



JUDICIAL BRANCH CERTIFICATION COMMISSION

CHAIR
THE HONORABLE LEE HAMILTON

CERTIFICATION DIVISION DIRECTOR
JEFFERY L. RINARD

January 3, 2018

To: Private Professional Guardians and Other Certified Guardians

Re: Annual Report to Judicial Branch Certification Commission (JBCC) – Calendar Year 2017
Due January 31, 2018

This letter is being sent to all certified and provisionally certified guardians who are not identified in the JBCC's records as employees of the Health & Human Services Commission Office of Guardianship (formerly known as DADS Guardianship Program) or a local guardianship program.

Texas Government Code Chapter 155 and Rule 7.3 of the JBCC impose detailed reporting requirements on certain certified guardians. Reporting requirements are the same as last year.

If you are a private professional guardian

If you are a private professional guardian as defined by Government Code § 155.001, and are required to annually register with the county clerk under Estates Code § 1104.257 [formerly Probate Code § 697(a)], then you must comply with the reporting requirements to the JBCC detailed below. **These requirements are in addition to the information provided to the county clerk under Estates Code § 1104.257 [formerly Probate Code § 697(a)].** Please note that you are required to provide your certification or provisional certification number when you register with the county clerk(s).

Under Rule 7.3(f) of the JBCC Rules and Government Code § 155.105(b), you must provide to the JBCC, not later than January 31 for the preceding calendar year, a report containing the following:

- the total number of wards served, reported by county in which the application to create the guardianship was filed;
- the name of each ward, docket number, and court having jurisdiction of the guardianship;
- the name, business address and business telephone number of each individual who provides services to your ward(s) on your behalf;
- the total amount of state funds received for the provision of guardianship services;
- the amount of funds received from other public sources, including a county and the federal government listed by source, for the provision of guardianship services and the total amount of other public funding received; and
- a copy of your application for a certificate of registration with each county in which you are required to register.

Additional provisions in Rule 7.3(f) require the report to also contain:

- the aggregate fair market value of the property of all wards that was managed by the private professional guardian; and
- whether a private professional guardian was removed by the court or resigned, and if so, an explanation of the circumstances.

Finally, under Rule 7.3(f)(7), you must re-affirm whether you have been adjudged guilty of or entered a plea of no contest in return for a grant of deferred adjudication to a felony or certain other crimes. You must also re-affirm whether you have been relieved of responsibility as a guardian by a court, employer or client for certain actions, and whether you have been found civilly liable, or settled a claim, in an action involving allegations of certain actions on your part.

Please visit the JBCC website, www.txcourts.gov/jbcc/guardianship-certification.aspx#AnnualReportingReqs, to download the form titled "Private Professional Guardians" to report this information. The form must be completed, signed, notarized and the original returned to by mail to the JBCC no later than January 31.

If you are not a private professional guardian

If you are certified or provisionally certified, but do not meet the definition of a private professional guardian, please complete and submit the form on the JBCC website titled "Other Certified Guardians." Please submit the completed form to the JBCC no later than January 31; electronic submissions are preferred for this form.

Although attorneys who are private professional guardians do not meet the definition of private professional guardian under Government Code § 155.001, we ask that attorneys who are private professional guardians, who are registered as a private professional guardian in any county, and who are certified or provisionally certified guardians complete and submit the "Private Professional Guardians" form. This will give the JBCC a more complete picture of wards served by all private professional guardians.

If you have any questions or need assistance, please contact us at guardians@txcourts.gov or at 512/475-4368.

Michele L. Henricks
JBCC Compliance Manager
Certification Division
Office of Court Administration