subject of Name Check

Transaction Control Number's (TCN) of subject's fingerprint submission:

1). IFCS _____

2). IFCS _____

Name: _____ Alias: _____
(Last, First Middle)

Date of Birth: _____ Place of Birth: _____

Sex: _ Race: _ Height: ___ Weight: ___ Eyes: _____ Hair: _____

Social Security Number: _____ Miscellaneous Number: _____

State Identification Number: _____ OCA: _____

*** Please note that highlighted fields are required for name check searches.**

**Office of Court Administration
Travel Expense Reimbursement Process
Board Members, Committee Members, Judicial Officers**

1. Complete and sign and OCA Travel Expense Information form.
2. Attach required receipts (see At A Glance document for board members)
3. Submit the completed and signed Travel Expense Information form and required receipts to:

Office of Court Administration
ATTN: Travel Coordinator
205 W. 14th Street, Suite 600
Austin, TX 78701

4. The designated staff person at OCA will complete a State of Texas travel voucher based on your Travel Expense Information form, return it to you for your signature, and then process the signed voucher for payment.

NOTE: To expedite your payment, you may complete a State of Texas travel voucher without submitting the OCA Travel Expense Information form. Please work with your appropriate committee contact person to obtain instructions for completing the State of Texas travel voucher.

If you have questions, please call OCA at (512)463-1625 and ask for the Travel Coordinator.

**OFFICE OF COURT ADMINISTRATION
TRAVEL EXPENSE INFORMATION – BOARD MEMBERS**

205 West 14th Street • P.O. Box 12066 • Austin, Texas 78711-2066 • 512/463-1625 • 512/463-1648 FAX

NAME:		SOCIAL SECURITY NUMBER:		
MAILING ADDRESS		CITY:	STATE:	ZIP:
PURPOSE OF TRAVEL				
Date Departed HQ:	Time:	Date Returned HQ:	Time:	
TRANSPORTATION:	FROM	TO	MILES	AMOUNT
PERSONAL CAR/PLANE <i>(mileage must comply with Official Statewide Mileage Guide)</i>				
		<i>Total</i>		
		<i>@ \$0.445 per mile</i>		
COMMERCIAL AIRLINE, CAR RENTAL, AND TAXI <i>(attach original receipt for airline and car rental)</i>				
			SUBTOTAL OF TRANSPORTATION	
MEALS AND LODGING:				
Date	Meals	Lodging (Attach Receipts)-Room Charges Only	Total Meals & Lodging	
			SUBTOTAL OF MEALS AND LODGING	
OTHER EXPENSES:				
Hotel Occupancy Taxes – State – 6%				
Hotel Occupancy Taxes – Local & Misc				
Parking: (list locations and amounts)				
Other (specify, e.g., toll roads, rental car gasoline, telephone charges) (attach original receipts for rental car gasoline)				
			SUBTOTAL OF OTHER EXPENSES	
			GRAND TOTAL	

CERTIFICATION : I certify that the above described expense information is true, correct, and unreimbursed.

Signature

Date

Return this completed form and receipts to the Office of Court Administration at the address listed above.

**Office of Court Administration
At a Glance - Allowable Travel Costs
Board Members, Committee Members, Judicial Officers, and
the Chief Administrative Officer of a State Agency**

When traveling on official state business, OCA board members, committee members and judicial officers are entitled to reimbursement for the following:

Type of Expense	Special Provisions	Original Receipt Required
Public Transportation, Taxi fare	None	No
Public Transportation, Airfare	Use state contracts, unless not available	Yes
Public Transportation, Rental Car	Use state contracts, unless not available	Yes
Mileage	FY 2006-07 reimbursement rate = \$0.445 per mile	No
Meals and Lodging <i>Note: Limits on lodging rates do not include hotel taxes (see Incidental Expenses, below)</i>	<p>Board and committee members may be reimbursed for <u>actual</u> meals and lodging charges up to \$121 per day for in-state travel, with no restriction on the distribution of charges between meals and lodging.*</p> <p>Judicial officers and the Chief Administrator of a State Agency may be reimbursed for <u>actual</u> meal charges up to \$72 per day and actual lodging charges up to \$170 per day for in-state travel.**</p> <p>Out-of-state travel rates may vary. If you need to know these rates, please call OCA's Finance and Operations Division at (512) 463-1625.</p> <p>Members of the Task Force on Indigent Defense may be reimbursed for <u>actual</u> meals and lodging for in-state or out-of-state travel, without restriction on the amount.</p> <p>Under Texas law, gratuities and alcoholic beverages may not be reimbursed.</p>	<p>Meals – No</p> <p>Lodging - Yes</p> <p>Receipts must show the address for the lodging establishment; indicate payment; and show a zero balance due.</p>
Parking	None	No
Incidental Expenses	Hotel Taxes Rental Car Gasoline Toll Road Charges	Yes Yes No
Meals, Non-overnight Travel <i>(aka Partial Per Diem)</i>	<p>When OCA travel does not include an overnight stay, the following limits apply to meal charges:</p> <p>Judicial officers may be reimbursed for actual meal charges up to \$72 per day.*</p> <p>Board and committee members may be reimbursed for actual meal charges up to \$121 per day.**</p> <p>Members of the Task Force on Indigent Defense may be reimbursed for the actual cost of meals, without restriction on the amount.</p> <p>Under Texas law, gratuities and alcoholic beverages may not be reimbursed.</p> <p>Meals reimbursed under this provision are treated as compensation for tax purposes; therefore, reimbursement requests must be processed on a travel form, separate from other expenses for which reimbursement is requested. The appropriate withholding and social security taxes will be deducted from the reimbursement amount.</p>	No

* In accordance with the 79th Legislature, General Appropriations Act, Art. IX, Section 5.07.

** 79th Legislature, General Appropriations Act, Art. IX, Section 4.04.

Excerpt from Senate Bill 505

Sec. 411.1406. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: GUARDIANSHIP CERTIFICATION BOARD. (a) In this section, "board" means the Guardianship Certification Board established under Chapter 111.

(b) The board is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for or the holder of a certificate issued by the board.

(c) Criminal history record information obtained by the board under Subsection (b):

(1) may be used by the board for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate issued by the board;

(2) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the information; and

(3) shall be destroyed by the board after the information is used for the authorized purposes.

§ 111.015. GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground for removal from the board that a member:

- (1) does not have at the time of appointment the qualifications required by Section 111.011;
- (2) does not maintain during service on the board the qualifications required by Section 111.011;
- (3) is ineligible for membership under Section 111.013 or 111.014;
- (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
- (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the chief justice of the supreme court that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the board, who shall then notify the chief justice of the supreme court that a potential ground for removal exists.

Added by Acts 2005, 79th Leg., ch. 268, § 3.24, eff. Sept. 1, 2005.

VII. REQUIREMENTS FOR RE-CERTIFICATION

To be eligible for re-certification, the certified guardian must pay all required fees, apply within the required time, and meet the following requirements:

- (a) The certified guardian must comply with subsections (e), (f), and (g) of Section VI (relating to Requirements for Certification) of these rules.
- (b) Continuing Education. During each two year certification period, the certified guardian must complete at least six hours per year of continuing education and guardianship training by completing a course that has been approved by the Board under Section XIII (relating to Approval of Continuing Education). The six hours shall include a minimum of one hour of ethics. The above two-year continuing education requirement must also include a minimum of one hour of legislative update.
 - 1) Continuing education must be earned to satisfy the requirements prior to the expiration of the certificate. The certified guardian must list on the application for re-certification the dates, locations, sponsors, number of regular credits and number of ethics credits earned for sufficient continuing education courses to satisfy this requirement. Nothing herein shall be deemed to waive late fees under Section V.
 - 2) A certified guardian may carry forward for the following year's requirement up to two hours of continuing education earned in excess of the minimum six hours, but ethics hours may not be carried forward.
 - 3) The certified guardian must obtain documentation of attendance or completion of a continuing education activity from the sponsoring entity and submit the documentation to the Board along with the certified guardian's application for re-certification.
 - 4) A certified guardian may also earn continuing education credit by speaking at a seminar, teaching a course or authoring a book or article and obtaining approval for this activity under Section XIII (relating to Approval of Continuing Education).

XIII. APPROVAL OF CONTINUING EDUCATION

- (a) A continuing education activity must be an organized program of learning dealing with matters that are directly related to the guardianship profession, the services guardians provide, and the legal process involved in guardianship proceedings. A continuing education activity should increase participants' understanding of the Texas judicial system, the responsibilities of a certified guardian and the certified guardian's impact on the judicial process and the public. In this Section XIII, the term "certified guardian" includes a provisionally-certified guardian.
- (b) Subject to the requirements contained in Section VII(b) (relating to Requirements for Re-Certification), continuing education activities should include one or more of the following subjects:
 - 1) guardianships;
 - 2) trust administration;
 - 3) powers of attorney;
 - 4) mental or physical health or geriatric health;
 - 5) ethics for guardians, including cooperation with lawyers, judges and fellow guardians and courtesy to all litigants;
 - 6) Texas statutes, rules and case law relevant to the guardianship profession;

- 7) the role and responsibilities of the certified guardian under the Texas Probate Code, rules adopted by the Supreme Court relating to guardianship certification and the Minimum Standards for the Provision of Guardianship Services adopted by the Board; and
 - 8) management issues, including financial planning and accounting.
- (c) The following do not qualify as continuing education activities under these rules:
- 1) attendance or participation at professional or association business meetings, general sessions or policy making sessions;
 - 2) service on a committee or council or as an officer in a professional organization;
 - 3) activities completed to satisfy the requirements of a disciplinary action; and
 - 4) any activity completed as ordered by a judicial officer.
- (d) The Board will publish on its web site a list of courses that are approved by the Board as continuing education activities. Any such activities that are used by a certified guardian to satisfy the requirements of Section VII(b) must meet the requirements of subsections (a) and (b) above.
- (e) Continuing education activities conducted by entities that have not been approved by the Board may be approved by the Board upon written request for approval made by a certified guardian.
- 1) The request for approval must be made on a form provided by the Board and must include a sample brochure or course outline that describes the content of the program, identifies the presenters, indicates the time devoted to each subject and the date and location of the program.
 - 2) The request for approval will be reviewed and approved or denied by the Director. A certified guardian may appeal the Director's denial of a request for approval by submitting a written appeal to the Board within fifteen (15) days of notification of the denial.
 - 3) The Board shall review the denial at its next regularly scheduled meeting. The requesting guardian must be notified of the Board's decision not less than fifteen (15) days after the Board's decision.
- (f) A certified guardian may request up to six hours of continuing education credit during each 2-year certification period for teaching courses, speaking at seminars, or authoring books or articles related to the subject matter specified in Section XIII(b). The certified guardian must submit an application for teaching credit on a form provided by the Board. Credit for preparation and presentation may be provided on the basis of hour-for-hour credit for each hour spent preparing the article or book or making the presentation.

**MANDATORY CLE REPORTING FORM
PARALEGAL DIVISION
ACTIVE AND ASSOCIATE MEMBERS ONLY**

For the reporting year June 1, 2006 – May 31, 2007

Renewing **Active and Associate** members must complete 6 hours of substantive Continuing Legal Education by May 31, 2007 to be eligible to renew for the 2007-2008 membership year. Substantive continuing legal education completed during any membership year in excess of the minimum six (6) hour requirement for such period may be applied to the following membership year's requirement. The carryover provision applies to one (1) year only. Members are allowed no more than two (2) hours of self-study during each membership year. Use the form below to report appropriate CLE hours to the Paralegal Division.

Self-Study: Members are allowed to claim up to 2 hours of self-study credit during each fiscal year.

Date	Sponsor (PD, local association, SBOT, etc.)	Topic/ Speaker Location	Attendance Certificate Rec'd?		Credit Types (TBLS, NALA, NFPA, SBOT)	Hours
			Yes	No		
3-22-07	Paralegal Division	D4 Spring CLE Seminar Austin	✓			4.0
3-7-07 4-12-07	UT School of Law (in-house program)	ESSENTIAL Employment Law (2006) Short Course	✓			6.5
Self-Study CLE (maximum 2 hours can be claimed)						2.0
Total						12.5

Any amendment or alteration to this form, or failure to sign it in the presence of a notary, will result in disqualification from membership in the Paralegal Division at the time the amendment or alteration is discovered. By signing below you are certifying you have completely and truthfully provided information on this form and that you agree to abide by the provisions of the PD Bylaws, Standing Rules, and Code of Ethics and Professional Responsibility.

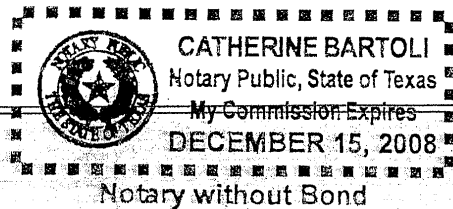
L.M. Ondrichen
Signature of PD Member

#24054382

Date: May 14, 2007

SUBSCRIBED and SWORN TO before me, on this the 14th day of May, 2007.

Catherine Bartoli
Notary Public in and for the State of Texas



HAVE YOU COMPLETED THE FOLLOWING?

- All appropriate CLE listed on form
- Number of CLE Hours listed next to each credit
- CLE hours totaled
- CLE Reporting Form signed by member
- Membership Number entered on form
- CLE Reporting Form signed by notary

NOTE: CLE MUST BE LISTED ON THE FORM. ANY ATTACHMENTS TO THIS FORM WILL BE DESTROYED.



Contents

- About Us
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- Support the work of TGA

TGA is an affiliate of the
National Guardianship
Association, Inc.



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16th Annual Conference April 11-13, 2007

Highlights: Presentations by Chief Miles, El Paso Police Department and Joanne Woodruff, Bexar County DA's office.

The conference will be held at the Hilton in Downtown Waco, Texas.

Registration will open at 8:00 AM on Wednesday, 04/11/07 for the Pre-conference incentives and again on Thursday, 04/12/2007 at 8:00 AM for the conference. Conference will begin at 8:30 AM. Plan to attend the Welcome Reception and Dinner on Thursday evening. On Friday morning, nine breakout sessions will be available and the conference will wind up on Friday afternoon.

CEU and CLE certification will be available. The Registered Guardian exam and Texas exam review will be Wednesday. The Registered Guardian and Texas specific exam will also be offered. See registration form for more information.

Conference Schedule

Wednesday, 04/11/07

Pre-conference Intensives

- 8:00-8:30 Registration**
- 8:30-11:30** "Grief: Is there any topic more universally understood in the abstract and less understood in our reality? This interactive workshop will focus on the grief experience of guardians who dare to enter relationship with others and expose themselves to loss and bereavement. Learn tools to help yourself and others and to do the work of grieving."
- 11:30-1:30** Working lunch for Guardianship Programs; otherwise, on your own
- 1:30-3:30** Crisis Management

Other Activities on 4/11/2007

- 8:00-12:00 Registered Guardian and Texas exam review
- 1:30-2:00 Registration for RG exam and/or Texas specific exam
- 4:00-5:00 Probate Court Investigators meeting

Thursday, April 12, 2007

- 7:30-8:30** Breakfast Buffet provided by TGA
- 8:00-8:30** Registration

- 8:30-9:00** Welcome
Donna Buagh, President and Conference Co-Chair
Judge Jim Lewis, McLennan County Judge
Tim McGinnis, DADS Guardianship Director
Carl Reynolds, Guardianship Certification Board, OCA
Terry Hammond, Executor Director, National Guardianship Association
- 9:00-10:30** Elder Abuse: Recognition, Investigation, and Prosecution
Terry Hammond, JD
Chief Richard Wiles, El Paso Police Department
Joanne Woodruff, JD, Bexar County DA Office
- 10:30-10:45** Break
- 10:45-12:00** Elder Abuse (continued)
- 12:00-1:30** Lunch on your own
- 1:30-3:00** Breakout Sessions:
1. Advanced Directives: Alex Jones, JD, DADS Guardianship Program
2. Advocating for your client's best interest: Garth Corbett, JD, Advocacy Inc.
3. Ethics Panel: Judge Mike Wood, Harris County, Darlene Smith JD, Meghan Hutchinson, LMSW, and Ramona Brush, BSW
- 3:15-4:45** Breakout Sessions:
1. Guardianship Monitoring, Modification and Removal: Judge Patrick Ferchill, Tarrant County, Denise Buchan, LCSW, Phillip Mitchell, JD
2. Person Centered Planning: Dr. Jim Ellor, Baylor University
3. Community Resources for Placement: Renee Wheeler, DADS
- 6:00** Reception and Dinner provided by TGA

Friday, April 13, 2007

- 9:00-10:30** Breakout Sessions:
1. Medicaid in Texas: Elisa Rainey, JD
2. Proposed Jurisdictional Legislation: Terry Hammond, JD, Executive Director, NGA
3. Holistic Guardianship Practices: Tracey Kelley, LMSW
- 10:45-12:15** Breakout Sessions:
1. Legislative Update: Glenn Karisch, JD, presented by Charmayne Moody, JD
2. Ethics: Rosetta Williams, DADS
3. Poly-pharmaceuticals (Drug interactions): Dr. Jim Patton, Baylor University
- 12:30-1:30** Lunch provided by TGA
- 1:30-3:30** "Guarding the Guardian": Jim Douglas, LPC
- 3:30** Closing Remarks



National Guardianship Association
 174 Crestview Drive
 Bellefonte, PA 16823-8516



NGA 2007 Conference on Guardianship

Our San Antonio Schedule At-a-Glance

Saturday, October 6

7:00 am - 5:00 pm Registration Desk Open
 8:30 am - 3:30 pm Pre Conference Intensives
The Fundamentals of Guardianship
NGA Legal Review
Geroloscence-Transitional Health Issues
 8:30 am - 3:00 pm NGA RG Review Course
 8:30 am - 3:00 pm NGA/Texas RG Review Course
 9:00 am - 4:00 pm Master Guardian Exam
 Noon - 5:00 pm NGN Meeting
 3:30 pm - 6:30 pm Registered Guardian Exams
 5:30 pm - 6:30 pm NGA Board of Directors Meeting
 7:00 pm - 8:30 pm Conference Welcome Reception

Sunday, October 7

7:00 am - 5:00 pm Registration Desk Open
 7:00 am - 8:45 am Continental Breakfast
 9:00 am - 10:00 am Keynote Presentation:
Are We Having Fun Yet?
 Bruce Christopher
 10:00 am - 10:30 am Break/Visit with Exhibitors
 10:30 am - 11:45 am Breakout Sessions
Guardianship Practices, Challenges, Issues
Judges Panel
Welfare of Elderly Wards in Florida
 Noon - 1:45 pm Awards Luncheon/Annual Meeting
 2:00 pm - 3:15 pm Breakout Sessions
Guardianship Monitoring
Planning for Adults with Cognitive Disabilities
Are You A Good Case Manager?
 3:15 pm - 3:45 pm Break/Visit with Exhibitors
 3:45 pm - 5:00 pm Breakout Sessions
Investment Horror Stories
Team Approach to Guardianship
Elders, Dementia and Role of Litigation
 5:00 pm - 6:30 pm Reception with Exhibitors
 6:30 pm Optional Dine Around or
 Evening on Your Own

Monday, October 8

7:00 am - 5:00 pm Registration Desk Open
 7:00 am - 8:30 am Continental Breakfast with Exhibitors
 7:00 am - 8:30 am New Member Breakfast
 7:00 am - 8:30 am State Affiliates Breakfast
 8:30 am - 10:00 am Breakout Sessions
Principal of Least Restrictive Alternative
How Certification Increases Your Odds
Home Equity Use as a Financial Resource
 10:00 am - 10:30 am Break/Visit with Exhibitors
 10:30 am - Noon Featured Speaker
Guardianship in the Press
 Lee Hancock, Dallas Morning News
 Noon - 1:00 pm Lunch with Presentation
A Probate Judge's View
 Hon. Polly Jackson Spencer
 1:00 pm - 1:45 pm Dessert with Exhibitors
 2:00 pm - 3:15 pm Breakout Sessions
Using Community Partnerships
Promising Practices for AARP/ABA Study
Voting Rights
 3:15 pm - 3:45 pm Break
 3:45 pm - 5:00 pm Breakout Sessions
Managing Conflict through Mediation
Wards and Consensual Sex
The Mentally Ill and Criminal Justice
 6:00 pm - 10:00 pm Reception and Banquet
(Sponsored by Prudent Investors Network)
 Live Auction & Live Music

Tuesday, October 9

7:00 am - 9:00 am Registration Desk Open
 8:00 am - 9:00 am Continental Breakfast
 9:00 am - 10:30 am Workshop by Dr. Robert Fine
Improving Care at the End of Life
 10:30 am - 10:45 am Break
 10:45 am - Noon Dr. Fine's Workshop Continues
 Noon Conference Concludes
 Lunch is on Your Own

IMPORTANT DATES TO REMEMBER

- ★ September 1 - Early Bird Registration Discount Ends
- ★ September 1 - Last Day to Reserve a Room at the Group Discount Rate at the Crowne Plaza Riverwalk Hotel
- ★ September 28 - Last Day to Receive a Refund for Cancellation of Registration