

IN THE SUPREME COURT OF TEXAS

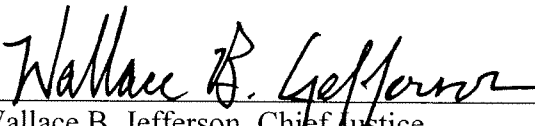
Misc. Docket No. 09- **9136**

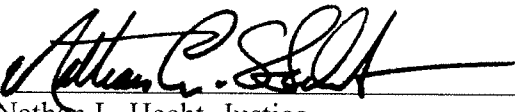
**ORDER APPROVING AMENDMENTS TO FEES FOR
GUARDIANSHIP CERTIFICATION PROGRAM**

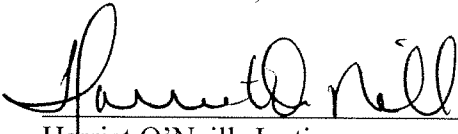
ORDERED that:

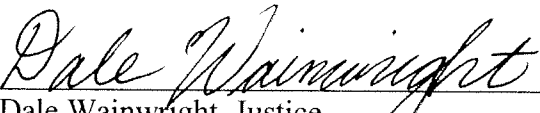
Pursuant to Sections 111.016(b)(3) and 111.042(b) of the Government Code, the Court amends the fees for the Guardianship Certification Program as follows.


In Chambers, this 24th day of August, 2009.

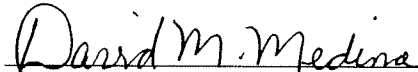

Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice

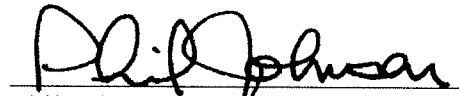

Harriet O'Neill, Justice

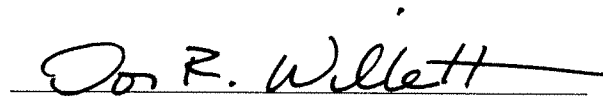

Dale Wainwright, Justice


Scott Brister, Justice


David M. Medina, Justice


Paul W. Green, Justice


Phil Johnson, Justice


Don R. Willett, Justice

Fees for Guardianship Certification Program

Application fee	\$ 25.00
Examination fee*	\$100.00 <u>175.00</u>
Re-certification fee	\$ 25.00
Late fee	\$ 75.00

* The fee of \$100.00 is for the Texas portion of the examination required by the Rules adopted by the Guardianship Certification Board (Board) and approved by the Supreme Court of Texas. As authorized under Rule VI(d)(1), the Board also requires applicants to pass the National Guardianship Foundation Registered Guardian examination. The combined fee for both the Texas exam and the national exam is \$250.00, but only the \$100.00 fee is set by the Board; the \$100 \$175.00 examination fee will be paid directly to the Contractor administering the Texas exam. All other fees will be paid to the Office of Court Administration, which will receive the fees on behalf of the Board pursuant to Texas Government Code §111.042(g).



OFFICE OF COURT ADMINISTRATION

CARL REYNOLDS
Administrative Director

July 21, 2009

The Honorable Dale Wainwright
Liaison, Guardianship Certification
Board
Supreme Court of Texas
201 West 14th Street, 3rd Floor
Austin, TX 78701

The Honorable Nathan L. Hecht
Liaison, Supreme Court Advisory Committee
Supreme Court of Texas
201 West 14th Street, 3rd Floor
Austin, TX 78701

Re: Proposed Fees for Guardianship Certification Examination

Dear Justice Wainwright and Justice Hecht:

On behalf of the Guardianship Certification Board (Board), I am requesting that the Supreme Court approve the Board's proposed new examination fees in accordance with Chapter 111 of the Texas Government Code. The proposed examination fees are shown on the Board fee schedule, which is attached as Appendix A.

Background

Rule VI(d)(1) of the Rules Governing Guardianship Certification (Rules) requires that applicants for certification must pass an examination covering Texas law and procedure related to guardianship, as well as any other examination required and approved by the Board testing knowledge of guardianship issues.¹ The Board has been requiring applicants to pass a national examination administered by the Center for Guardianship Certification (CGC) in addition to the Texas exam. Recently, however, the Board voted to require applicants to take only an exam on Texas law and procedure.

Besides administering the national exam, CGC has also been the contractor for the current Texas exam, which was written and administered for the Board by CGC under a three-year contract that expires August 31, 2009.² After the Board decided to require only an exam on Texas law and procedure, the Office of Court Administration (OCA) issued a Request for Proposals for Exam Services to begin when the current contract expires. OCA received three

¹ The Rules Governing Guardianship Certification were first approved by the Supreme Court in December, 2006. *Order Adopting Guardianship Certification Rules and Approving Fees*, Misc. Docket No. 06-9165 (Dec. 12, 2006).

² The Office of Court Administration, to whom the Board is administratively attached, contracted with CGC in October 2006 following a competitive procurement process.

proposals and awarded the new contract to CGC. Under the new contract, CGC will update and expand the current pool of exam questions and administer the exam at least three times each year of the contract.³ CGC will also register examinees, proctor the exams, grade them, and report the results to the Board and examinees.

Sections 111.016(b)(3) and 111.042(b) of the Government Code authorize the Board to set fees for the Guardianship Certification Program subject to the Court's approval. Rule V(b) of the Rules establishes the Board's fee structure, which includes an examination fee, while the fee amounts are contained in a schedule published on the Board's website. The current examination fee, which was approved by the Court on December 12, 2006, is \$100 for the Texas portion of the exam.⁴ The combined fee for the Texas and national examinations is \$250.

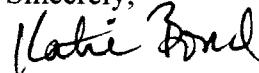
Proposed Examination Fees

The Board, OCA, and CGC negotiated a new fee for the exam – \$175. Examinees will pay the exam fees directly to CGC, while the other fees listed in Rule VI will continue to be paid directly to the Board.

The Board acknowledges that the proposed fee is higher than the current fee for the Texas portion of the examination. However, since examinees will no longer be required to take and pass the national exam, the total amount they will pay after September 1 will decrease – from \$250 to \$175. Moreover, the Texas exam will be expanded under the new contract – the new exam will have 100 questions about Texas law, procedure, and standards of practice, whereas there are only 50 Texas-specific questions on the current exam. Finally, Appendix B shows that the proposed fees are reasonable compared to the examination fees for a sample of other professions in Texas.

The Board respectfully requests that the Supreme Court approve the proposed certification examination fees for the Guardianship Certification Board as set out in Appendix A. Please do not hesitate to contact me at 463-1461 if you have questions.

Sincerely,



Katie Bond
Assistant General Counsel

cc: Kennon Peterson, Rules Attorney, Supreme Court of Texas
Alice McAfee, General Counsel, Supreme Court of Texas

³ The new contract will end on August 31, 2012, with an option to renew the contract for up to two additional one-year periods.

⁴ *Order Adopting Guardianship Certification Rules and Approving Fees*, Misc. Docket No. 06-9165 (Dec. 12, 2006).

Appendix A
Fees for Guardianship Certification Program

Application fee	\$ 25.00
Examination fee*	\$100.00 <u>175.00</u>
Re-certification fee	\$ 25.00
Late fee	\$ 75.00

* ~~The fee of \$100.00 is for the Texas portion of the examination required by the Rules adopted by the Guardianship Certification Board (Board) and approved by the Supreme Court of Texas. As authorized under Rule VI(d)(1), the Board also requires applicants to pass the National Guardianship Foundation Registered Guardian examination. The combined fee for both the Texas exam and the national exam is \$250.00, but only the \$100.00 fee is set by the Board; the \$100~~ \$175.00 examination fee will be paid directly to the Contractor administering the Texas exam. All other fees will be paid to the Office of Court Administration, which will receive the fees on behalf of the Board pursuant to Texas Government Code §111.042(g).

Appendix B
Examination Fees – Selected Texas Professions

Profession	Examination Fee
Accountants	\$809.71 (total for 4 parts); effective 9/15/09, \$823.00
Court interpreters	\$400 (total); \$300 (oral); \$100 (written)
Nurses (RNs)	\$200
Court reporters	\$190 (both); \$125 (skills); \$75 (written)
Guardians (proposed)	\$175
Social workers	\$175
Licensed professional counselors	\$145
Attorneys (licensed in another state or foreign)	\$150
Attorneys (law students)	\$75