

Senate Bill 1096, passed during the 85th Legislature, Regular Session, and will affect the appointment of guardians. The tasks associated with implementing the bill are largely the responsibility of the Judicial Branch Certification Commission (JBCC) but they will also affect the courts and the clerks. The JBCC wants to take this opportunity to make the courts, clerks and public aware of the upcoming changes.

Any person(s) or entity applying for appointment as guardian must complete the following at least 10 days before the hearing on the application:

- **SUBMIT REGISTRATION INFORMATION TO JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC):** Prior to being appointed guardian, the proposed guardian must submit registration information online with the JBCC at <https://jbcctexas.txcourts.gov>.
- The JBCC and clerk of the Court in which a guardianship application is pending must notify the applicant/proposed guardian and their attorney of the guardianship registration requirement

If the proposed guardian is not an *attorney, certified guardian or corporate fiduciary*, the proposed guardian must also complete the following sooner than 10 days before the hearing on the application:

- **GUARDIANSHIP TRAINING:** After submitting the online guardianship registration information to JBCC, the proposed guardian must complete the Guardian Training Module.
 - A certificate of completion will be issued to the proposed guardian when the training has been completed.
 - The JBCC will submit notification of completion to the clerk of the court with probate jurisdiction over the guardianship.
 - The training must be completed sooner than 10 days prior to the hearing on the guardianship application to show that this requirement has been met.
 - The on-line training is being developed and will be available at <https://jbcctexas.txcourts.gov>.
 - The JBCC and clerk of the Court in which a guardianship application is pending must notify the applicant/proposed guardian and their attorney of the guardianship training requirement.
- **CRIMINAL BACKGROUND CHECK:** All proposed guardians *other than attorneys, certified guardians or corporate fiduciaries* are subject to a criminal history background check. The name and date of birth background check will be performed by the JBCC if the liquid estate value of the guardianship is less than \$50,000.
- **If the liquid estate value is \$50,000 or more, a digital fingerprint background check must be completed.** It is the responsibility of the person applying for appointment as guardian to submit digital fingerprints when required. Information will be provided by JBCC to obtain digital fingerprints through Texas Dept. of Public Safety (DPS) when applicable.
 - The background check must be delivered to the court at least 10 days before the hearing on the application for guardianship please allow sufficient time for processing before the hearing date (it could take up to two weeks).
 - The method for obtaining a criminal history record depends on the assets of the ward's estate.
 - Any criminal history record information is confidential and will be provided only to the clerk and the court with probate jurisdiction for authorized purposes and not to be placed in the file or record of the guardianship.
 - The JBCC and clerk of the Court in which a guardianship application is pending must notify the applicant/proposed guardian and their attorney of the criminal background check requirement.
- **REGISTRATION:** After appointment and qualification of the guardian, the clerk will provide notice to the JBCC of the fact and date of qualification. JBCC will register the guardianship in a database accessible to law enforcement. JBCC seeks to maintain a database of current, accurate information about active guardianships.
 - The clerk must notify JBCC when a guardianship is terminated, transferred, or a successor guardian is appointed.

The JBCC is currently developing the registration webpage, on-line registration system, guardianship training procedures and criminal history process for the implementation of this registration requirement. The new JBCC rules should be adopted by the Supreme Court of Texas soon. The JBCC will provide an email address for all communication and notification requirements between the JBCC, courts and clerks. The JBCC will also develop a standard notification form to be provided by clerks to the applicants/proposed guardians and their attorneys informing them of the registration, training and
