

January 23, 2018

## **Request for Comments on Proposed Rules of the Judicial Branch Certification Commission**

The Judicial Branch Certification Commission (JBCC) requests comments on the following proposed **Rules of the Judicial Branch Certification Commission**. An outline of major changes prefaces the rules.

This rule package contains updates from legislation passed in 2017 relating to SB 43 (JBCC cleanup), SB 36 (guardianship program registration), and SB 1096 (registration of guardianships).

The deadline to receive public comments has been extended from January 23, 2018 to 5:00 p.m. on January 30, 2018. Comments must be submitted in writing to the Judicial Branch Certification Commission, c/o Office of Court Administration, P.O. Box 12066, Austin, Texas 78711-2066, or by email to [jbcc@txcourts.gov](mailto:jbcc@txcourts.gov). Comments received will be publicly available and may be posted to the JBCC website.

The JBCC will consider the proposed amendments and any comments received at its next regularly scheduled quarterly meeting. Currently, that meeting is set for February 2, 2018 at 10:00 a.m.

## Draft Rules Outline

### Commission

- Amends “presiding officer” definition to include a temporary designee of the appointed presiding officer

### Certification, Registration and Licensing

- All regulated persons (including firms, programs, etc.) change to a 2-year license term
- Licensing/certification/registration fees modified to reflect license term and modified for cost recovery
- Standardized penalties for late renewals
  - 50% surcharge if renewing up to 90 days after expiration
  - 100% surcharge if renewing more than 90 days up to 1 year after expiration
  - License invalidation upon 1-year anniversary of expiration, subject to exceptions for those who move out-of-state
- Military service member or veteran receives education/experience credit for relevant military education, training and experience when applying for certification/registration/license from JBCC
- Expedited application processing for military service members, veterans, and spouses
- Alternative means of licensure for spouses of military service members on active duty
- Examination scores are valid for 2 years after date of examination
- Procedure for reissuance of certification/registration/license after revocation or non-renewal for disciplinary reasons

### Compliance and Enforcement

- Temporary cease and desist order on engaging in regulated profession during investigation and JBCC deliberations
- Revised disciplinary process
  - complaint review committee determines violation and recommends sanction
  - If Respondent agrees, presented to JBCC as agreed order
  - If Respondent does not agree, hearing conducted before the JBCC
  - JBCC may adopt, reject, alter, or remand matter to complaint review committee
  - If JBCC alters agreed order, Respondent has another opportunity to request a hearing
- Prohibition on ex parte communications with JBCC

### Guardianship

- **Program Registration** - Requires registration in order to provide guardianship services to a ward on behalf of an attorney who is guardian of the ward
- Requires registration of guardianship programs effective September 1, 2018
  - Registration on a 2-year renewal cycle

- File contact information, identity of certified guardians and other personnel, number and location of wards
- JBCC must provide notice to courts of suspension or revocation of program registration
- **Guardianship Registration** – Requires **all** guardianships (certified and non-certified) to be registered with JBCC
- Proposed guardians (excluding certified and attorneys) must file information with JBCC, receive training from JBCC, and undergo criminal background check before the court may appoint the guardian
- Temporary guardian is exempt from training requirement but must obtain training if temporary guardianship is extended
- JBCC registers guardianship when court clerk provides notice to JBCC of appointment and qualification
- Court is to provide notice to JBCC if guardianship ends or guardian is removed
- Law enforcement to have access in database for limited purpose of identifying guardian in accordance with statute – otherwise information is confidential
- Provisions for application of registration requirement to current guardianships

1                   **RULES OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION**

2  
3           **1.0 General Provisions**

4  
5           **1.1 Authority**

6           These rules are promulgated under Sections [~~Section~~] 152.101, 155.151, and  
7           155.203, of the Government Code.

8  
9           **1.2 Definitions**

10           The following words and terms, when used in these rules, have the following  
11           meanings, unless the context clearly indicates otherwise.

- 12  
13           (a)     **Act** means the laws enforced by the Commission which are codified at [Act  
14           of May 2, 2013, 83rd Leg., R.S., ch. 42, § 1.01 (SB 966), which is codified  
15           in] Chapters 151-157 of the Government Code.
- 16  
17           (b)     **Advisory board** means a board that is established by law or the  
18           Commission to advise the Commission on rules, policies, or technical  
19           matters.
- 20  
21           (c)     **Applicant** means any person seeking a certification, registration, or license  
22           from the Commission.
- 23  
24           (d)     **Certification** means a certification issued by the Commission unless the  
25           context indicates otherwise. The term includes provisional certification  
26           unless the context indicates otherwise.
- 27  
28           (e)     **Commission** means Texas Judicial Branch Certification Commission.
- 29  
30           (f)     **Complainant** means any person, including the Director, who has filed a  
31           complaint with the Commission against any person whose activities are  
32           subject to the Commission’s jurisdiction.
- 33  
34           (g)     **Director** or **Administrative Director** means the Administrative Director  
35           of the Office of Court Administration of the Texas Judicial System, or the  
36           Director’s designee.
- 37  
38           (h)     **License** means a license issued by the Commission.
- 39  
40           (i)     **Office** means the Office of Court Administration of the Texas Judicial  
41           System.
- 42  
43           (j)     **Presiding officer** means the Commission member designated by the  
44           Supreme Court under Section 152.056 of the Government Code or the  
45           presiding officer’s temporary designee under that section.
- 46

1 (k) **Proposed guardian** means a person who has applied for appointment or  
2 who is to be appointed as a guardian of the estate, a guardian of the person,  
3 or both.

4  
5 (l)~~(k)~~- **Registration** means a registration issued by the Commission.

6  
7 (m)~~(l)~~ **Regulated person** means a person; program; corporation; partnership;  
8 or firm or other business entity; or a local, county, or regional agency or  
9 nonprofit entity which ~~who~~ holds a certification, registration, or license  
10 issued by the Commission but does not include guardianships registered  
11 under Section 155.151 of the Government Code.

12  
13 (n)~~(m)~~ **Respondent** means any person, regardless of whether the person is  
14 certified, registered, or licensed, who is charged with violating a law that  
15 establishes a regulatory program administered by the Commission, a rule  
16 adopted by the Commission, or an order issued by the Commission or the  
17 Director.

18  
19 (o)~~(n)~~ **Review committee** means a committee of advisory board members  
20 appointed by the Commission to review complaints filed against a regulated  
21 person.

### 22 23 **1.3 Program Fees**

24  
25 (a) Fees set by the Commission for each program are published on the  
26 Commission's website separately from these rules and must be paid as  
27 prescribed on the website. The program fees include fees for initial  
28 applications, renewals, duplicate licenses, examinations, and any other fees  
29 specific to a particular program.

30  
31 (b) All program fees are nonrefundable unless stated otherwise.

### 32 33 **1.4 Counting Time**

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35 In computing any period of time prescribed or allowed by these rules, the day of the  
36 act, event, or default after which the designated period of time begins to run is not  
37 included. The last day of the period so computed is to be included, unless it is a  
38 Saturday, Sunday, or legal holiday, in which event the period runs until the end of  
39 the next day which is not a Saturday, Sunday, or legal holiday. Saturdays, Sundays,  
40 and legal holidays must otherwise be counted for purposes of calculating time  
41 periods under these rules.

### 42 43 **1.5 Access to Commission Records**

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45 As a judicial branch entity, the Commission is not a governmental body subject to  
46 the Public Information Act set forth in Chapter 552 of the Government Code. Public

1 access to the Commission’s records is governed either by Rule 12 of the Rules of  
2 Judicial Administration or by applicable statutory or common law. The Director is  
3 the Commission’s records custodian.  
4

5 **2.0 Powers, Duties, and Responsibilities**

6  
7 **2.1 Powers and Duties of the Commission**

- 8  
9 (a) The Commission shall:
- 10 (1) administer and enforce the Act, these rules, and the standards or codes  
11 of ethics applicable to each profession regulated by the Commission;
  - 12 (2) in consultation with appropriate advisory boards, develop and  
13 recommend rules to the Supreme Court;
  - 14 (3) in consultation with appropriate advisory boards, develop and  
15 recommend to the Supreme Court a code of ethics for each profession  
16 regulated by the Commission;
  - 17 (4) set fees in amounts reasonable and necessary to cover the costs of  
18 administering the programs or activities administered by the  
19 Commission subject to approval of the Supreme Court;
  - 20 (5) in consultation with appropriate advisory boards, establish  
21 qualifications for certification, registration, and licensing; and
  - 22 (6) approve curriculum for court reporter career schools and colleges and  
23 court reporter programs in technical institutes and public community  
24 colleges.

- 25  
26 (b) The Commission may:
- 27 (1) require applicants to pass an examination and charge fees for the  
28 examination;
  - 29 (2) approve continuing education courses and require regulated persons to  
30 obtain continuing education[~~and approve continuing education~~  
31 ~~courses~~]; and
  - 32 (3) elect officers and appoint necessary committees.

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41 **2.2 Commission Meetings**

- 42 (a) Every meeting of the Commission must be open to the public as provided by  
43 the Commission’s Public Meetings Policy.  
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- 1 (b) A quorum for the Commission is a majority of all the members of the  
2 Commission. When a quorum is present, a motion before the Commission is  
3 carried by an affirmative vote of the majority of the Commission members  
4 present that are participating in the vote.  
5  
6 (c) The presiding officer may limit the number and length of comments provided  
7 on any item on the agenda.  
8  
9 (d) The Commission must provide the public with a reasonable opportunity to  
10 appear before the Commission and speak on any issue under the Commission's  
11 jurisdiction. A person who wishes to speak at a Commission meeting must sign  
12 in and may speak at the designated time.  
13  
14 (e) The presiding officer or the presiding officer's designee may grant continuances  
15 with regard to hearings and other matters before the Commission.  
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### 17 **2.3 Powers and Duties of the Administrative Director**

- 18  
19 (a) The Administrative Director must administer and enforce the Commission's  
20 programs and policies as provided by the Act and other applicable law,  
21 including, but not limited to:  
22  
23 (1) processing applications for and issuing certifications, registrations, and  
24 licenses;  
25  
26 (2) developing procedures and forms;  
27  
28 (3) conducting investigations;  
29  
30 (4) issuing cease and desist orders as provided by Section 153.003 of the  
31 Government Code;  
32  
33 (5) administering exams, including administering exams in conjunction with  
34 a person with whom the Commission contracts to develop and  
35 administer examinations;  
36  
37 (6) maintaining records pertaining to applicants and regulated persons; and  
38  
39 (7) performing any other duty assigned by the Commission or specified by  
40 law.  
41  
42 (b) The Administrative Director must supervise the Office's provision of support to  
43 the Commission under the administrative attachment required by Section  
44 152.103 of the Government Code. The Administrative Director may delegate the  
45 powers and duties prescribed by law or these rules to staff of the Office after  
46 providing written notice of such delegation to the Commission.

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- (c) The Administrative Director may bring items to the Commission’s attention for its consideration, including, but not limited to, proposals for new or amended rules and agenda items for Commission meetings.

**2.4 Advisory Boards**

- (a) Advisory boards must advise the Commission on policy and regulated persons.
- (b) Each advisory board must meet at least once each year and at the call of the presiding officer.
- (c) Advisory boards must assist the Commission by developing and recommending rules to the Commission and may establish subcommittees to provide this assistance.
- (d) Advisory boards must perform other duties as requested by the Commission or required by law.
- (e) The purpose and membership of each advisory board is detailed in the provisions of the Act for each specific program regulated by the Commission. The Commission may establish other advisory boards. The following advisory boards are created by the Act:
  - (1) Court Reporters Certification Advisory Board;
  - (2) Guardianship Certification Advisory Board;
  - (3) Process Server Certification Advisory Board; and
  - (4) Licensed Court Interpreter Advisory Board.

**3.0 Certification, Registration, and Licensing**

**3.1 Initial Applications**

- (a) All applications for certification, registration, and licensing must be submitted online or on forms published on the Commission’s website and accompanied by the appropriate application fee. In appropriate circumstances, the Commission may require an applicant to submit information in addition to that called for on the application forms.
- (b) An applicant must comply with submission requirements stated on the application form. Incomplete applications will not be processed.



- 1 (c) An applicant must provide the Commission with his or her Texas and  
2 national criminal history records by fingerprint search according to  
3 directions published on the Commission's website. The criminal history  
4 searches must be conducted [~~no more than 90 days~~] after [~~before~~] an  
5 application is submitted.  
6

### 7 3.2 Renewal Applications

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- 9 (a) A person must not perform work requiring certification, registration, or a license  
10 under the Act with an expired certification, registration, or license.  
11
- 12 (b) The Commission will notify a regulated person by email no later than 30 days  
13 before the date that the person's certification, registration, or license is  
14 scheduled to expire. A regulated person's failure to receive a renewal notice  
15 from the Commission does not exempt the person from any requirement of these  
16 rules or of any other rules governing the person's profession.  
17
- 18 (c) All certification, registration, and license renewal applications must be  
19 submitted online or on forms published on the Commission's website. A  
20 regulated person must comply with submission requirements stated on the  
21 renewal form. Incomplete applications will not be processed.  
22
- 23 (d) The renewal application and all applicable fees are due [~~45 days~~] prior to the  
24 expiration of the certification, registration, or license. An application is timely  
25 if it is submitted online or postmarked on or before it expires[~~the due date~~].  
26 Failure to submit [~~complete~~] a renewal application [~~at least 45 days~~] prior to  
27 expiration will [~~may~~] result in a lapse of the legal authority to practice in  
28 accordance with the certification, registration, or license. To avoid a lapse in  
29 certification, registration, or licensure, renewal applications should be  
30 submitted no later than 10 days before expiration.  
31
- 32 (e) In order to renew a certification, registration, or license after its expiration, a  
33 regulated person, firm, or business entity must pay late renewal fees as follows:  
34
- 35 (1) If the renewal application is submitted up to 90 days after expiration,  
36 the renewal fee is one and one-half times the normally required renewal  
37 fee; and  
38
- 39 (2) If the renewal application is submitted more than 90 days but less than  
40 1 year after expiration, the renewal fee is twice the normally required  
41 renewal fee.  
42
- 43 (f) Upon the 1-year anniversary of the expiration of a certification, registration, or  
44 license, it terminates, becomes permanently invalid and may not be renewed. A  
45 person, firm, or business entity whose certification, registration, or license is  
46 invalid may obtain a new certification, registration, or license by fulfilling all

1 requirements, including examination, for obtaining an initial certification,  
2 registration, or license and by paying any late renewal fees owed on the  
3 canceled certification, registration or license.

4  
5 (g) Notwithstanding (f), a person may renew a certification, registration, or license  
6 1 year after expiration or later, if:

7  
8 (1) the person moved to another state or jurisdiction before applying for  
9 renewal;

10  
11 (2) the person is certified, registered, or licensed in good standing to engage  
12 in the practice of the same profession in the other state or jurisdiction;

13  
14 (3) the person has been engaged in that practice for a period of at least 1 year  
15 preceding the date the person applies for renewal; and

16  
17 (4) the person pays a renewal fee which is twice the normally required  
18 renewal fee.

19  
20 (h)[(e)] Any continuing education that is required to be fulfilled as part of the renewal  
21 application must be completed prior to the certification, registration, or license  
22 expiration date to avoid payment of a late renewal fee.

23  
24 (i)[(f)] Notwithstanding (b) through (h) [(e)], a regulated person who fails to renew his  
25 or her certification, registration, or license in a timely manner because the  
26 person was on active duty in the United States armed forces serving outside this  
27 State is exempt from any increased renewal fee that the person would otherwise  
28 be required to pay for failing to renew in a timely manner.

29  
30 (j)[(g)] Notwithstanding (b) through (h)[(e)]:

31  
32 (1) A regulated person who is a member of the state military forces or a  
33 reserve component of the armed forces of the United States, and who is  
34 ordered to active duty by the proper authority, is entitled to an extension  
35 of his or her certification, registration, or license period equal to the  
36 deployment period and an additional amount of time to complete any  
37 continuing education requirements and any other requirements related  
38 to the renewal of the person's certification, registration, or license.

39  
40 (2) The individual must submit to the Director a written request,  
41 accompanied by a copy of the orders placing the person on active duty.

42  
43 (3) The Director must make the extension based on information in the copy  
44 of the orders provided. The additional amount of time must be equal to  
45 the total number of months that the person serves on active duty.

1  
2 (4) An individual making a request under this rule must notify the Director  
3 of any change in the length of deployment.  
4

5 (5) A regulated person is exempt from any increased fee or other penalty for  
6 failing to renew the person's certification, registration, or license in a  
7 timely manner if the individual furnishes to the Commission satisfactory  
8 documentation that the individual failed to renew in a timely manner  
9 because the individual was on active duty in the United States armed  
10 forces serving outside this State.  
11

12 ~~(k)(4)~~ The Commission must refuse to accept a regulated person's application for  
13 renewal if the Commission receives notice of child support arrearages pursuant  
14 to Section 232.0135 of the Family Code. Upon receipt of further notice that the  
15 person has complied with Section 232.0135(b), the Commission must accept an  
16 application for renewal subject to all requirements of these rules.  
17

### 18 **3.3 Endorsement; Reciprocity**

19

20 (a) The Commission may waive any prerequisite to obtaining a certification,  
21 registration, or license for an applicant after reviewing the applicant's  
22 credentials and determining that the applicant holds a certification, registration,  
23 or license issued by another jurisdiction that has certification, registration, or  
24 licensing requirements substantially equivalent to those of this State.  
25

26 (b) The Commission may waive any prerequisite to obtaining a certification,  
27 registration, or license for an applicant who holds a certification, registration, or  
28 license issued by another jurisdiction with which this State has a reciprocity  
29 agreement. Subject to the approval of the Supreme Court, the Commission may  
30 make an agreement with another state to allow for certification, registration, or  
31 licensing by reciprocity.  
32

### 33 **3.4 Alternative Application Procedure for Military Spouses, Military Service** 34 **Member, and Veterans**

35

36 (a) Pursuant to Chapter 55 of the Occupations Code, the Commission must grant  
37 credit toward certification, registration, and licensing requirements for relevant  
38 verified military service education, training, and experience earned by a military  
39 service member or a military veteran who applies for certification, registration,  
40 or licensure. The Commission may withhold credit from a military service  
41 member or veteran who holds a restricted certification registration, or license  
42 issued by another jurisdiction or has an unacceptable criminal history.  
43

44 (b) The Commission must expedite applications for certification, registration, and  
45 licensure which are filed by military service members, military veterans, and  
46 military spouses. [This rule applies to an applicant who is the spouse of a person

1 ~~...serving on active duty as a member of the armed forces of the United States.]~~

2 (c)[(b)] The Commission may issue a certification, registration, or license to an  
3 applicant [~~described under (a)~~] who:

4 (1) is the spouse of a person serving on active duty as a member of the  
5 armed forces of the United States;

6  
7 (2)[(1)] holds a current certification, registration, or license issued by another  
8 state that has requirements that are substantially equivalent to the  
9 requirements for the certification, registration, or license; or

10  
11 (3)[(2)] within the five years preceding the application date, held a  
12 certification, registration, or license in this State that expired while the  
13 applicant lived in another state for at least six months.

14  
15 (d)[(e)] The Commission may allow an applicant who meets the requirements of (c)[(b)]  
16 to demonstrate competency by alternative methods or credentials in order to  
17 meet the requirements for obtaining a particular certification, registration, or  
18 license issued by the Commission. For purposes of this Section, the standard  
19 methods of demonstrating competency are the specific exam, education, and  
20 experience required to obtain a particular certification, registration, or license.

21  
22 (e)[(d)] In lieu of the standard methods of demonstrating competency for a particular  
23 certification, registration, or license and based on the applicant's circumstances,  
24 the alternative methods for demonstrating competency may include any  
25 combination of the following as determined by the Commission:

- 26  
27 (1) education;
- 28  
29 (2) continuing education;
- 30  
31 (3) examinations (written or skills);
- 32  
33 (4) letters of good standing;
- 34  
35 (5) letters of recommendation;
- 36  
37 (6) work experience; or
- 38  
39 (7) other methods or credentials required by the Commission.

40  
41 (f)[(e)] The applicant must:

- 42  
43 (1) submit an application and proof of the requirements under this rule and  
44 for that particular certification, registration, or license on a form and in a  
45 manner prescribed by the Commission; and

1 (2) be subject to the same criminal history background check required of  
2 the persons applying for that particular certification, registration, or  
3 license.

4  
5 (g)~~(f)~~A person who applies for a certification, registration, or license under this rule  
6 is exempt from paying an application fee.

7  
8 (h)~~(g)~~The Director may issue a license by endorsement under this rule to an applicant  
9 who meets the requirements of (c) ~~(b)~~ in the same manner set forth in Section  
10 51.404 of the Occupations Code.

### 11 12 **3.5 Eligibility for Persons with Criminal History**

13  
14 (a) An initial or renewal application may be denied, and a regulated person may be  
15 disciplined, if the person's criminal history or other information indicates that the  
16 person lacks the honesty, trustworthiness, or integrity to hold the certification,  
17 registration, or license. After consultation with the appropriate advisory boards,  
18 the Commission will develop and publish on its website guidelines for each  
19 regulatory program listing the categories of crimes that are considered to  
20 indicate that a person lacks the honesty, trustworthiness, or integrity to hold the  
21 particular certification, registration, or license. The Director will determine  
22 whether an initial or renewal application will be denied under this rule using the  
23 guidelines developed by the Commission and the factors listed in (b). If the  
24 Director denies an application, the applicant may request that the Commission  
25 reconsider the decision under Rule 3.6.

26  
27 (b) In making a determination under (a), the Commission or Director may consider:

28  
29 (1) the nature and seriousness of the crime;

30  
31 (2) the extent to which certification, registration, or licensing might offer an  
32 opportunity to engage in further criminal activity of the same type as that  
33 in which the person previously had been involved;

34  
35 (3) the relationship of the crime to the ability, capacity, or fitness required  
36 to perform the duties and discharge the responsibilities of the  
37 occupation;

38  
39 (4) the extent and nature of the person's past criminal activity;

40  
41 (5) the age of the person when the crime was committed;

42  
43 (6) the amount of time that has elapsed since the person's last criminal  
44 activity;

45  
46 (7) the conduct and work activity of the person before and after the criminal

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- activity;
  - (8) evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or after release;
  - (9) proof that the applicant:
    - (A) maintained a record of steady employment;
    - (B) supported his or her dependents;
    - (C) maintained a record of good conduct; and
    - (D) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted; and
  - (10) any other evidence of the person’s fitness, including, but not limited to, letters of recommendation.
- (c) A person may request that the Commission, through the Director, issue a criminal history evaluation letter regarding the person’s eligibility for certification or licensure under this rule.
- (1) The person may request a criminal history evaluation letter if the person:
    - (A) is enrolled or is planning to enroll in an educational program that prepares a person for an initial certification or license or is planning to take an examination required by the Commission for an initial certification or license; and
    - (B) has reason to believe that the person is ineligible for certification or licensing due to a conviction or deferred adjudication for a felony or misdemeanor offense or other criminal history.
  - (2) The request must be in writing and must state the basis for the person’s potential ineligibility. The requestor must provide the Commission with his or her criminal records pursuant to the fingerprinting requirements for the particular certification or licensing program. The Commission may request additional information from the requestor.
  - (3) If the Director determines that a ground for ineligibility does not exist, the Director must notify the requestor in writing of the Director’s determination on each ground of potential ineligibility.
  - (4) If the Director determines that the requestor is ineligible, the Director must issue a letter setting out each basis for potential ineligibility and

1 the Director's determination as to eligibility.

- 2
- 3 (5) The Director must provide notice under (e)(3) or issue a letter under
- 4 (e)(4) not later than the 90<sup>th</sup> day after the date [~~that~~] the Commission
- 5 receives the request or, if applicable, the Director receives additional
- 6 information regarding the request under Subsection (c)(2) of this Rule.
- 7
- 8 (6) The Commission is not bound by the Director's determination if:
- 9
- 10 (A) the requestor fails to disclose known information that is relevant
- 11 to the evaluation; or
- 12
- 13 (B) there is a change in the person's circumstances after the
- 14 evaluation notice or letter is issued.
- 15

### 16 **3.6 Denial of Application; Reconsideration**

- 17
- 18 (a) Application Review. The Director must review each application and determine
- 19 whether the applicant meets the Commission's qualifications for the particular
- 20 certification, registration, or license. The Director must also determine whether
- 21 the applicant meets the Commission's criminal history eligibility requirements.
- 22 If a person who has applied to be a certified guardian does not clearly meet the
- 23 experience or education requirements in these rules, the Director must consult
- 24 with members of the Guardianship Certification Advisory Board before
- 25 approving or denying the application.
- 26
- 27 (b) Denial of Application. The Director may deny an application only if the
- 28 applicant fails to meet the qualifications set forth in these rules or the
- 29 Commission's criminal history eligibility requirements. The Director must
- 30 furnish to the applicant a written statement that succinctly states the reason for
- 31 denying the application.
- 32
- 33 (c) Request for Reconsideration. Within 20 days of the date of the notice that the
- 34 Director has denied an application, the applicant may request that the
- 35 Commission reconsider the denial. The request must be in writing, identify each
- 36 point or matter about which reconsideration is requested, and set forth the
- 37 grounds for the request for reconsideration.
- 38
- 39 (d) Reconsideration Procedure. The Commission must reconsider the request at its
- 40 next meeting and may allow the applicant or other witnesses to appear at the
- 41 meeting and present sworn testimony. The Commission may limit the number of
- 42 witnesses appearing and the time allotted for a witness's testimony.
- 43
- 44 (e) Commission Action on Request. After reconsidering a decision of the Director,
- 45 the Commission may:
- 46

1 (1) affirm the Director's decision; or

2  
3 (2) reverse the Director's decision.

4  
5 (f) Final Decision. The Commission must notify the applicant in writing of its  
6 decision on reconsideration. The Commission's decision is final and may not  
7 be appealed.

8  
9 **3.7 Examination Security**

10  
11 (a) Except as provided in Rule 3.10, when an applicant must take an examination  
12 in order to obtain a certification or license, the applicant may only use methods  
13 of assistance that are available to, and authorized for, other persons taking the  
14 examination. A person who uses or provides unauthorized assistance in  
15 connection with an examination violates this rule. Conduct that violates this rule  
16 includes but is not limited to the following:

17  
18 (1) obtaining or attempting to obtain from any source examination questions  
19 or answers for use by an applicant, prospective applicant, or any other  
20 person, including a person associated with a school or examination  
21 preparation course;

22  
23 (2) providing or attempting to provide examination questions or answers to  
24 an applicant, prospective applicant, or any other person, including a  
25 person associated with a school or examination preparation course;

26  
27 (3) presenting a falsified or fraudulent document to gain entry to an  
28 examination;

29  
30 (4) presenting a falsified or fraudulent document concerning an individual's  
31 results from an examination;

32  
33 (5) taking an examination for another person;

34  
35 (6) as an applicant or prospective applicant, knowingly allowing another  
36 person to take an examination for the applicant or prospective applicant;

37  
38 (7) while taking an examination, using any materials not authorized by the  
39 Commission or testing service for use in the examination, including but  
40 not limited to notes or study aides;

41  
42 (8) bringing to the examination site or leaving the examination site with  
43 examination questions or answers obtained from the current  
44 examination or from previous examination attempts;

45  
46 (9) while taking an examination, communicating with any person, other than  
an authorized representative of the Commission or testing service, about



1 the examination; or

2  
3 (10) for open book examinations, bringing any materials into the  
4 examination, including hand-written notes in approved reference  
5 materials, other than those materials approved by the Commission or  
6 testing service.

7  
8 (b) The contents of any examination that is required for the issuance of a  
9 Commission certification or license are confidential.

10  
11 (c) An applicant who cheats on an examination will be disqualified and may not  
12 take the examination again until two years have elapsed from the date of the  
13 examination at which the applicant was disqualified.

14  
15 **3.8 Examination Rescheduling**

16  
17 (a) A person may reschedule an examination to another regularly scheduled  
18 examination date at no charge if the person notifies the Commission or vendor  
19 at least two days prior to the examination and complies with the instructions of  
20 the Commission or vendor.

21  
22 (b) A person who reschedules an examination under this rule may apply the  
23 examination fee paid for the cancelled examination to the rescheduled  
24 examination.

25  
26 **3.9 Examination Fee Refund**

27  
28 (a) To obtain a refund of an examination fee, a person who is unable to take the  
29 examination must:

30  
31 (1) if the examination is administered by a vendor, comply with the  
32 vendor's notice and documentation requirements; or

33  
34 (2) if the examination is administered by the Commission, provide written  
35 notice to the Director not less than 10 days prior to the date of the  
36 examination or provide the Director, as soon as possible, with  
37 documentation of the person's inability to take the examination because of an  
38 emergency.

39  
40 (b) A person seeking a refund must apply for the refund in writing within one year  
41 of the date that the person paid the fee. The person must, upon request, provide  
42 the Office additional information necessary to process the refund.

43  
44 **3.10 Access to Examinations and Examination on Religious Holy Days**

45  
46 (a) Reasonable accommodation for examinations will be made available as

1 required by the Americans with Disabilities Act of 1990, Public Law 101-336  
2 to address a condition or circumstances that would prevent a person from taking  
3 the examination in the same manner as a person who does not need  
4 accommodation. Reasonable accommodation means an adjustment or  
5 modification of the standard testing conditions that ameliorates the impact of the  
6 applicant's disability, after the applicant provides reasonable notice under  
7 subsection (c), without doing any of the following:

- 8 (1) fundamentally altering the nature of the examination;
- 9 (2) fundamentally altering the Commission's ability to determine through  
10 the examination whether the applicant possesses the essential eligibility  
11 requirements;
- 12 (3) compromising the validity of the examination;
- 13 (4) compromising the security of the examination; or
- 14 (5) imposing an undue burden on the Commission or on the examination  
15 vendor.

16 (b) If an examination is scheduled on a date that is a religious holy day, a person  
17 whose religious beliefs prevent that person from taking an examination on such  
18 date will be permitted to take the examination on an alternate date. The alternate  
19 date must be a regularly scheduled examination date unless the person's  
20 religious beliefs prevent the person from taking the examination on such date.

21 (c) A person who needs a reasonable accommodation for an examination or who  
22 requests to take the examination on an alternate date must notify the Director or  
23 examination vendor, as applicable, of the request at least 10 days prior to the  
24 scheduled examination.

### 25 **3.11 Examination Results**

26 (a) Unless the examination is graded or reviewed by a testing service, not later than  
27 the 30<sup>th</sup> day after the date that a person takes an examination, the Commission  
28 must notify the person of the results of the examination.

29 (b) If the examination is graded or reviewed by a testing service:

30 (1) the Commission must notify the person of the results of the examination  
31 not later than the 30<sup>th</sup> day after the date that the Commission receives  
32 the results from the testing service; and

33 (2) if notice of the examination results will be delayed for longer than 90  
34 days after the examination date, the Commission must notify the person  
35 of the reason for the delay before the 90<sup>th</sup> day.

- 1  
2 (c) If requested in writing by a person who fails an examination, the Commission  
3 must furnish the person with an analysis of the person's performance on the  
4 examination.  
5  
6 (d) Examination results are valid for two years [~~one year~~] from the date of the  
7 examination[~~, unless stated otherwise in specific program statutes or rules~~]. A  
8 person who does not apply or otherwise meet qualifications for a certificate or  
9 license within two years after the date of the examination must pass the  
10 examination again in order to apply for the certificate or license.  
11

### 12 **3.12 Responsibilities of Regulated Persons**

- 13  
14 (a) A regulated person must comply with the rules for the program under which the  
15 person is regulated.  
16  
17 (b) A regulated person must respond to requests for information from the  
18 Commission or the Director pertaining to renewal of certification, registration,  
19 or licensure; complaints alleging misconduct by the regulated person; and  
20 investigative inquiries by the Commission or Director. The regulated person  
21 must respond to a request for information within the time prescribed in the  
22 request.  
23  
24 (c) A regulated person must provide the Commission with the person's name,  
25 business name, business address, home address, business and home telephone  
26 numbers, email address, and fax number, and must notify the Commission of  
27 any change in contact information within 30 days of the change. Failure to  
28 comply with this rule may result in disciplinary action.  
29  
30 (d) A regulated person who, after being certified, registered, or licensed, is  
31 convicted of any felony or misdemeanor offense must immediately notify the  
32 Commission of the conviction.  
33

### 34 **3.13 Voluntary Surrender of Certification, Registration, or License**

- 35  
36 (a) A regulated person may voluntarily surrender the person's certification,  
37 registration, or license. The surrender must be submitted to the Director on the  
38 form approved by the Commission, and the form must be completed fully. The  
39 Director may request additional information.  
40  
41 (b) A voluntary surrender is effective after the Director receives it, verifies that the  
42 form is complete, and changes the person's status on the Commission's website.  
43  
44 (c) The person must provide written notice of the voluntary surrender as required  
45 by the Director.  
46  
47 (d) The circumstances under which the certification, registration, or license is

1 surrendered will be noted in the person's records with the Commission and will  
2 be taken into account if the person applies in the future. A voluntary surrender  
3 does not affect any disciplinary matters before the Commission at the time of  
4 surrender.  
5

### 6 **3.14 Implementation of Two-year License Schedule**

7  
8 Effective September 1, 2017, each initial certificate, registration, or license issued  
9 by the Commission expires on the last day of the month during which the second  
10 anniversary of its issuance falls and thereafter on the last day of the month of each  
11 subsequent second anniversary. Effective January 1, 2018, each renewed  
12 certificate, registration, or license expires on the last day of the month during  
13 which the second anniversary of renewal falls and thereafter on the last day of the  
14 month of each subsequent second anniversary of that renewal date.  
15

### 16 **3.15 Reissuance after Disciplinary Sanction**

17  
18 (a) A person whose certificate, registration, or license has been revoked or denied  
19 renewal by the Commission as a disciplinary sanction may apply in writing to the  
20 Commission for reissuance of the certificate, registration, or license. An applicant  
21 seeking reissuance bears the burden of proof to establish they are rehabilitated and  
22 reissuance of the certificate, registration, or license would not pose a threat to  
23 public health, safety, and welfare. The applicant must demonstrate:  
24

25 (1) Rehabilitative efforts, including letters of reference, completion of programs  
26 to treat substance abuse, and education or training certification;  
27

28 (2) Good faith efforts to correct, resolve or cure damages caused by the  
29 applicant;  
30

31 (3) Mitigating circumstances of the applicant's conduct which led to the  
32 revocation or refusal of renewal;  
33

34 (4) The length, quality, and nature of applicant's subsequent work history and  
35 the extent to which it resembles the services performed under the certificate,  
36 registration, or license;  
37

38 (5) The applicant's payment of administrative penalties and adherence to  
39 conditions or fulfillment of prerequisites for reissuance; and  
40

41 (6) The applicant does not pose a risk to public health, safety and welfare.  
42

43 (b) Upon reissuing a certificate, registration, or license, the Commission may impose a  
44 probationary period in accordance with Rule 5.4(d).  
45

46 (c) A certificate, registration, or license which has been expired for one year or longer

1 may not be reissued, renewed, or otherwise reinstated; except as allowed under  
2 3.2(g),(i), and (j).

3  
4 **4.0 Continuing Education**

5  
6 **4.1 Applicability**

7  
8 These rules establish continuing education requirements for each of the professions  
9 regulated by the Judicial Branch Certification Commission. Additional continuing  
10 education requirements may be found in the rules for each program.

11  
12 **4.2 Continuing education requirement**

13  
14 A regulated person must obtain the minimum number of hours of continuing  
15 education required by the rules for the person's particular program. The person  
16 must obtain the required hours within the prescribed time period.

17  
18 **4.3 Approval of continuing education courses**

19  
20 (a) Continuing education courses must be approved by the Commission. A  
21 continuing education course is an organized program of learning designed  
22 to increase or maintain the skills or competence of the regulated persons for  
23 whom it is intended. A continuing education course must be developed and  
24 presented by persons with education or experience in the subject matter of  
25 the course.

26  
27 (b) The provider of a continuing education course may request approval of a  
28 course. To request approval of a course, a provider must file a completed  
29 application on the appropriate form published on the Commission's  
30 website.

31  
32 (1) The application must be accompanied by an outline and materials  
33 that describe the course objectives and content, describe the teaching  
34 methods to be used, identify the presenters and provide their  
35 credentials, indicate the time allotted to each segment, and provide  
36 the date and location of the program.

37 (2) The course must comply with the course content requirements contained  
38 in the rules for the group of regulated persons to whom it will be offered.

39  
40 (c) A regulated person may request approval of a continuing education course on  
41 the appropriate form published on the Commission's website.

42  
43 (1) The person may request approval prior to the date that the course will  
44 be offered or at the time the person files a renewal application.

45  
46 (2) The request [application] must be accompanied by an outline and

1 materials that describe the course content, identify the presenters,  
2 indicate the time allotted to each segment, and provide the date and  
3 location of the program.

4  
5 (3) The course must comply with the course content requirements contained  
6 in the rules for the group of regulated persons to whom it will be or has  
7 been offered.

8  
9 (d) The Director may approve or deny a request for approval of a continuing  
10 education course. Upon approval, the Director will determine the number of  
11 hours of continuing education for the course.

12  
13 (e) The Commission will publish on its website a list of courses that are approved  
14 as continuing education.

15  
16 (f) A continuing education provider whose course has been approved must retain  
17 participant course completion records for a period of three years after completion  
18 of the course. Upon request, a provider must provide information, including  
19 attendance records, to the Commission within 10 days of the request.

20  
21 (g) A regulated person must obtain a certificate of attendance or other  
22 documentation from a continuing education course provider to prove the  
23 person's attendance or completion of all continuing education activity from the  
24 provider and submit the documentation to the Commission with the person's  
25 renewal application. The person must retain a copy of the documentation for a  
26 period of three years after completion of the course.

27  
28 (h) A regulated person may appeal the Director's denial of a request for approval  
29 by submitting a written appeal to the Commission within 15 days of notification  
30 of the denial. The Commission must review the denial at its next regularly  
31 scheduled meeting. The regulated person will be notified of the Commission's  
32 decision not less than 15 days after the decision.

33 (i) The Commission, through the Director, may request additional information  
34 from a regulated person to verify the person's compliance with continuing  
35 education requirements.

36  
37 (j) If a regulated person's certification or license expires and the person is  
38 permitted under these rules to renew late, the person must comply with the  
39 continuing education requirements for the person's profession. The continuing  
40 education credit must be earned during the certification or license period  
41 preceding expiration, or within the appropriate late renewal period. Continuing  
42 education credit earned during the late renewal period may not be used to satisfy  
43 the continuing education for the person's subsequent renewal period.

44  
45 (k) The following do not qualify as continuing education activities under these  
46 rules:

- 1  
2 (1) attendance at, or participation in, professional or association business  
3 meetings, general sessions, or policy making sessions;  
4  
5 (2) service on a committee or council or as an officer in a professional  
6 organization;  
7  
8 (3) activities completed to satisfy the requirements of a disciplinary action;  
9 and  
10  
11 (4) any activity completed as ordered by a judicial officer.  
12

## 13 **5.0. Commission Enforcement**

### 14 **5.1 Investigations**

15  
16  
17 The Commission, through the Director, may conduct investigations as necessary to  
18 enforce the laws administered by the Commission and these rules.  
19

### 20 **5.2 Subpoenas**

- 21  
22 (a) The Commission may issue a subpoena as provided by this rule. No party,  
23 complainant, or other person may request that the Commission issue a  
24 subpoena.  
25  
26 (b) The Commission may request and, if necessary, compel by subpoena:  
27  
28 (1) the production for inspection and copying of records, documents, and  
29 other evidence relevant to the investigation of an alleged violation of the  
30 Act, a law establishing a regulatory program administered by the  
31 Commission, a rule adopted under the Act, or an order issued by the  
32 Commission or Director; and  
33  
34 (2) the attendance of a witness for examination under oath.  
35  
36 (c) A subpoena under this rule may be issued throughout this State and may be  
37 served by any disinterested person designated by the Commission or the  
38 Director.  
39  
40 (d) The Commission, acting through the Attorney General, may bring an action to  
41 enforce a subpoena issued under this rule against a person who fails to comply  
42 with the subpoena.  
43  
44 (e) Venue for an action brought under this rule is in a district court in:  
45  
46 (1) Travis County; or

1  
2 (2) any county in which the Commission may hold a hearing.

3  
4 (f) The court must order compliance with the subpoena if the court finds that good  
5 cause exists to issue the subpoena.  
6

### 7 **5.3 Cease and Desist Orders**

8  
9 (a) The Director may issue a temporary cease and desist order if the Director  
10 determines that the action is necessary to prevent a violation of:

11  
12 ~~(1)(a)~~ the Act;

13  
14 ~~(2)(b)~~ a law establishing a regulatory program administered by the  
15 Commission; ~~[or]~~

16  
17 ~~(3)(c)~~ a rule adopted under the Act or order issued by the Commission or the  
18 Director or

19  
20 (4) engaging in a practice regulated by the Commission to prevent the  
21 violation of the Act, a law, a rule, or an order enforced by the  
22 Commission.  
23

24 (b) A cease and desist order is effective for the duration of an investigation and any  
25 disciplinary action taken by the Commission. Within 10 days after receipt of a  
26 cease and desist order, a person to whom it was issued may file a written request  
27 for a Commission hearing on the necessity for the order, the evidence justifying  
28 the order, the duration of the order, the scope of the order, or any other matter  
29 relating to the validity of the order. The Commission must conduct the hearing  
30 within 30 days after the request.  
31

### 32 **5.4 Administrative Sanctions—Denial, Revocation, Suspension, or Refusal to** 33 **Renew; Reprimand; Probation**

34  
35 (a) The Commission may deny, revoke, suspend, or refuse to renew a certification,  
36 registration, or license or may reprimand a regulated person:

37  
38 (1) for a violation of the Act, a law establishing a regulatory program  
39 administered by the Commission, a rule adopted under the Act, or an  
40 order issued by the Commission or Director; or

41  
42 (2) based on the person's criminal history or other information as  
43 authorized by these rules.

44 (b) If the Commission revokes a certification, registration, or license, the  
45 Commission may state the length of the revocation and establish prerequisites  
46 for reissuance in its order.



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- (c) Suspension.
  - (1) The Commission may suspend a certification, registration, or license:
    - (A) for a designated period of time, except that a court reporter’s certification may not be suspended longer than 12 months;
    - (B) until the regulated person corrects the deficiencies that were the grounds for suspension; or
    - (C) until the regulated person complies with any conditions imposed by the Commission.
  - (2) A person who was suspended under (e)(1)(B) or (C) must apply for reinstatement.
  - (3) The Commission on its own motion may conduct a hearing to inquire into a suspension and may revoke the certification, registration, or license of a regulated person if it finds that the person has not corrected the deficiencies that were the grounds for the suspension or has not complied with the conditions imposed.
- (d) The Commission may place on probation a person whose certification, registration, or license is suspended. If a certification, registration, or license suspension is probated, the Commission may require the person to:
  - (1) report regularly to the Commission on matters that are the basis of the probation;
  - (2) limit practice to the areas prescribed by the Commission; or
  - (3) complete professional education until the person attains a degree of skill satisfactory to the Commission in those areas that are the basis for the probation.
- (e) The Commission must suspend a regulated person’s certification, registration, or license pursuant to the provisions of Section 232.011 of the Family Code upon receipt of a final order issued under Chapter 232 of the Family Code. Pursuant to Section 232.011, the Commission must take such action without a hearing or additional review.

**5.5 Injunction**

- (a) The Commission may apply to a district court in any county for an injunction to restrain a violation of the Act or a rule adopted under the Act.

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- (b) At the request of the Commission, the Attorney General must initiate and conduct an action in a district court in the State’s name to obtain an injunction under Section 153.005 of the Government Code.
- (c) If the State prevails in a suit under Section 153.005, the Attorney General may recover on behalf of the State reasonable attorney’s fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.
- (d) The Commission may also request that a court having jurisdiction over a guardian remove the guardian under Section 1203.052(b) of the Estates Code.

**5.6 Administrative Penalty and Administrative Sanction**

- (a) The Commission may impose an administrative penalty on a person regulated under the Act who violates the Act or a rule or standard adopted or order issued under the Act.
- (b) A proceeding imposing an administrative penalty may be combined with a proceeding to impose an administrative sanction otherwise imposed under the Act.

**5.7 Amount of Penalty**

- (a) The amount of an administrative penalty may not exceed \$500 for each violation. Each day that a violation continues or occurs is a separate violation for purposes of imposing a penalty.
- (b) The amount of the penalty may be based on:
  - (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
  - (2) the threat to health or safety caused by the violation;
  - (3) any previous violations;
  - (4) the amount necessary to deter a future violation;
  - (5) whether the violator demonstrated good faith, including, when applicable, whether the violator made good faith efforts to correct the violation; and
  - (6) any other matter that justice may require.

1  
2 **5.8 Complaint Filing and Review; Report and Notice of Violation, Penalty, and**  
3 **Sanction**  
4

- 5 (a) A complaint alleging a violation of the Act or Commission rule ~~against a~~  
6 ~~regulated person~~ may be filed by a person with personal knowledge of the  
7 alleged violation, ~~or~~ by the staff of the Commission, or a court of this State.  
8
- 9 (b) A complainant, other than ~~the~~ Commission staff or a court, must use the  
10 complaint form provided on the Commission's website. The complaint must  
11 include the name and contact information of the complainant and the  
12 respondent, describe the factual basis for any allegations, and include any  
13 necessary documentation or other supporting materials or information. The  
14 complaint must be signed by the complainant and submitted to the Commission  
15 according to the instructions on the Commission's website.  
16
- 17 (c) Upon receipt of a properly executed complaint, ~~the~~ Commission staff must  
18 send a copy of the complaint and any attachments to the respondent and direct  
19 the respondent to submit a written answer to the complaint under penalty of  
20 perjury, within 20 days after receipt ~~[of the date]~~ of the notice. The notice will  
21 be sent to the respondent's last known address in the Commission's records, if  
22 applicable. If the respondent is a provisionally certified guardian, ~~the~~  
23 Commission staff must also send a copy of the complaint and attachments to  
24 the guardian's supervisor. The respondent may request an extension of time to  
25 file an answer, but the request must be made before the expiration of the 20-day  
26 period.  
27
- 28 (d) The Commission's staff must refer a properly executed complaint and the  
29 results of any investigation conducted by the staff ~~[Commission]~~ to a review  
30 committee established by the Commission and comprised of members of the  
31 appropriate advisory board.  
32
- 33 (1) The review committee must hold at least one meeting to review the  
34 complaint and answer, make the ~~[initial]~~ determination on whether a  
35 violation occurred, and impose ~~[recommend the imposition of]~~ a  
36 penalty, a sanction, or both.  
37
- 38 (2) The review committee may hold additional meetings to consider a  
39 complaint or seek additional information, but it has no obligation to do  
40 so. The review committee is not an investigatory body and will generally  
41 render its determination ~~[recommendation]~~ to the Commission based on  
42 the submissions of the complainant and the respondent and the  
43 information gathered by an Office investigation.  
44
- 45 (3) The complainant and the respondent may attend the review committee's  
46 meetings. The chair of the review committee may limit the length of  
comments made to the Committee.

1  
2 (4) The review committee must state its determination and the imposed  
3 penalty or sanction, if any, [~~make its recommendation to the~~  
4 ~~Commission~~] in writing as proposed findings of fact and conclusions of  
5 law, separately stated, [~~and notify the respondent of its recommendation.~~  
6 ~~If the review committee requests additional information, it may allow~~  
7 ~~up to 30 days to provide the additional information.~~]

8  
9 (e) The [~~Commission must review the determination and recommendation of the~~  
10 review committee must [~~accept or revise the determination and~~  
11 ~~recommendation as necessary, and~~] give the respondent written notice by  
12 certified mail of its [~~the Commission's~~] determination on whether a violation  
13 occurred and of each imposed [~~recommended~~] penalty or sanction, if any. The  
14 notice will be sent to the respondent's last known address in the Commission's  
15 records, if applicable.

16  
17 (f) The notice required under (e) must:

18  
19 (1) include a brief summary of the alleged violation;

20  
21 (2) state the amount of any [~~recommended~~] penalty;

22  
23 (3) state any [~~recommended~~] sanction; and

24  
25 (4) inform the respondent of the respondent's right to a hearing on the  
26 occurrence of the violation, the amount of the penalty, or the imposition  
27 of the sanction.

28  
29 (g) The Director may dismiss complaints that clearly do not allege misconduct, [~~or~~  
30 ~~that~~] are not within the Commission's jurisdiction, or allege misconduct which  
31 took place more than five years before the complaint was filed. The Director  
32 must inform the Commission of all dismissals made under this rule. No later  
33 than 30 days after the date of the notice of dismissal, the complainant [~~A person~~  
34 ~~who files a complaint that is dismissed under this rule~~] may request in writing that  
35 the Commission reconsider the complaint.

## 36 37 **5.9 Penalty Paid, Sanction Accepted, or Hearing Requested**

38  
39 (a) Not later than the 20<sup>th</sup> day after the date [~~that~~] the respondent receives the notice  
40 sent under Rule 5.8(e), the respondent in writing may:

41  
42 (1) accept the review committee's determination [~~of the Commission and~~  
43 the recommended] penalty or sanction; or

44  
45 (2) request a hearing on the occurrence of the violation, the imposition or  
46 amount of the penalty, or the imposition of the sanction.

- 1 (b) If the respondent accepts the determination and recommended penalty or  
2 sanction ~~[or fails to respond to the notice]~~, Commission staff will present the  
3 review committee's findings of fact, conclusions of law, and imposed  
4 administrative penalty or sanction to the Commission as an agreed order in  
5 accordance with Rule 5.14.
- 6 (c) ~~The [the] Commission may accept the agreed order as a final order, revise the~~  
7 order, or remand the matter to the review committee for further deliberation [by  
8 order must approve the determination and impose the recommended penalty or  
9 sanction].
- 10 (d) The Commission shall give the respondent written notice of its decision. If the  
11 Commission revised or remanded the agreed order, the respondent may, not  
12 later than 20 days after receipt of the notice, request a hearing on the  
13 Commission's determination.
- 14 (e) If the respondent does not timely respond to the notice of the committee's  
15 determination and recommendation, the Commission may issue a default order  
16 to approve the committee's determination and accept or revise the committee's  
17 recommended administrative penalty, sanction or both.

## 18 **5.10 Notice; Hearing**

- 19
- 20
- 21 (a) If the respondent requests a hearing, the Commission must give the parties  
22 written notice of the hearing that includes the time, place, legal authority, and  
23 jurisdiction under which the hearing is held and the laws and rules related to the  
24 violation. A party may not make ex parte communications with any member of  
25 the Commission regarding any matter relating to the hearing. Any written  
26 material or other evidence that is provided to the Commission regarding a  
27 hearing must be provided to the other party.
- 28
- 29 (b) The presiding officer of the Commission may hold prehearing conferences and  
30 may issue scheduling orders, discovery control plans, orders on motions in  
31 limine, and other orders to ensure a just and efficient hearing.
- 32
- 33 (c) The respondent may appear, testify, present evidence, and respond to questions  
34 from the Commission at the hearing. The complainant may appear and may  
35 testify at the discretion of the prosecutor and the presiding officer.
- 36
- 37 (d) A party may appear by telephone or videoconference or present the testimony  
38 of a witness by telephone or videoconference according to the procedures  
39 below.
- 40
- 41 (1) A party may request to appear by telephone or to present the testimony  
42 of a witness by telephone, upon timely motion stating the reason for the  
43 request, containing the pertinent telephone number, and affirmatively  
44 stating that the proposed witness will be the same person who appears  
45 telephonically at the hearing. A party may request to appear by

1 videoconference or to present the testimony of a witness by  
2 videoconference, upon timely motion stating the reason for the request  
3 and the city in which the party or witness will be located at the time of  
4 the proceeding. A timely motion for telephone or videoconference  
5 appearance will not be deemed granted unless granted by written order  
6 of the presiding officer.

7  
8 (2) The motion is timely if it is filed no later than 10 days before the hearing.  
9 The presiding officer may grant an exception to this requirement if it  
10 clearly appears from specific facts shown in writing that compliance with  
11 the deadline was not reasonably possible and that failure to meet the  
12 deadline was not the result of the negligence of the party.

13  
14 (3) All substantive and procedural rights apply to telephone and  
15 videoconference proceedings, subject only to the limitations of the  
16 physical arrangement.

17 (4) Documentary evidence to be offered at a telephone or videoconference  
18 proceeding must be served on all parties and filed with the Commission  
19 at least 7 [~~seven~~] days before the proceeding unless the presiding officer,  
20 by written order, amends the filing deadline. If a party intends to utilize  
21 documentary evidence with a witness at a telephone or videoconference  
22 proceeding, it is the offering party's responsibility to ensure that the  
23 witness has the document.

24  
25 (5) For a telephone or videoconference proceeding, the following may be  
26 considered a failure to appear and grounds for default:

27  
28 (A) failure to answer the telephone or videoconference line;

29  
30 (B) failure to free the line for the proceeding; and

31  
32 (C) failure to be ready to proceed as scheduled.

33  
34 (e) At the request of the Commission, at least one member of the applicable  
35 advisory board complaint review committee may attend the hearing to respond  
36 to [~~consult with the~~] Commission inquiries on the reasons for the advisory board  
37 complaint review committee's determination and imposed disciplinary action  
38 [~~recommendations~~] under Rule 5.8(d).

39  
40 (f) At the hearing, the Commission must apply the general rules of evidence  
41 applicable in a district court, except that the Commission may admit and  
42 consider any information that the Commission determines is relevant,  
43 trustworthy, and necessary for a full and fair adjudication and determination of  
44 fact or law. The Commission may establish rules for the conduct of the hearing.

45  
46 (g) The Commission will deliberate and announce its decision at the conclusion of

1 the hearing. The Commission must make findings of fact and conclusions of law,  
2 which may be based upon the committee's written determination, and must  
3 promptly issue an order on the occurrence of the violation, the amount of any  
4 penalty imposed, and the imposition of any sanction. The Commission must  
5 serve the respondent and the complainant with a copy of the order by certified  
6 mail with return receipt requested or by certified mail with electronic return  
7 receipt.

- 8
- 9 (h) The notice of the Commission's order under (g) must include a statement of the  
10 right of the respondent to appeal the order under Section 153.058 of the  
11 Government Code.
- 12
- 13 (i) The complainant and respondent are each responsible for their own costs of  
14 preparing for and attending the hearing.
- 15
- 16 (j) If the respondent fails to appear at the hearing:
- 17
- 18 (1) upon proof that notice of the hearing was given to the respondent, the  
19 Commission may proceed in the respondent's absence; and
- 20
- 21 (2) the factual allegations in the complaint may be deemed admitted.
- 22
- 23 (k) Proof that a document was sent to a party's last known address, as shown by the  
24 Commission's records, creates a rebuttable presumption that the document was  
25 received. The addressee's failure to claim a document that was properly  
26 addressed and served is insufficient to rebut the presumption.

### 27

### 28 **5.11 Options Following Decision: Pay, Accept, or Appeal**

29

30 Not later than the 30<sup>th</sup> day after the date that the Commission issues an order imposing  
31 an administrative penalty or sanction, the respondent must:

- 32
- 33 (a) pay the penalty in accordance with the order or accept the sanction; or
- 34
- 35 (b) file an appeal of the Commission's order contesting the occurrence of the  
36 violation, the imposition or amount of the penalty, or the imposition of the  
37 sanction.

### 38

### 39 **5.12 Collection of Penalty**

- 40
- 41 (a) If the respondent does not pay the penalty and the enforcement of the penalty is  
42 not stayed, the Attorney General may sue to collect the penalty and may recover  
43 reasonable expenses, including attorney's fees, incurred in recovering the  
44 penalty.
- 45
- 46 (b) A penalty collected under these rules will be deposited in the state treasury in

1 the general revenue fund.

2  
3 **5.13 Appeal**  
4

- 5 (a) A person seeking to appeal an order that imposes a penalty or sanction must  
6 submit a written appeal of the order to the General Counsel of the Office within  
7 30 days after the Commission’s order is issued. The General Counsel must  
8 promptly forward the appeal to a special committee consisting of three  
9 Administrative Regional Presiding Judges.
- 10  
11 (b) The committee will be chosen by the Presiding Judges, but the committee must  
12 not include the Presiding Judge for the administrative region in which the  
13 appellant resided at the time of the decision. If the alleged violation involves a  
14 certified guardian, the committee must consist of two Regional Presiding Judges  
15 and the Presiding Judge of the statutory probate courts.
- 16  
17 (c) The General Counsel must notify the Commission of the filing of an appeal and,  
18 upon request, must make the appeal materials available to the Commission or  
19 its legal representative.
- 20  
21 (d) The appeal must contain:
- 22  
23 (1) a copy of the notice of the Commission’s order with which the appellant  
24 is dissatisfied; and
- 25  
26 (2) a statement succinctly explaining why the appellant is dissatisfied with  
27 the Commission’s decision.
- 28  
29 (e) The Office must adopt rules or policies to ensure that any Office employee who  
30 provides clerical, administrative, or other direct support to the Commission does  
31 not communicate regarding the substance of any appeal under this rule with any  
32 other Office employee who facilitates the appeal process under this rule. The  
33 rules or policies must also provide that Office employees may communicate  
34 regarding nonsubstantive aspects of appeals, such as to ensure the completeness  
35 and accuracy of appeal materials to be forwarded to the special committee.
- 36  
37 (f) Upon receiving notice of an appeal of a disciplinary action imposing a penalty  
38 or sanction, the Commission must provide to the General Counsel, and the  
39 General Counsel must submit to the special committee, electronic or paper  
40 copies of the complaint and any original attachments, any written answer timely  
41 submitted by the appellant, notice of the Commission’s decision imposing a  
42 penalty or sanction, and any other documents or written evidence admitted into  
43 the record [~~considered~~] by the Commission pertaining to the decision  
44 complained of on appeal. The Commission staff must provide a copy of these  
45 items to an appellant upon request, and may charge costs for such copies as set  
46 forth in Rule 12.7 of the Rules of Judicial Administration.



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- (g) Absent approval by the special committee, submission of materials other than those described in (f) is prohibited. The special committee may, in its sole discretion, allow an appellant to submit additional written materials relating to the appeal. Otherwise, only the written materials described in (f) will be considered. A request to submit additional materials must clearly identify the additional materials for which inclusion is requested.
  - (h) The special committee must consider the appeal under an abuse of discretion standard of review for all issues except issues involving questions of law. The standard of review for issues involving questions of law is de novo. Under either standard, the burden is on the appellant to establish that the Commission’s decision was erroneous.
  - (i) The special committee may consider the appeal without a hearing and may conduct its deliberations by any appropriate means. The special committee may, in its sole discretion, conduct a hearing and allow testimony from the appellant or any other person with knowledge of the underlying facts relating to the disciplinary action complained of.
  - (j) The special committee may confer in writing with a certification, registration, or license holder who is in the same profession as the appellant if the special committee provides to the appellant:
    - (1) notice of the special committee’s request for information; and
    - (2) a copy of the certification, registration, or license holder’s response.
  - (k) If the special committee sustains the finding that a violation occurred, the special committee may:
    - (1) uphold or reduce the amount of any penalty and order the appellant to pay the full or reduced amount of the penalty; and
    - (2) uphold or reduce any sanction and order the imposition of the sanction.
  - (l) If the special committee does not sustain the finding that a violation occurred, the special committee must order that a penalty is not owed and that a sanction may not be imposed.
  - (m) If the appellant paid the penalty and if the amount of the penalty is reduced or the penalty is not upheld by the special committee, the special committee must order that the appropriate amount plus accrued interest be remitted to the appellant not later than the 30<sup>th</sup> day after the date the judgment of the special committee becomes final. The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest must

1 be paid for the period beginning on the date the penalty is paid and ending on the  
2 date the penalty is remitted.

- 3  
4 (n) The special committee must notify the Commission and appellant in writing of  
5 its decision. No rehearing or further appeal is allowed.  
6

#### 7 **5.14 Disposition by Agreement**

- 8  
9 (a) Any disciplinary matter may be disposed of by agreement, unless precluded by  
10 law. The agreement must be in writing and may be in the form of a stipulation,  
11 a settlement agreement, or a consent order.  
12 (b) The Commission may designate its presiding officer or the Director to adopt or  
13 reject an agreement.  
14 (c) The agreement must:  
15  
16 (1) include proposed findings of fact and conclusions of law; and  
17  
18 (2) be signed by all parties to the agreement and their representatives.  
19  
20 (d) Upon receipt of the agreement, the Commission or the Director may:  
21  
22 (1) adopt the agreement and issue a final order;  
23  
24 (2) reject the agreement and remand the disciplinary matter for a hearing  
25 before the Commission;  
26  
27 (3) reject the agreement and order further investigation [~~by the Director~~];  
28 or  
29  
30 (4) take such other action as the Commission or the Director find just.  
31  
32

#### 33 **5.15 Alternative Dispute Resolution**

- 34  
35 (a) In addition to the procedures under Rule 5.14, the Commission encourages the  
36 resolution and early settlement of all contested disciplinary matters through  
37 voluntary settlement procedures.  
38  
39 (b) At any time after the filing of a complaint against a regulated person and before  
40 referral to a review committee under Rule 5.8, the Director may initiate a  
41 settlement conference on the Director's own motion or at the request of any  
42 party. Settlement conferences are voluntary.  
43  
44 (c) The Director, on behalf of Commission staff [complainant] and the respondent  
45 are the parties in a settlement conference. The complainant [Commission  
46 (through one or more Commission members, Office staff, or counsel)] may also

1 participate as a party in a settlement conference at the sole option of the  
2 presiding officer.

3  
4 (d) A settlement conference may be used to reach agreement about all or a portion  
5 of the ultimate issues in a disciplinary matter or to reach agreement about how  
6 to handle disputed matters. The parties may use a mediator for a settlement  
7 conference or conduct the settlement conference without a mediator.

8  
9 (e) The parties to a settlement conference cannot ~~[complainant and the respondent~~  
10 ~~may not]~~ bind the Commission to any resolution of a disciplinary matter  
11 pending before the Commission. The presiding officer may appoint one or more  
12 Commission members or staff to attend the settlement conference. The  
13 Commission representative must participate in the proceedings in an effort to  
14 resolve the dispute within the parameters of any instructions received from the  
15 Commission and must recuse themselves from any subsequent hearings or  
16 deliberations regarding the case.

17  
18 (f) In the event a settlement of some or all of the disputed issues is reached during  
19 the settlement conference, the Commission must review the terms of the  
20 settlement at the next regularly scheduled Commission meeting. The  
21 Commission may accept the settlement terms, reject the settlement terms and  
22 restore all proceedings on the disciplinary matter to the status quo as it existed  
23 immediately prior to the settlement conference, or refer the matter for further  
24 negotiation.

25  
26 (g) The parties may agree to retain a mediator to assist with the settlement  
27 conference.

28  
29 (1) The parties must notify the presiding officer in writing of their  
30 agreement to retain a mediator. That notice must include the name,  
31 address, and telephone number of the mediator selected; a statement that  
32 the parties have entered into an agreement with the mediator as to rate  
33 and method of his or her compensation; and an affirmation that the  
34 mediator is qualified to serve.

35  
36 (2) Upon receipt of a properly filed notice under (1), the presiding officer  
37 will enter an order referring the case to the mediator.

38  
39 (h) If the parties do not agree to a mediator, the presiding officer may appoint an  
40 individual to serve as mediator in the settlement conference.

41  
42 (i) An individual appointed to serve as a mediator under (g) or (h) must meet the  
43 qualifications set forth in the Civil Practice and Remedies Code Section  
44 154.052. Pursuant to Section 154.052(e) of the Code, an individual who has  
45 served as a judge in Texas may be appointed to serve as a mediator.  
46

- 1 (j) The Commission will not pay any fees or costs associated with a settlement  
2 conference unless good cause is shown and the Commission and Office agree  
3 to do so prior to the settlement conference.  
4
- 5 (k) All communications in the settlement conference between or among the parties,  
6 and between each party and mediator, if any, are confidential under the same  
7 terms as provided in Section 154.053 of the Civil Practice and Remedies Code.  
8 Information shared with the mediator in separate meetings will not be given to  
9 any other party unless the party sharing the information explicitly gives the  
10 mediator permission to do so. Material provided to the mediator is not required  
11 to be provided to the other parties and will not be filed or become a record in the  
12 disciplinary proceedings. Notes taken during the settlement conference by the  
13 parties and the mediator must be destroyed at the end of the process.
- 14 (l) Any agreement reached by the parties will be reduced to writing and signed by  
15 the parties before the end of the settlement conference. These writings may be  
16 informal in nature. The parties may agree that the written agreement remain  
17 confidential if there is no requirement of law to the contrary. Any part of the  
18 agreement that may affect the disposition of the disciplinary proceeding (such  
19 as agreements concerning relevant facts) must be filed in the record of the  
20 disciplinary proceeding.  
21
- 22 (m) If the parties use a mediator for the settlement conference, the mediator must  
23 maintain confidentiality in accordance with Section 2009.054 of the  
24 Government Code. The mediator may not communicate to the Commission  
25 matters discussed with the parties in the settlement conference. The mediator  
26 will report to the Commission in writing whether the settlement conference  
27 resulted in a settlement of the matter in dispute, or other stipulations or matters  
28 that the parties agreed be reported.  
29
- 30 (n) Required Filings. The following documents must be filed with the Commission:  
31 any request for the appointment of a mediator, any objection to the referral of  
32 the matter to a settlement conference, any objection to the appointment of a  
33 mediator, any notice required to be given, any settlement agreement, any report  
34 prepared by the mediator, and any similar documents as may become necessary  
35 or appropriate in the course of the settlement conference.  
36

## 37 **6.0. Court Reporters Certification and Shorthand Reporting Firms Registration**

### 38 **6.1 Definitions**

- 39 (a) **Advisory Board** means the Court Reporters Certification Advisory Board.  
40  
41 (b) **Certification** means a certification issued by the Supreme Court of Texas on  
42 the Commission's recommendation.  
43  
44 (c) **Code of Ethics** [~~Professional Conduct~~] means the Code of Ethics or, if  
45  
46

1 applicable, its predecessor, the Code of Professional Conduct for Certified  
2 Shorthand Reporters and Court Reporting Firms approved by the Supreme  
3 Court of Texas.

4  
5 (d) **Court reporter** and **shorthand reporter** mean a person who engages in  
6 shorthand reporting.

7  
8 (e) **Court reporting** and **shorthand reporting** mean the practice of shorthand  
9 reporting for use in litigation in the courts of this State by making a verbatim  
10 record of an oral court proceeding, deposition, or proceeding before a grand jury,  
11 referee, or court commissioner using written symbols in shorthand, machine  
12 shorthand, or oral stenography.

13  
14 (f) **Court reporting firm, shorthand reporting firm, and affiliate office** mean an  
15 entity wholly or partly in the business of providing court reporting or other  
16 related services in this State. A court reporting firm, shorthand reporting firm,  
17 or affiliate office is considered to be providing court reporting or other related  
18 services in this State if:

19  
20 (1) any act that constitutes a court reporting service or shorthand reporting  
21 service occurs wholly or partly in this State;

22  
23 (2) the firm or affiliate office recruits a resident of this State through an  
24 intermediary located inside or outside of this State to provide court  
25 reporting services, shorthand reporting services, or other related services  
26 in this State; or

27  
28 (3) the firm or affiliate office contracts with a resident of this State by mail  
29 or otherwise and either party is to perform court reporting services,  
30 shorthand reporting services, or other related services wholly or partly  
31 in this State.

32  
33 (g) **Official court reporter** means the shorthand reporter appointed by a judge  
34 under Section 52.041 of the Government Code as the official court reporter for  
35 a particular court.

36  
37 (h) **Registration** means a registration issued by the Commission.

38  
39 (i) **RMR** means a Registered Merit Reporter certification issued by the National  
40 Court Reporters Association.

41  
42 (j)[(+)] **RPR** means the Registered Professional Reporter certification issued by the  
43 National Court Reporters Association.

44  
45 (k)[(+)] **Uniform Format Manual** means the manual approved by the Supreme Court  
46 of Texas that governs the form of official reporters' records and freelance

1 transcriptions.

2  
3 **6.2 Requirement of Certification or Registration**  
4

5 (a) A person may not engage in shorthand reporting in this State or be appointed as  
6 an official court reporter or deputy court reporter unless that person is certified  
7 as a shorthand reporter by the Supreme Court of Texas.

8  
9 (1) A certification must be for one or more of the following methods of  
10 shorthand reporting:

11 (A) written shorthand;

12 (B) machine shorthand;

13 (C) oral stenography; or

14 (D) any other method of shorthand reporting authorized by the  
15 Supreme Court.

16  
17 (2) A person may not assume or use the title or designation “court recorder,”  
18 “court reporter” or “shorthand reporter,” or any abbreviation, title,  
19 designation, words, letters, sign, card, or device tending to indicate that  
20 the person is a court reporter or shorthand reporter, unless the person is  
21 certified as a shorthand reporter by the Supreme Court of Texas. Nothing  
22 in this rule must be construed to either sanction or prohibit the use of  
23 electronic court recording equipment operated by a noncertified court  
24 reporter pursuant and according to rules adopted or approved by the  
25 Supreme Court of Texas.

26  
27 (b) A court reporting firm and its affiliate offices must register with the  
28 Commission. Unless a firm and its affiliate offices are registered with  
29 the Commission, the firm must not:

30  
31 (1) use the title or designation “court recording firm,” “court reporting  
32 firm,” or “shorthand reporting firm” or any abbreviation, title,  
33 designation, words, letters, sign, card, or device tending to indicate that  
34 the firm is a court reporting firm or shorthand reporting firm; or

35  
36 (2) offer services as a court reporting firm or shorthand reporting firm,  
37 unless the firm and its affiliate offices are registered with the  
38 Commission.

39  
40 (c) A certification or registration expires on the last day of the month in which ~~at~~  
41 ~~12:01 a.m. on January 1 following~~ the second anniversary of the date on which  
42 it was issued occurs unless the certification or registration is renewed on or  
43

1 before that date [~~before that time pursuant to Rule 6.3(d)(1)~~]. Thereafter, the  
2 certification or registration expires on the last day of the month of each second  
3 anniversary of certification or registration [~~at 12:01 a.m. on each second~~  
4 ~~January~~+] unless renewed.  
5

6 (d) These rules do not apply to:

7  
8 (1) a party to the litigation involved, the party's attorney, or a full-time  
9 employee of either; or

10  
11 (2) court reporting services performed outside of this State by a shorthand  
12 reporter who is not certified in this State for use in a court proceeding in  
13 this State, provided that the work resulting from those services is  
14 produced and billed wholly outside of this State.  
15

16 (e) Subject to the requirements of Rule 6.4(d) and (e), nothing in these rules should  
17 be construed to prohibit the employment of a noncertified shorthand reporter  
18 until a certified shorthand reporter is available in the judicial district where  
19 services of a shorthand reporter are desired.  
20

21 (f) To qualify for certification, a person must:

22  
23 (1) satisfy the requirements of Section 3.0 of these rules;

24  
25 (2) pass an examination as required by the Commission in one or more of  
26 the methods of shorthand reporting authorized by Rule 6.2(a)(1); and

27  
28 (3) be a high school graduate or possess the GED equivalent.  
29

30 (g) Examination procedures.

31  
32 (1) To take an examination, an applicant for certification must file the  
33 required forms and pay the required fees according to the deadlines  
34 established by the Commission.  
35

36 (2) Prior to or simultaneously with the submission of an applicant's  
37 application to take Part A of the examination, the applicant must submit  
38 a statement of proficiency.  
39

40 (A) The statement of proficiency must be on the form provided by  
41 the Commission and must contain the certification of a court  
42 reporting school instructor.  
43

44 (B) If the applicant attended and learned court reporting skills at a  
45 court reporting school, the statement of proficiency must be  
46 countersigned by the appropriate administrative officer of the

1 school.

2  
3 (C) The person making the certification required in (A) must certify  
4 that the applicant has satisfactorily passed at the rate of 95%  
5 accuracy at least two tests on new material of each of the  
6 following:

7  
8 (i) five minutes of two-voice dictation of questions and  
9 answers given at 225 words per minute;

10  
11 (ii) five minutes of dictation of a jury charge given at 200  
12 words per minute; and

13 (iii) five minutes of dictation of selected literary material  
14 given at 180 words per minute.

15  
16 (D) The tests required by (h) [~~(e)~~] must be administered and graded  
17 by the person who certifies the applicant's statement of  
18 proficiency and must be taken by the method of shorthand  
19 reporting for which the applicant has applied for examination.  
20 The two tests must have been taken and passed no more than one  
21 year apart.

22  
23 (E) The applicant may not be deemed eligible to take an examination  
24 until the Commission receives the statement of proficiency.

25  
26 (F) If the Commission has on file a valid statement of proficiency  
27 for an applicant, the applicant is not required to file a new  
28 statement of proficiency. A statement of proficiency is valid for  
29 one year from the date of the last proficiency test described in  
30 (g)(2) [~~(e)~~] and must be valid on the date of the examination for  
31 which the applicant has applied.

32  
33 (G) In lieu of the statement of proficiency, an applicant who:  
34 (i) is licensed in good standing in another jurisdiction may  
35 submit proof of licensure from the licensing authority of  
36 that jurisdiction; or  
37 (ii) is certified as an RMR, an RPR or pursuant to a national  
38 examination that the Commission determines is of  
39 equivalent or greater degree of difficulty than the RPR  
40 examination may submit a letter from the certifying  
41 organization.

42  
43 (H) The letter submitted under (G) must:

44  
45 (i) be an original on the certifying organization's letterhead;



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(ii) state the certification that the applicant has attained and the date the certification expires; and

(iii) attest that the applicant has passed the exam for the certification and is currently certified and in good standing.

(I) The national certification must be valid on the date of the Texas examination for which the applicant has applied.

(J) The letter submitted under (G) is valid until the next expiration date of the applicant's national certification.

(h) Each examination will be given in two parts to be designated Part A and Part B.

(2) Part A component.

(A) Part A will be composed of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of a jury charge given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute.

(B) Each applicant must personally take down the test and must reduce the takedown to writing.

(C) The minimum passing grade on each section of Part A is 95% accuracy. An error will be charged for:

(i) each wrong word;

(ii) each omitted word;

(iii) each added word not dictated;

(iv) each contraction where read as two words;

(v) two words where read as a contraction;

(vi) each misplaced word;

(vii) each misplaced period that materially alters the sense of a group of words or a sentence;

(viii) each misspelled word;

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- (ix) each plural or singular if the opposite was dictated; and
- (x) each wrong number.

(D) Applicants may use a dictionary during Part A.

(E) Applicants will be allowed three hours to complete the transcription of Part A of the test. If time permits, an applicant may review his or her transcript but may use only the original takedown from which the transcript was prepared to review the transcript.

(3) Part B component.

(A) Part B of the test must consist of objective questions touching on elementary aspects of court reporting, spelling, and grammar and Texas rules and procedure.

(B) Applicants may not use a dictionary during Part B.

(C) The minimum passing grade on Part B is 75%.

(4) Notwithstanding Rule 3.11(d), an applicant who passes Part A or Part B of the examination but fails the other part will not be required to be reexamined on the part that the applicant passed.

(i) An applicant who fails an examination may request that the examination be regraded by sending a written request to the Commission office within 20 days of the date of notice that the applicant has failed the examination. If the examination is regraded, the Commission will inform the applicant of the results of the regrading. Upon receipt of the regrading results, the applicant may request a personal review of the examination with a member of the advisory board. The request for a personal review must be in writing and filed within twenty days of the notice of regrading results.

(j) The Commission must certify to the Supreme Court of Texas the names of applicants who have completed all application requirements and are determined on examination to be qualified in professional shorthand reporting. In its certification, the Commission must specify the method or methods of reporting used by each successful applicant in taking the examination.

(k) A person certified under Chapter 52 of the Government Code prior to September 1, 1983, may retain a general certification authorizing the person to use any method of shorthand reporting authorized in Rule 6.2(a)(1), provided that the person keeps the certification in continuous effect.

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- (l) To register, a court reporting firm or affiliate office must pay all required fees and register on a form provided by the Commission. The registration form must state whether any officers, directors, or managerial employees of the firm or affiliate office have been finally convicted of a felony or misdemeanor other than a minor traffic offense or juvenile offense.
  
- (m) The Commission may:
  - (2) refuse to certify to the Supreme Court the application of a person based upon criminal history record information regarding the person which ~~[who was finally convicted of an offense that]~~ directly relates to the duties and responsibilities of a certified court reporter as determined using the factors listed in Rule 3.5; or
  - (3) refuse to register a court reporting firm or affiliate office if an officer, director, or managerial employee of the firm or affiliate office was finally convicted of a felony or misdemeanor that directly relates to providing court reporting services as determined using the factors listed in Rule 3.5.

**6.3 Renewal of Certification or Registration**

- (a) Notwithstanding Rule 3.2(b), not later than the 30<sup>th</sup> day before the date a court reporter’s or court reporting firm’s certification or registration is scheduled to expire, the Commission will notify the reporter or firm of the impending expiration at the reporter’s or firm’s last known address according to the Commission’s records. Failure to receive the notice does not exempt a court reporter or a court reporting firm from any requirements of these rules.
  
- (b) Nonrenewal due to student loan default.
  - (1) The Commission must not renew the certification of a certified shorthand reporter who is designated to be in default on loans guaranteed by the Texas Guaranteed Student Loan Corporation (TGSLC) under Section 57.491(e) of the Education Code unless the reporter presents to the Board a certificate issued by TGSLC certifying that:
    - (A) the reporter has entered a repayment agreement on the defaulted loan; or
    - (B) the reporter is not in default on a loan guaranteed by TGSLC.
  - (2) The Commission must not renew the certification of a certified shorthand reporter who is designated to be in default on a repayment

1 agreement with TGSLC under Section 57.491(g) of the Education Code  
2 unless the reporter presents to the Commission a certificate issued by  
3 TGSLC certifying that:

- 4
- 5 (A) the reporter has entered another repayment agreement on the  
6 defaulted loan; or
- 7
- 8 (B) the reporter is not in default on a loan guaranteed by TGSLC or  
9 on a repayment agreement.

10 (3) The Commission must provide a certified shorthand reporter an  
11 opportunity for a hearing under the procedures set out in Rule 5.10 prior  
12 to taking action concerning nonrenewal of certification for default on a  
13 student loan.

14

15 (c) To qualify for renewal of certification or registration, a certified court reporter,  
16 court reporting firm, or affiliate office must pay all required fees, submit all  
17 required forms, and comply with renewal procedures. In addition, certified court  
18 reporters must comply with the Commission's continuing education  
19 requirements in Rules 4.1-4.3 and 6.6. An application for renewal must state:

- 20
- 21 (1) if the applicant is a court reporter, whether the applicant has been finally  
22 convicted of a criminal offense other than a minor traffic offense since  
23 the reporter's last certification;
- 24
- 25 (2) if the applicant is a court reporting firm or affiliate office, whether an  
26 officer, director, or managerial employee has been finally convicted of  
27 a criminal offense other than a minor traffic offense since the firm's or  
28 affiliate office's last registration; and
- 29
- 30 (3) if the applicant is a court reporter, whether the applicant has ever been  
31 the subject of a disciplinary action by a licensing authority in another  
32 jurisdiction requiring certification, registration, or licensure to provide  
33 court reporting services, and whether the applicant is the subject of a  
34 pending disciplinary action before the Commission, including actions in  
35 which the Commission imposed a sanction that has not been completed.

36

37 (d) Notwithstanding Rule 6.2(c), a person who is certified as a shorthand reporter  
38 prior to January 1, 2018 and who renews certification will, upon initial renewal  
39 after that date, renew it for a period of two years plus an additional period of  
40 time so that the certification will be valid until the last day of the month in which  
41 the certification was originally issued. Thereafter, the certification will be  
42 subject to renewal every two years and will expire upon the last day of that  
43 month every two years. This subsection expires on December 31, 2021.

44

45 ~~[(d) Renewal before and after expiration.~~

46

- 1                   ~~(1) — A person who is otherwise eligible to renew a certification or~~  
2                   ~~registration may renew an unexpired certification or registration by~~  
3                   ~~paying the required renewal fee and submitting the required forms to the~~  
4                   ~~Commission before the expiration of the certification or registration.~~  
5  
6                   ~~(2) — A person whose certification or registration has expired may not engage~~  
7                   ~~in activities that require a certification or registration until the~~  
8                   ~~certification or registration has been renewed.~~  
9  
10                  ~~(3) — A person whose certification or registration has been expired for less than~~  
11                  ~~one year may renew the certification or registration by paying to the~~  
12                  ~~Commission the appropriate renewal fee.~~  
13                  ~~(4) — A person whose certification or registration has been expired for one year~~  
14                  ~~or more may not renew the certification or registration. The person may~~  
15                  ~~obtain a new certification or registration by complying with the~~  
16                  ~~requirements and procedures for obtaining an original certification or~~  
17                  ~~registration, including the examination requirements.~~  
18  
19                  ~~(5) — A person who was certified as a court reporter in this State, moved to~~  
20                  ~~another state, and is currently certified and has been in practice in the~~  
21                  ~~other state for the two years preceding the date of application may obtain~~  
22                  ~~a new certification without reexamination if the person:~~  
23  
24                         ~~(A) — submits appropriate renewal forms and documentation showing~~  
25                         ~~that the person has complied with the continuing education~~  
26                         ~~requirements in the Commission's rules;~~  
27  
28                         ~~(B) — pays the appropriate renewal fee;~~  
29  
30                         ~~(C) — submits documentation from the other state indicating that the~~  
31                         ~~person is currently licensed, has been licensed for the two years~~  
32                         ~~immediately preceding the application for renewal in Texas, and~~  
33                         ~~is in good standing; and~~  
34  
35                         ~~(D) — submits documentation from the person's employer showing that~~  
36                         ~~the person has been working for at least two consecutive years~~  
37                         ~~prior to the date of application in Texas.~~  
38  
39                  ~~(6) — The documentation required under (d)(5)(D) must include the beginning~~  
40                  ~~date of the person's employment and must be original, notarized, and on~~  
41                  ~~the employer's letterhead. If the person has been employed by more than~~  
42                  ~~one employer during the two-year period, the person must submit~~  
43                  ~~documentation from each employer showing the beginning and ending~~  
44                  ~~date of the person's employment.]~~  
45

1  
2 **6.4 Responsibilities of Certified Court Reporters**  
3

- 4 (a) A certified court reporter is entitled to use the title “Certified Shorthand  
5 Reporter” or the abbreviation “CSR.” A certified shorthand reporter may  
6 administer oaths to witnesses anywhere in this State.  
7  
8 (b) The transcription of any proceeding and any other document certified by a  
9 certified shorthand reporter for use in litigation in the courts of this State must  
10 contain a signed certificate [~~certification~~] in the form required by the Uniform  
11 Format Manual.  
12 (c) A certification of a transcript of a court proceeding by an official court reporter  
13 must contain a signed certificate in the form required by the Uniform Format  
14 Manual.  
15  
16 (d) A noncertified shorthand reporter may report an oral deposition only if:  
17  
18 (1) the noncertified reporter delivers an affidavit to the parties or to their  
19 counsel present at the deposition stating that a certified shorthand  
20 reporter is not available; or  
21  
22 (2) the parties or their counsel stipulate on the record at the beginning of the  
23 deposition that a certified shorthand reporter is not available.  
24  
25 (e) A noncertified shorthand reporter who is employed when a certified shorthand  
26 reporter is not available must include with the certification of a transcription of  
27 a court proceeding an affidavit that no certified shorthand reporter was available  
28 to perform the duties of the court reporter.  
29  
30 (f) Official court reporters, deputy court reporters, and substitute court reporters  
31 must comply with the Act, Chapter 52 of the Government Code, and all  
32 applicable provisions of the Texas Rules of Appellate Procedure in conducting  
33 of the business of their offices.  
34

35 **6.5 Enforcement**  
36

- 37 (a) After notice and an opportunity for a hearing under Rule 5.10, the Commission  
38 may [~~must~~] reprimand, impose an administrative penalty [~~assess a reasonable~~  
39 ~~fine against~~], or deny, suspend, revoke, or refuse to renew a shorthand reporter’s  
40 certification for:  
41  
42 (1) fraud or corruption;  
43  
44 (2) dishonesty;  
45  
46 (3) willful or negligent violation or failure of duty;

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- (4) incompetence;
- (5) fraud or misrepresentation in obtaining certification;
- (6) a criminal ~~[final conviction of an]~~ offense that directly relates to the duties and responsibilities of a certified shorthand reporter, as determined using the factors listed in Rule 3.5;
- (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified or while certification is suspended;
- (8) unprofessional conduct, including but not limited to:
  - (A) failing to deliver a transcript or statement of facts to a client or court in a timely manner as determined by statute, court order, or agreement;
  - (B) producing an inaccurate transcript or statement of facts;
  - (C) producing an incomplete transcript or statement of facts except upon order of a court, agreement of the parties, or request of a party;
  - (D) failing to disclose as soon as practical to the parties or their attorneys existing or past financial, business, professional, family, or social relationships, including contracts for court reporting services, that might reasonably create an appearance of partiality;
  - (E) advertising or representing falsely the qualifications of a certified shorthand reporter or that an unlicensed individual is a certified shorthand reporter;
  - (F) failing to charge all parties or their attorneys to an action the same price for an original transcript or statement of facts and failing to charge all parties or their attorneys the same price for a copy of a transcript or statement of facts or for like services performed in an action;
  - (G) failing to disclose in writing to all parties or their attorneys upon request at any time an itemization of all rates and charges to all parties or their attorneys;
  - (H) reporting any proceeding if the reporter is related to a party or their attorney within the second degree by affinity or consanguinity unless:

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- (i) as soon as practicable, the reporter discloses the relationship in writing to all parties and the court; and
  - (ii) either
    - A. no objection to the use of the reporter on the grounds of the relationship is made by any party or the court within a reasonable period after the disclosure; or
    - B. the court enters an order finding that, under the circumstances, the relationship does not create an appearance of partiality and that good cause exists to permit use of the reporter;
  - (I) reporting a proceeding if the reporter is financially interested in the action or is associated with a firm that is financially interested in the action;
  - (J) failing to notify all parties or their attorneys of a request for a transcript or statement of facts, or any part thereof, in sufficient time for copies to be prepared and delivered [~~simultaneously with the original~~];
  - (K) going “off the record” during a deposition when not agreed to by all parties or their attorneys unless ordered to do so by the court;
  - (L) giving, directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate per recipient per year; and
  - (M) failing to comply with the requirements of the Uniform Format Manual for Texas Court Reporters;
  - (9) entering into or providing services under a prohibited contract described by Section 154.115 of the Government Code;
  - (10) committing any other act that violates Chapter 154 of the Government Code, a rule adopted under the Act, or a provision of the Code of Professional Conduct; or
  - (11) other sufficient cause.
- (b) In this rule, an officer, director, or managerial employee of a shorthand reporting



1 firm or affiliate office will be referred to as “a principal.” After notice and an  
2 opportunity for a hearing under Rule 5.10, the Commission may reprimand,  
3 assess a reasonable fine against, or suspend, revoke, or refuse to renew the  
4 registration of a shorthand reporting firm or affiliate office for:  
5

- 6 (1) fraud or corruption;
- 7
- 8 (2) dishonesty;
- 9
- 10 (3) conduct on the part of a principal if the principal orders, encourages, or  
11 permits conduct that the principal knows or should have known violates  
12 this chapter;
- 13
- 14 (4) failure of a principal to take reasonable remedial action to avoid or  
15 mitigate the consequences of conduct by a person who the principal  
16 knows or should have known violated this chapter and over whom the  
17 principal has direct supervisory authority;
- 18
- 19 (5) fraud or misrepresentation in obtaining registration;
- 20
- 21 (6) a final conviction of a principal of a felony or misdemeanor that directly  
22 relates to providing court reporting services, as determined under Rule  
23 3.5;
- 24
- 25 (7) engaging the services of a reporter that the shorthand reporting firm or  
26 affiliate office knew or should have known was using a method for  
27 which the reporter is not certified;
- 28
- 29 (8) knowingly providing court reporting services while the shorthand  
30 reporting firm’s or affiliate office’s registration is suspended or  
31 engaging the services of a shorthand reporter whose certification was  
32 suspended if a principal knew or should have known of the suspension;
- 33
- 34 (9) unprofessional conduct, including a pattern of giving (directly or  
35 indirectly), benefiting from, or being employed as a result of giving any  
36 gift, incentive, reward, or anything of value to attorneys, clients, or their  
37 representatives or agents, except for nominal items that do not exceed  
38 \$100 in the aggregate for each recipient each year— provided, however,  
39 that nothing in this rule should be construed to define providing value-  
40 added business services, including long-term volume discounts, such as  
41 the pricing of products and services, as prohibited gifts, incentives, or  
42 rewards;
- 43
- 44 (10) entering into or providing services under a prohibited contract described  
45 by Section 154.115 of the Government Code;
- 46

1 (11) committing any other act that violates Chapter 154 of the Government  
2 Code, a rule adopted under the Act, or a provision of the Code of  
3 Professional Conduct; or  
4

5 (12) other sufficient cause.  
6

7 (c) When a certified shorthand reporter or court reporting firm reports an alleged  
8 violation to the Commission pursuant to the reporting obligation in the Code of  
9 Professional Conduct, the information must be provided in writing and must be  
10 signed by the person providing the information and accompanied by pertinent  
11 documentation, if any.  
12

### 13 **6.6 Continuing Education**

14  
15 (a) A certified court reporter must complete at least 10 hours of approved  
16 continuing education during each certification period. The 10 hours must  
17 include a minimum of 2.5 hours in ethics, Texas rules, or both. A certified court  
18 reporter may carry forward to the next certification period up to 4 hours of  
19 continuing education hours, but ethics credit may not be carried forward.  
20

21 (b) The required hours must be earned prior to the expiration of the certified court  
22 reporter's certification period.  
23

24 (c) Notwithstanding Rule 4.3(e)(~~4~~), a certified court reporter must submit  
25 requests for approval of continuing education no later than 2 months before the  
26 date the [by September 30 of the year that the] reporter's certification expires.  
27

28 (d) Continuing education may be earned by:  
29

30 (1) verified attendance or participation in an approved program, activity, or  
31 course;  
32

33 (2) verified personal preparation of educational presentations pertaining to  
34 the profession of court reporting or serving as an instructor, speaker, or  
35 panel member at an approved continuing education course; or  
36

37 (3) writing articles pertaining to the court reporting profession that are  
38 published in a state or nationally recognized professional journal of  
39 court reporting or law—provided, however, that no more than 2.5 hours  
40 may be earned under this category during any one certification period.  
41

42 (e) Credit earned under (d)(2) will be awarded as follows:  
43

44 (1) for participation as an instructor in an approved continuing education  
45 program, the number of hours approved for attendees of the  
46 presentation; and

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- (2) for preparation time, up to 2.5 hours.
- (f) A court reporter may earn preparation and teaching credit for instructing an approved continuing education course only one time per certification period.
- (g) An article submitted under (d)(3) must be approved by the Director to receive continuing education credit. Credit will not be allowed for the same article published in more than one publication.
- (h) All courses must be relevant to the needs of court reporters and the reporting service needs of users and must:
  - (1) contribute to the advancement, extension, and enhancement of the professional skills and knowledge of the individual in the practice of shorthand reporting;
  - (2) include at least one subject that is directly related to the court reporter's ability to produce accurate and timely transcripts, such as:
    - (A) English, including grammar, linguistics, and transcript styles;
    - (B) medicine, including terminology, techniques, and concepts likely to be encountered during litigation;
    - (C) the legal system, including litigation procedures and substantive presentations on various specialties within the law;
    - (D) technology-related subjects, including terminology and concepts likely to be encountered during litigation (e.g., accident reconstruction) and technological developments in the field of court reporting (e.g., computer technology);
    - (E) transcript preparation; or
    - (F) business management, including financial issues, personnel issues, and time management.
- (i) In addition to the activities listed in Rule 4.3(k), the following do not qualify as continuing education activities for certified court reporters under these rules:
  - (1) entertainment and recreation;
  - (2) tours or visiting exhibits;
  - (3) any function for which the court reporter receives remuneration as part of his or her regular employment;

- 1  
2 (4) courses that emphasize nonverbal skills (e.g., golf, tennis, dancing,  
3 basket-weaving, CPR or first aid courses, floral design, etc.);  
4  
5 (5) any activity completed before the first renewal period for which the  
6 renewal applicant is required to obtain continuing education; and  
7  
8 (6) reading books or articles or submitting book reviews, article reviews, or  
9 tests (including those books and accompanying tests that are part of the  
10 approved reading list of the National Court Reporters Association).  
11

## 12 7.0 Guardianship Certification

### 13 7.1 Definitions

- 14  
15  
16 (a) **Certified guardian** means a person who is certified by the Commission to  
17 provide guardianship services in this State.  
18  
19 (b) **Corporate fiduciary** has the meaning assigned by Section 1002.007 of the  
20 Estates Code.  
21  
22 (c) **Engaged in the business of providing guardianship services** means to  
23 perform, offer to perform, or advertise the performance of guardianship  
24 services for compensation.  
25  
26 (d) **Guardian** has the meaning assigned by Section 1002.012 of the Estates  
27 Code.  
28  
29 (e) **Guardianship program** means a corporation, partnership, firm or other  
30 business entity or a local, county, or regional agency or nonprofit entity,  
31 [program] that provides guardianship and related services to an  
32 incapacitated person or other person who needs assistance in making  
33 decisions concerning the person’s own welfare or financial affairs. This  
34 definition does not apply to services provided to persons receiving  
35 guardianship services pursuant to a contract with the Health and Human  
36 Services Commission Office of Guardianship.  
37  
38 (f) **Guardianship services** means conducting, performing, or administering  
39 the duties and powers prescribed by the Estates Code or under a court order  
40 in a guardianship matter.  
41  
42 (g) **Incapacitated person** has the meaning assigned by Section 1002.017 of the  
43 Estates Code.  
44  
45 (h) **Code of Ethics and Minimum Standards for Guardianship Services**  
46 means the document titled “Code of Ethics and Minimum Standards for

1 Guardianship Services” promulgated under Section 155.101 and Section  
2 155.152 of the Government Code.

- 3
- 4 (i) **Private professional guardian** means a person, other than an attorney or a  
5 corporate fiduciary, who is engaged in the business of providing  
6 guardianship services.
- 7
- 8 (j) **Provisionally certified guardian** means a person who has received  
9 provisional certification to provide guardianship services in this State from  
10 the Commission.
- 11
- 12 (k) **Supervisor** means a certified guardian who has notified the Commission  
13 that he or she will be responsible for overseeing ~~[an applicant for provisional~~  
14 ~~certification]~~ a provisionally certified guardian.
- 15
- 16 (l) **Volunteer** means a person who renders guardianship services on behalf of  
17 a guardianship program or on behalf of the Health and Human Services  
18 Commission Office of Guardianship ~~[Department of Aging and Disability~~  
19 ~~Services]~~ and who does not receive compensation that exceeds the  
20 authorized expenses that the person incurs in performing those services.
- 21
- 22 (m) **Ward** has the meaning assigned by Section 1002.030 of the Estates Code.

## 23 7.2 Requirement of Certification

- 24
- 25
- 26 (a) To provide guardianship services in this State, the following individuals must  
27 be certified by the Commission:
- 28
- 29 (1) an individual who is a private professional guardian;
- 30
- 31 (2) an individual who will provide those services to a ward of a private  
32 professional guardian or an attorney who is appointed guardian on the  
33 guardian’s behalf;
- 34
- 35 (3) an individual who will supervise the provision of those services ~~[, other~~  
36 ~~than a volunteer, who will provide those services, or other services under~~  
37 ~~Section 161.114, Human Resources Code,]~~ to a ward of a guardianship  
38 program ~~[-or the Department of Aging and Disability Services on the~~  
39 ~~program’s or department’s behalf];~~
- 40
- 41 (4) an individual who will provide or supervise the direct provision of those  
42 services to a ward on behalf of the Health and Human Services  
43 Commission Office of Guardianship; and
- 44
- 45 (5) a person who at any time supervises direct providers of guardianship  
46 services, unless the person is an attorney or corporate fiduciary exempt

1 under Section 155.001(6) of the Government Code.

2  
3 (b) To be eligible for certification, a person must:

- 4  
5 (1) satisfy the requirements of Section 3.0 of these rules;  
6  
7 (2) be at least 21 years of age;  
8 (3) be a high school graduate or possess the GED equivalent;  
9  
10 (4) have two years of relevant work experience related to guardianship or  
11 have met the following education or training requirements:  
12  
13 (A) a minimum of a bachelor's degree conferred by a college or  
14 university accredited by an organization recognized by the Texas  
15 Higher Education Coordinating Board in a field related to  
16 guardianship; or  
17  
18 (B) completion of a course curriculum or training specifically related  
19 to guardianship approved by the Commission;  
20  
21 (5) successfully pass, after no more than four exam attempts, an  
22 examination approved by the Commission that covers Texas law and  
23 procedure related to guardianship and any other examination required  
24 and approved by the Commission testing knowledge of guardianship  
25 issues;  
26  
27 (6) attest under penalty of perjury whether he or she has ever been adjudged  
28 guilty of, or entered a plea of guilty or no contest in return for a grant of  
29 deferred adjudication with respect to, any felony or misdemeanor  
30 offense, which will be considered using the factors listed in Rule 3.5;  
31 and  
32  
33 (7) attest under penalty of perjury whether he or she:  
34  
35 (A) has ever been relieved of responsibilities as a guardian or  
36 fiduciary by a court, employer, or client for actions involving  
37 fraud, moral turpitude, misrepresentation, material omission,  
38 misappropriation, theft, assault, battery, abuse, neglect, breach  
39 of trust, breach of fiduciary duty, or conversion;  
40  
41 (B) has ever been found civilly liable or settled a claim in an action,  
42 including but not limited to a surcharge action, that involved  
43 allegations of fraud, misrepresentation, material omission,  
44 misappropriation, theft, assault, battery, abuse, neglect, breach  
45 of trust, breach of fiduciary duty, or conversion on the  
46 applicant's part;

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- (C) has ever been denied certification or had his or her certification revoked or suspended in Texas or any other jurisdiction that requires certification, registration, or licensure to provide guardianship services; or
  - (D) has ever surrendered his or her certification in Texas or any other jurisdiction that requires certification, registration, or licensure to provide guardianship certification.
- (c) If any of the circumstances described in (b)(6) or (7) exist, the applicant must describe the circumstances with particularity and provide any related documentation requested by the Commission.
- (d) Examination.
- (1) An individual who has failed the exam four times is not eligible for certification unless the individual petitions the Commission in writing for permission to take the exam again. The petition must set out in detail all facts that support the request, demonstrate that the individual has completed all other requirements for certification except for passing the exam, and demonstrate that no other impediments to certification exist.
  - (2) The Commission must consider the petition at its next regularly scheduled meeting and determine, without a formal hearing, whether permission to take the exam again will be granted or denied. The Commission may impose conditions to granting permission, including requiring the petitioner to provide additional information or complete specified continuing education prior to taking the exam again. If an individual fails or refuses to strictly and completely comply with the conditions specified by the Commission, permission to take the exam again will be denied.
  - (3) An individual may petition the Commission only one time for permission to take the exam following four unsuccessful attempts. An individual who is granted permission to take the exam again and who fails the exam again is not eligible for certification. If the Commission denies permission to take the exam again, the individual is not eligible for certification.
  - (4) The decision of the Commission is final and is not subject to appeal, reconsideration, or any further action.
- (e) Notwithstanding Rule 7.2(a), an individual who must be certified but does not meet the requirements for certification under Rule 7.2(b) may provide guardianship services in this State if the person obtains provisional certification pursuant to Rule 7.4.

- 1  
2 (f) Notwithstanding any other provision of these rules:  
3 (1) pursuant to Section 1104.253 of the Estates Code, a family member or  
4 friend of an incapacitated person is not required to be certified under  
5 these rules to serve as the person’s guardian; and  
6  
7 (2) an employee of the United States Veterans Administration appointed to  
8 serve as a guardian for an incapacitated person under Section  
9 1002.017(3) of the Estates Code is not required to be certified under  
10 these rules to serve as the person’s guardian.  
11  
12 (g) Upon certification, the certified guardian will be issued a certificate, which will  
13 be valid until the last day of the month in which the second anniversary of  
14 issuance occurs [~~for two years from the date of issuance~~]. New certificates will  
15 be issued for successive two-year periods upon timely and satisfactory  
16 completion of the renewal process.  
17  
18 (h) A certified guardian may use the designation “TxCG” to indicate that the  
19 guardian is certified by the Commission. Provisionally certified guardians may  
20 not use such designation.  
21

### 22 **7.3 Responsibilities of Certified Guardians; Reporting Requirements**

- 23  
24 (a) Standards and Rules. A certified guardian must comply with these rules and with  
25 the Code of Ethics and Minimum Standards for [the Provision of] Guardianship  
26 Services adopted by the Commission.  
27  
28 (b) Notice to Commission and Courts. A certified guardian must immediately  
29 notify the Commission and all courts in which the guardian is serving, if:  
30  
31 (1) the guardian is indicted for, formally charged with, adjudged guilty of,  
32 or enters a plea of no contest in return for a grant of deferred adjudication  
33 with respect to any felony or misdemeanor offense;  
34  
35 (2) any proceeding listed in Rule 7.2(b)(7) is initiated;  
36  
37 (3) events or circumstances would require any changes to the attestation  
38 required by Rule 7.2(b)(7); or  
39  
40 (4) the guardian is removed as a guardian under Chapter 1203 of the Estates  
41 Code.  
42  
43 (c) Notice from Commission. If the Commission receives notice of any of the items  
44 in (b) in any manner other than from the certified guardian, the Director will  
45 contact the certified guardian regarding the notice by first class mail. Notice from  
46 the Director on behalf of the Commission is deemed given when sent to the



1 certified guardian at the last home address on file in the Commission's records.

2 (d) Documents filed with court. Each document prepared by or on behalf of a  
3 certified guardian and filed with a court must include the certified guardian's  
4 certification number.

5  
6 (e) Not later than January 31 of each year, each guardianship program must provide  
7 to the Commission the following information for the preceding year:

8  
9 (1) the number of wards served by the guardianship program reported by  
10 county in which the application to create a guardianship for the ward  
11 was filed, and the total number of wards served by the guardianship  
12 program;

13  
14 (2) the name, business address, and business telephone number of each  
15 individual employed by or volunteering or contracting with the  
16 guardianship program to provide guardianship services to a ward or  
17 proposed ward of the program;

18  
19 (3) the name of each county in which an individual described in (2) provides  
20 or is authorized to provide guardianship services;

21  
22 (4) the total amount of money received from the State of Texas for the  
23 provision of guardianship services; and

24  
25 (5) the amount of money received from any other public source, including  
26 a county or the federal government, for the provision of guardianship  
27 services, reported by source, and the total amount of money received  
28 from those public sources.

29  
30 (f) Not later than January 31 of each year, each private professional guardian must  
31 provide to the Commission the following information for the preceding year:

32  
33 (1) the number of wards served by the private professional guardian  
34 reported by county in which the application to create a guardianship for  
35 a ward was filed and the total number of wards served by the private  
36 professional guardian, including the name of each ward and the docket  
37 number and court having jurisdiction of the guardianship;

38  
39 (2) the aggregate fair market value of the property of all wards that was  
40 managed by the private professional guardian;

41  
42 (3) the name, business address, and business telephone number of each  
43 individual who provided guardianship services to a ward of a private  
44 professional guardian on behalf of the private professional guardian;

- 1 (4) the total amount of money received from the State of Texas for the  
2 provision of guardianship services;  
3  
4 (5) the amount of money received from any other public source, including  
5 a county or the federal government, for the provision of guardianship  
6 services, reported by source, and the total amount of money received  
7 from those public sources;  
8  
9 (6) whether the private professional guardian was removed as a guardian by  
10 the court or resigned as a guardian in a particular case, and, if so, a  
11 description of the circumstances causing the removal or resignation, the  
12 style of the suit, the docket number, and the court having jurisdiction  
13 over the proceeding;  
14  
15 (7) reaffirmation of Rule 7.2(b)(6) and (7); and  
16  
17 (8) a copy of the private professional guardian's application for a certificate  
18 of registration with each county clerk required by Section 1104.302 of  
19 the Estates Code.

20  
21 (g) Not later than January 31 of each year, the Health and Human Services  
22 Commission Office of ~~[Department of Aging and Disability Services]~~  
23 Guardianship ~~[Program]~~ must provide to the Commission a statement  
24 containing:  
25

- 26 (1) the name, address, and telephone number of each ~~[department]~~  
27 employee who is or will be providing guardianship services to a ward or  
28 proposed ward on behalf of the Office of Guardianship ~~[the department]~~;  
29 ~~[and]~~  
30  
31 (2) the name of each county in which each employee named in (1) is  
32 providing or is authorized to provide those services; and  
33  
34 (3) the total number of wards who receive guardianship services from the  
35 Office of Guardianship.  
36

37 (h) Information that must be submitted under (e), (f), and (g) must be submitted on  
38 appropriate forms and in the manner determined by the Commission.  
39

#### 40 **7.4 Provisional Certification**

41  
42 (a) Application for provisional certification. An individual who does not meet the  
43 requirements for certification in Rule 7.2(b)(4) and (5) may apply for  
44 provisional certification in writing on the forms provided by the Commission.  
45 An applicant for provisional certification must identify the applicant's  
46 supervisor on the application form. The supervisor must sign the application

1 form.

2  
3 (b) Requirements for provisional certification. To be eligible for provisional  
4 certification, an applicant must meet all requirements in Rule 7.2(b)(1)-(3),  
5 (b)(6)-(7), and (c). Provisional certification expires on the second anniversary of the  
6 date the certificate is issued.

7  
8 (c) Responsibilities of provisionally certified guardian.

9  
10 (1) A provisionally certified guardian may provide guardianship services in  
11 this State only under the supervision of a certified guardian supervisor.  
12 In order to maintain provisional certification, a provisionally certified  
13 guardian must have a certified guardian supervisor, even if the  
14 provisionally certified guardian is not currently providing guardianship  
15 services.

16  
17 (2) A provisionally certified guardian must comply with these rules and with  
18 the Code of Ethics and Minimum Standards for Guardianship Services.

19  
20 (3) Notice to Commission and Courts. A provisionally certified guardian  
21 must immediately notify the Commission and all courts in which the  
22 provisionally certified guardian is serving if:

23  
24 (A) the provisionally certified guardian obtains a different  
25 supervisor or is without a supervisor;

26  
27 (B) the provisionally certified guardian is indicted for, formally  
28 charged with, adjudged guilty of, or enters a plea of no contest  
29 in return for a grant of deferred adjudication with respect to any  
30 felony or misdemeanor offense;

31  
32 (C) any proceeding listed in Rule 7.2(b)(7) is initiated;

33  
34 (D) events or circumstances would require any changes to the  
35 attestation required by Rule 7.2(b)(7); or

36  
37 (E) the provisionally certified guardian is removed as a guardian  
38 under Chapter 1203 of the Estates Code.

39  
40 (4) Documents filed with court. Each document prepared by or on behalf of  
41 a provisionally certified guardian and filed with a court must include the  
42 provisionally certified guardian's certification number and the name and  
43 certification number of his or her supervisor.

44  
45 (5) A provisionally certified guardian must comply with the continuing  
46 education requirements in Rules 4.1-4.3 and 7.7. A provisionally

1 certified guardian, when he or she meets the qualifications for  
2 certification, must submit documentation as described in Rule 4.3(g) with  
3 his or her application for certification.  
4

5 (d) Responsibilities of supervisor.  
6

7 (1) A supervisor must:  
8

9 (A) assume primary responsibility for guiding the provisionally  
10 certified guardian's work and for supervising, generally and  
11 directly, as necessary, the quality of the provisionally certified  
12 guardian's work;  
13

14 (B) meet with each provisionally certified guardian at least once  
15 every two weeks, with at least one of these meetings being face-  
16 to-face each month;  
17

18 (C) assist the provisionally certified guardian in activities to the  
19 extent that the supervisor considers it necessary and appropriate;  
20

21 (D) ensure that the provisionally certified guardian is familiar with  
22 the provisions of these rules and the Code of Ethics and  
23 Minimum Standards for Guardianship Services; and  
24

25 (E) monitor the provisionally certified guardian's compliance with  
26 these rules and the Code of Ethics and Minimum Standards for  
27 Guardianship Services.  
28

29 (2) A supervisor may not supervise more provisionally certified guardians  
30 than a reasonably prudent supervisor operating under substantially  
31 similar circumstances would supervise at one time.  
32

33 (3) A supervisor whose certification expires, is revoked, or is suspended, or  
34 who voluntarily surrenders his or her certification, may not continue as  
35 a supervisor and must notify all provisionally certified guardians under  
36 that person's supervision that the person may not continue as a  
37 supervisor.  
38

39 (4) A supervisor must immediately notify the Commission, or cause notice  
40 to be sent to the Commission, if the supervisor ceases to supervise a  
41 provisionally certified guardian.  
42

43 (5) A supervisor may not:  
44

45 (A) be related within the second degree by affinity (marriage) or  
46 within the third degree by consanguinity (blood or adoption) to a

1 person whom he or she is supervising; or

2 (B) be an employee of or under the employment supervision of a  
3 person whom he or she is supervising.  
4

5 (e) Notice from Commission. If the Commission receives notice from the  
6 supervisor under (d)(4), or receives notice of any of the items in ~~(c)~~(3) in  
7 any manner other than from the provisionally certified guardian, the Director,  
8 on behalf of the Commission, will contact the provisionally certified guardian  
9 regarding the notification by first class mail. Notice from the Director on behalf  
10 of the Commission is deemed given when sent to the provisionally certified  
11 guardian at the last home address on file in the Commission's records.  
12

13 (f) Prohibition on representation as a certified guardian. The supervisor and  
14 provisionally certified guardian may not state, represent, or imply that the  
15 provisionally certified guardian is a certified guardian.  
16

17 (g) Expiration of provisional certification.  
18

19 (1) A provisionally certified guardian may be provisionally certified for only  
20 one two-year period unless a waiver is approved by the Commission.  
21 For a provisionally certified guardian, a waiver may only be granted by  
22 the Commission before the expiration of the two- year period. For a  
23 formerly certified guardian whose certification expired or was  
24 surrendered unrelated to discipline, the Commission may grant a new  
25 provisional certification to allow the individual to work while pursuing  
26 certification again. It is the responsibility of the provisionally certified  
27 guardian to contact the Director regarding any questions or concerns  
28 about the expiration of provisional certification, requirements for full  
29 certification, or requesting a waiver.  
30

31 (A) To request a waiver from the Commission, the provisionally  
32 certified guardian must send a written request to the Director.  
33 The request must include the reasons for seeking the waiver, the  
34 time period of the extension, and verification of attendance at  
35 Commission-approved continuing education during the  
36 provisional certification period. The provisionally certified  
37 guardian may include information in support of his or her request  
38 for a waiver, such as a letter of support from the designated  
39 guardian supervisor. If the provisionally certified guardian has  
40 not yet passed the required exam or completed required  
41 continuing education, the provisionally certified guardian must  
42 include in a request for a waiver the details of his or her plan for  
43 completion of these requirements and the amount of time  
44 necessary to do so.  
45

46 (B) The Commission will consider the request at a regularly

1 scheduled Commission meeting. The request must be received  
2 by the Director not less than 30 days prior to the next scheduled  
3 meeting of the Commission. If a request for waiver is not  
4 received in time to be heard at a regularly scheduled meeting  
5 before the provisional certification expires, the request will not  
6 be considered.

7  
8 (2) Upon expiration of a provisionally certified guardian's certification, the  
9 guardian must immediately provide written notice of the expiration to  
10 each court in which the guardian has been appointed pursuant to Section  
11 1101.151 or Section 1101.152 of the Estates Code and, if the guardian  
12 provides guardianship services on behalf of the Health and Human  
13 Services Commission Office of Guardianship [~~Department of Aging and~~  
14 ~~Disability Services~~] or a guardianship program, to each of those  
15 organizations on whose behalf the guardian provides guardianship  
16 services.

17  
18 (h) If a provisionally certified guardian applies to be a certified guardian within one  
19 year of obtaining provisional certification, the applicant need not submit a new  
20 criminal history record.

## 21 22 **7.5 Renewal of Certification**

23  
24 (a) A renewal application and all applicable fees are due [~~45 days~~] prior to the  
25 expiration of the certification. An application is timely if it is filed online or  
26 postmarked on or before expiration [~~the due date~~]. Failure to submit [~~complete~~]  
27 a renewal application [~~at least 45 days~~] prior to expiration will [~~may~~] result in a  
28 lapse of certification. To avoid a lapse in certification, renewals should be  
29 submitted no later than 10 days before expiration.

30  
31 (b) To be eligible for renewal, the certified guardian must:

- 32  
33 (1) pay all required fees;  
34  
35 (2) apply within the required time;  
36  
37 (3) comply with Rule 7.2(b)(6)-(7); and  
38  
39 (4) meet the continuing education requirements in Rules 4.1-4.3 and 7.7.

## 40 41 **7.6 Enforcement**

42  
43 (a) After notice and an opportunity for a hearing under Rule 5.10, the Commission  
44 may deny, suspend, refuse to renew, or revoke certification, ~~or~~ provisional  
45 certification; or guardianship program registration, issue a [~~public or private~~]  
46 reprimand; or impose an administrative penalty or other disciplinary action, if the

1 applicant, certified guardian, [Ø] provisionally certified guardian, or registered  
2 guardianship program has:

- 3
- 4 (1) failed to comply with any rule applicable to certified guardians, [Ø]  
5 provisionally certified guardians, or registered guardianship programs,  
6 respectively;
- 7
- 8 (2) failed to comply with any of the Code of Ethics and Minimum Standards  
9 for [~~the Provision of~~] Guardianship Services;
- 10
- 11 (3) failed to pay any applicable fee established by the Commission;
- 12
- 13 (4) failed to meet the requirements for certification, provisional  
14 certification, registration, or renewal established by the Commission;
- 15
- 16 (5) falsely represented or misstated any material fact to the Commission;
- 17
- 18 (6) been adjudged guilty of or entered a plea of guilty or no contest in return  
19 for a grant of deferred adjudication to any felony or misdemeanor  
20 offense, and the factors listed in Rule 3.5 weigh in favor of disciplinary  
21 action;
- 22
- 23 (7) been found civilly liable or settled a claim in an action, including but not  
24 limited to a surcharge action, that involved fraud, misrepresentation,  
25 material omission, misappropriation, theft, assault, battery, abuse,  
26 neglect, breach of trust, breach of fiduciary duty, or conversion;
- 27
- 28 (8) been relieved of responsibilities as a guardian or fiduciary by a court,  
29 employer, or client for actions involving fraud, moral turpitude,  
30 misrepresentation, material omission, misappropriation, theft, assault,  
31 battery, abuse, neglect, breach of trust, breach of fiduciary duty, or  
32 conversion;
- 33
- 34 (9) been found liable in a subrogation action by an insurance or bonding  
35 agent or in a subrogation action brought by an interested party;
- 36
- 37 (10) failed to notify the Commission of a violation of any of the provisions  
38 set forth in Rule 7.2(b)(6)-(7); or
- 39
- 40 (11) engaged in conduct that poses a substantial threat to the well-being of a  
41 ward or the ward's estate.
- 42

43 (b) The Commission may suspend or revoke certification, [Ø] provisional  
44 certification, or registration, if it [~~the certificate~~] was granted:

- 45 (1) contrary to these rules and the requirements for certification, [Ø]  
46 provisional certification, or registration; or

1  
2 (2) to an individual or program, if applicable, which [~~who~~] is not eligible to  
3 acquire a certificate, [~~or~~] provisional certificate, or registration  
4 certificate or [~~who~~] has made any false representations or misstatement  
5 of material fact to the Commission.  
6

7 (c) If the respondent in a complaint or enforcement proceeding is a provisionally  
8 certified guardian, all notices sent to the respondent under Rule 5.10 will be  
9 copied to his or her designated certified guardian supervisor.  
10

## 11 **7.7 Continuing Education**

12  
13 (a) A certified guardian must complete at least 12 hours of approved continuing  
14 education during each certification period. The 12 hours must include a  
15 minimum of two hours of ethics and one hour of legislative update. In this rule,  
16 the term “certified guardian” includes a provisionally certified guardian.  
17

18 (b) The required hours must be earned prior to the expiration of the certified  
19 guardian’s certification period.  
20

21 (c) A certified guardian may carry forward for the following certification period  
22 not more than four regular continuing education hours, not including ethics or  
23 legislative update hours, which were earned in excess of the 12 hours used to  
24 satisfy the continuing education requirements of the immediately previous  
25 certification period. Ethics hours and legislative update hours may not be carried  
26 forward from one certification period to another certification period even if the  
27 hours were earned in excess of the minimum requirements for ethics and  
28 legislative update hours.  
29

30 (d) A continuing education activity for a certified guardian must be an organized  
31 program of learning dealing with matters that are directly related to the  
32 guardianship profession, the services guardians provide, and the legal process  
33 involved in guardianship proceedings. A continuing education activity should  
34 increase participants’ understanding of the Texas judicial system, the  
35 responsibilities of a certified guardian, and the certified guardian’s impact on  
36 the judicial process and the public.  
37

38 (e) Continuing education activities for certified guardians must include one or more  
39 of the following subjects:  
40

41 (1) guardianships;

42 (2) trust administration;

43 (3) powers of attorney;  
44  
45  
46



- (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 Estates Code, rules adopted by the Supreme Court relating to guardianship certification, and the Code of Ethics and Minimum Standards for [the Provision of] Guardianship Services adopted by the Commission; and
- (8) management issues, including financial planning and accounting.

(f) A certified guardian may request up to six hours of continuing education credit during each two-year certification period for teaching courses, speaking at seminars, or authoring books or articles related to the subject matter specified in (e). The certified guardian must submit an application for teaching credit on a form provided by the Commission. 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.

**7.8 Registration of Guardianship Programs**

(a) Effective September 1, 2018, a guardianship program must hold a registration certificate issued by the Commission in order to offer or render guardianship services and related services.

(b) In order to become registered a guardianship program must apply on a form provided by the Commission, and provide the following information:

- (1) the name and certification number of each certified guardian employed by, volunteering with, or under contract with the guardianship program;
- (2) the name, address, telephone number, and email address of each employee, volunteer, or contractor who is to provide guardianship services on behalf of the guardianship program;
- (3) the number of wards served by the guardianship program;
- (4) the organizational chart or other description of the role and responsibility of each person in the guardianship program;
- (5) the name and certification number of each certified guardian who

1 supervises or directly provides guardianship services to wards or  
2 other incapacitated persons on behalf of the guardianship program;

3  
4 (6) the number of provisionally certified guardians and other personnel  
5 each certified guardian supervises;

6  
7 (7) any sanction imposed by a court in Texas or another jurisdiction  
8 arising from any probate matter and any disciplinary history with a  
9 regulatory agency in another jurisdiction for each certified guardian  
10 and provisionally certified guardian who would render services on  
11 behalf of the program; and

12  
13 (8) for each certified guardian, the name, cause number, and county of  
14 each ward or other person who receives guardianship services under  
15 the supervision of the certified guardian.

16  
17 (c) All guardianship services rendered by a guardianship program must be  
18 performed by a certified guardian in good standing, a provisionally certified  
19 guardian in good standing, or a volunteer under the supervision of a certified  
20 guardian in good standing.

21  
22 (d) After consideration of the nature of the conduct at issue in a complaint  
23 against a certified guardian or provisionally certified guardian at the  
24 guardianship program and the outcome of the investigative and disciplinary  
25 process, the time elapsed since the conduct, and any rehabilitative efforts  
26 undertaken by the program; the commission may deny the registration  
27 application of a guardianship program or register the program subject to  
28 restrictions or probation for a specified period of time.

29  
30 (e) Each registration certificate issued to a guardianship program expires on the  
31 last day of the month of every second anniversary of its issuance. Each  
32 guardianship program must renew the registration certificate prior to its  
33 expiration in order to continue to offer or render guardianship services. An  
34 expired registration certification may be renewed not later than one year  
35 after expiration, upon the payment of a late renewal fee, in accordance with  
36 Rule 3.2.

37  
38 (f) In addition to the annual report required by Section 155.105 of the  
39 Government Code, each guardianship program must update the information  
40 filed with the Commission no later than January 31 of each year.

## 41 **7.9 Successor Guardians; Continuity of Guardianship Services**

42  
43  
44 (a) A guardianship program must immediately cease offering guardianship  
45 services or holding itself out to the public as a guardianship program upon  
46 the expiration, suspension, revocation, or upon the Commission's refusal to

1 renew the program’s registration certificate. Upon the expiration,  
2 suspension, revocation or non-renewal of its registration certificate, a  
3 guardianship program must, within 7 days, provide written notice of the  
4 need to appoint a successor or temporary guardian to each court for which  
5 the program serves as guardian of a ward of the court. The guardianship  
6 program must send a copy of the written notice to the Commission.

7  
8 (b) Upon the suspension or revocation of a guardianship program’s registration  
9 certificate or upon the suspension or revocation of a certification of a  
10 guardian for a guardianship program, the Commission must provide written  
11 notice to each court with probate jurisdiction.

12  
13 (c) Each guardianship program and certified guardian who exercises  
14 managerial authority over a guardianship program is subject to disciplinary  
15 action for failing to provide timely written notice to the courts and the  
16 Commission regarding any interruption of legal authority of the  
17 guardianship program to provide guardianship services.

## 18 19 **8.0 Process Server Certification**

### 20 21 **8.1 Definitions**

22  
23 **Certified process server** means a person who is certified by the Commission to  
24 serve process statewide.

### 25 26 **8.2 Initial Certification Requirement**

27  
28 (a) A person seeking statewide certification to serve process must file with the  
29 Commission an application, sworn or under penalty of perjury, in the form  
30 prescribed by the Commission.

31  
32 (b) An application must comply with the requirements of Rule 3.1. The [~~and~~  
33 ~~also contain a statement indicating whether the applicant has ever been~~  
34 ~~convicted of a felony or of a misdemeanor involving moral turpitude. The~~  
35 ~~Commission or Director may deny certification to an applicant convicted of~~  
36 ~~a felony or of a misdemeanor involving moral turpitude. If an applicant’s~~  
37 ~~criminal history reflects that the applicant was charged with a felony or a~~  
38 ~~misdemeanor involving moral turpitude and the charges resulted in an~~  
39 ~~outcome other than acquittal or conviction (such as pretrial diversion,~~  
40 ~~probation, deferred adjudication, community supervision, or similar result),~~  
41 ~~the] Commission or Director may consider the applicant’s criminal history  
42 using the factors listed in Rule 3.5 in determining whether the application  
43 should be granted.~~

44  
45 (c) The application must include a certificate from the director of a civil process  
46 service course, approved by the Commission for certification in every state

1 court, stating that the applicant has completed the approved course within  
2 the prior year for initial certification. The applicant bears the burden of  
3 establishing that he or she has completed within the prior year a course  
4 approved by the Commission for certification in every state court.  
5

6 (d) Applications will be reviewed and either approved or rejected for good  
7 cause stated. In appropriate circumstances, the Commission or Director may  
8 approve applications on a conditional or probationary basis.  
9

10 (e) Certification is effective for two [~~three~~] years from the last day of the month  
11 that the certification issues, unless it is revoked or suspended under these  
12 rules.  
13

### 14 8.3 Renewal of Certification

15  
16 (a) To renew a certification, a certified process server must timely submit to  
17 the Commission a renewal application, including a current criminal history  
18 statement and all applicable fees, and complete the continuing education  
19 requirements in Rules 4.1-4.3 and 8.5.  
20

21 (b) The renewal application and all applicable fees are due [~~45 days~~] prior to  
22 the expiration of the certification. An application is timely if it is filed  
23 online or postmarked on or before expiration [~~the due date~~]. Failure to  
24 submit[~~complete~~] a renewal application [~~at least 45 days~~] prior to  
25 expiration will [~~may~~] result in a lapse of certification. To avoid a lapse in  
26 certification, renewal applications should be submitted no later than 10  
27 days before expiration.  
28

29 [~~(c) — A certified process server whose certification expires between September~~  
30 ~~1, 2014 and August 31, 2017 must, before renewing the certification,~~  
31 ~~provide the Commission with his or her Texas and national criminal history~~  
32 ~~records by having his or her fingerprints submitted according to directions~~  
33 ~~published on the Commission's website. The Texas and national criminal~~  
34 ~~history searches must be conducted no earlier than 90 days preceding the~~  
35 ~~date the renewal application is submitted.]~~

### 36 8.4 Enforcement

37  
38  
39 After notice and hearing under Rule 5.10, the Commission may deny, revoke, suspend,  
40 or refuse to renew any certification issued under Rule 8.2; issue a [~~letter of~~] reprimand  
41 to a certified process server; or impose an administrative penalty on a certified process  
42 server for violation of the laws, rules, or Code of Ethics relating to certified process  
43 servers which are enforced by the Commission[:

44  
45 (a) [~~conviction of a felony offense or of a misdemeanor offense involving moral~~  
46 ~~turpitude, as determined using Rule 3.5; or~~

1  
2 (b) ~~other good cause as determined by the Commission~~.  
3

## 4 **8.5 Continuing Education**

- 5  
6 (a) To renew certification, a certified process server must establish that all  
7 required continuing education has been completed. Rules 4.1-4.3  
8 supplement this rule and establish additional requirements for continuing  
9 education.  
10  
11 (b) A certified process server must complete at least eight [12] hours of  
12 approved continuing education during the certified process server's two-  
13 year [~~three-year~~] certification period. For process servers who are already  
14 certified on September 1, 2017 [~~the effective date of these rules~~], the two-  
15 year [~~three-year~~] requirement begins with the process server's next two-year  
16 [~~three-year~~] certification period. A certified process server may carry  
17 forward to the next certification period up to four hours of continuing  
18 education hours.  
19  
20 (c) A continuing education activity for a certified process server must be an  
21 organized program of learning dealing with matters that are directly related  
22 to service of process. A continuing education activity should increase  
23 participants' understanding of the Texas judicial system, the responsibilities  
24 of a certified process server, and the certified process server's impact on the  
25 judicial process and the public.  
26

## 27 **9.0 Licensed Court Interpreters**

### 28 **9.1 Definitions**

- 29  
30  
31 (a) A **Basic Designation** permits the interpreter to interpret court proceedings  
32 in justice courts and municipal courts that are not municipal courts of record  
33 but does not permit the interpreter to interpret [~~, other than~~] a proceeding  
34 before the court in which the judge is acting as a magistrate.  
35  
36 (b) **Dishonorable** means lacking in integrity, indicating an intent to deceive or  
37 take unfair advantage of another person, or bringing disrepute to the  
38 profession of court interpretation.  
39  
40 (c) **Licensed court interpreter** means a person who is licensed by the  
41 Commission to interpret court proceedings for an individual who can hear  
42 but who has no or limited English proficiency [~~does not comprehend~~  
43 ~~English or communicate in English~~].  
44 (d) A **Master Designation** permits the interpreter to interpret court proceedings in  
45 all courts in this State, including justice courts and municipal courts.  
46

- 1 (e) **Unethical** means conduct that does not conform to generally accepted standards  
2 of conduct for professional court interpreters.  
3

## 4 **9.2 Licensing Requirement**

- 5  
6 (a) The Commission must issue a court interpreter license to a person who:  
7  
8 (1) satisfies the requirements of Section 3.0 of these rules;  
9  
10 (2) prior to filing an application with the Commission, satisfactorily  
11 completes a Commission-approved orientation course of at least six  
12 hours;  
13  
14 (3) satisfies the examination requirements of Rule 9.3; and  
15  
16 (4) completes all requirements, including satisfying the examination  
17 requirements within one year of the date of the application.  
18  
19 (b) A license issued or renewed under this rule is valid until the end of the month  
20 of the second anniversary of [for one year from] the date of issuance or renewal,  
21 respectively, and must have a language endorsement for each language that the  
22 applicant will interpret.  
23

## 24 **9.3 Examination**

- 25  
26 (a) Each applicant must pass all parts of a Commission approved language  
27 examination for each language that the applicant will interpret.  
28  
29 (b) An applicant must pass the written examination with a score of at least 80% in  
30 order to be eligible to take any part of the oral examination. A passing score on  
31 the written examination is valid for 2 years. An applicant who does not become  
32 licensed during that 2-year period must take the orientation course and pass the  
33 written examination again.  
34  
35 (c) An applicant must pass all three parts of the oral examination according to the  
36 following:  
37  
38 (1) An applicant scoring at least 60% on each part of the oral examination  
39 is eligible for a Basic Designation license.  
40  
41 (2) An applicant scoring at least 70% on each part of the oral examination  
42 is eligible for a Master Designation license.  
43  
44 (d) An applicant taking an examination must comply with the Commission's  
45 examination requirements under Rules 3.7-3.9.  
46  
47 (e) An applicant who fails an examination may apply for reexamination at a

1 scheduled examination held at least six months after the date the individual  
2 failed the original examination.

#### 3 4 **9.4 Renewal**

- 5
- 6 (a) To renew a license, a court interpreter must timely submit to the Commission a  
7 renewal application and all applicable fees and complete the continuing  
8 education requirements in Rules 4.1-4.3 and 9.7.
- 9
- 10 (b) The renewal application and all applicable fees are due ~~[45 days]~~ prior to the  
11 expiration of the license. An application is timely if it is filed online or  
12 postmarked on or before expiration [the due date]. A licensed court interpreter's  
13 failure to receive a renewal notice from the Commission does not exempt the  
14 interpreter from any requirements of these rules or of other rules governing the  
15 profession. To avoid a lapse in licensure, renewal applications should be  
16 submitted no later than 10 days before expiration.
- 17
- 18 (c) A person whose license has been expired for one year or less may renew the  
19 license by paying to the Commission the appropriate renewal fee for late  
20 renewals specified in Rule 3.2(f). A person whose license has been expired for  
21 one year or longer may not renew the license, except as allowed under Rule  
22 3.2(g), (i), and (j).
- 23
- 24 ~~[(d) A licensed court interpreter [whose license expires between September 1, 2014~~  
25 ~~and August 31, 2015] must, before renewing the license, provide the~~  
26 ~~Commission with his or her Texas and national criminal history records by~~  
27 ~~having his or her fingerprints submitted according to directions published on~~  
28 ~~the Commission's website. The Texas and national criminal history searches~~  
29 ~~must be conducted no earlier than 90 days preceding the date the renewal~~  
30 ~~application is submitted.]~~

#### 31 32 **9.5 Responsibilities of Licensed Court Interpreters**

- 33
- 34 (a) A licensed court interpreter must include his or her name and license number  
35 on all official correspondence and on all contracts and invoices for court  
36 interpreter services.
- 37
- 38 (b) A licensed court interpreter must present his or her court interpreter license upon  
39 the request of a court or an officer of the court.

#### 40 41 **9.6 Enforcement**

- 42
- 43 (a) After notice and an opportunity for a hearing under Rule 5.10, the Commission  
44 may deny, revoke, suspend, or refuse to renew a license or reprimand a licensed  
45 court interpreter on finding that the person:
- 46

- 1 (1) made a material misstatement in an application for a license;  
2  
3 (2) disregarded or violated Chapter 157 of the Government Code, or a rule  
4 adopted under Chapter 157;  
5  
6 (3) engaged in dishonorable or unethical conduct likely to deceive, defraud,  
7 or harm the public or a person for whom the interpreter interprets; or  
8  
9 (4) engaged in criminal conduct related to court interpretation [~~was finally~~  
10 ~~convicted of a crime that indicates the person lacks the honesty,~~  
11 ~~trustworthiness, or integrity to hold the license~~], as determined using  
12 Rule 3.5.  
13  
14 (b) The Commission may reissue a license to an individual whose license has been  
15 revoked or denied renewal if the individual applies in writing to the  
16 Commission and shows good cause to justify reissuance of the license in  
17 accordance with Rule 3.15.  
18  
19 (c) The Commission may impose [~~assess~~] an administrative penalty under Chapter  
20 153 of the Government Code against a person who violates Chapter 157 of the  
21 Code or a rule adopted under that chapter.  
22

## 23 **9.7 Continuing Education**

- 24  
25 (a) Effective September 1, 2017 [~~To renew a license~~], a licensed court interpreter  
26 must complete sixteen [~~eight~~] hours of approved continuing education in  
27 courses approved by the Commission, including four [~~two~~] hours of instruction  
28 in ethics.  
29  
30 (b) Except as provided by (c), the continuing education hours must ~~be~~ [~~have been~~]  
31 completed during [~~within~~] the term of the current license plus any later period  
32 after expiration of the license, if the license is renewed late [~~, in the case of a~~  
33 ~~timely renewal~~]. [~~For a late renewal, the continuing education hours must~~ [~~have~~  
34 ~~been completed within the one year period immediately prior to the date of~~  
35 ~~renewal.~~]  
36  
37 (c) A licensed court interpreter may carry forward to the next certification period  
38 up to eight [~~four~~] continuing education hours, but ethics credit may not be  
39 carried forward.  
40  
41 (d) A licensed court interpreter may not receive continuing education credit for  
42 attending the same course more than once within the same license period.  
43  
44 (e) Notwithstanding Rule 4.3(g), a licensed court interpreter must retain a copy of  
45 the certificate of completion for a course for two years [~~one year~~] after the date  
46 of completion. In conducting any inspection or investigation of the licensed



1 court interpreter, the Commission may examine the licensed court interpreter's  
2 records to determine compliance with this requirement.

3  
4 (f) To be approved, a continuing education course must be dedicated to instruction  
5 in one or more of the following topics:

- 6  
7 (1) law and rules affecting the practice of a licensed court interpreter;  
8 (2) ethics;  
9 (3) practice topics, such as etiquette, modes, vocabulary, technology,  
10 transcription, translation, grammar and spelling, and voice training; or  
11 (4) business practices.

## 12 13 **10.0 Guardianship Registration**

### 14 15 **10.1 Information Submission – Proposed Guardians**

16  
17 (a) Effective June 1, 2018, each guardianship must be registered with the  
18 Commission. The clerk of a court with probate jurisdiction must provide written  
19 notice of the requirement to provide the Commission information to each person  
20 who applies for or seeks appointment as a guardian and to each attorney who  
21 files an application to create a guardianship or seeks to represent a proposed  
22 guardian. Each proposed guardian, or an attorney on behalf of the proposed  
23 guardian, must submit the following information to the Commission:

- 24 (1) the name, and all former names, of the proposed guardian;  
25 (2) the proposed guardian's physical address and mailing address if different,  
26 telephone number, email address, and other contact information, if any;  
27 (3) the proposed guardian's attorney's physical address and mailing address  
28 if different, telephone number, email address, and other contact  
29 information;  
30 (4) the name, sex, and date of birth of the proposed ward;  
31 (5) whether the proposed guardianship is of the person, the estate, or both;  
32 (6) whether the proposed guardianship is based upon incapacity or minority  
33 of the proposed ward;  
34 (7) the estimated value of the liquid assets of the proposed ward's estate;  
35 (8) the name of the court with jurisdiction over the guardianship proceeding;  
36 and  
37 (9) whether the proposed guardian is a certified guardian, attorney or a

1 corporate fiduciary.

2  
3 (b) The Commission and the clerk of the court with probate jurisdiction must notify  
4 the court and the proposed guardian of receipt of the information required by  
5 paragraph (a). The Commission may request clarification, correction, or  
6 completion of the information.

7  
8 (c) The Commission and the clerk of the court with probate jurisdiction must provide  
9 written notice and direction to the proposed guardian to instruct the guardian on  
10 completing the training and criminal history background check required by  
11 Sections 155.204 and 155.205 of the Government Code.

12  
13 (d) Submission of information under (a) does not constitute registration of the  
14 guardianship. A guardianship is not registered with the Commission until the  
15 Commission receives notice from the clerk of the court that the guardian has been  
16 appointed by the court and the date of qualification in accordance with Section  
17 1105.002 of the Estates Code.

18  
19 **10.2 Qualification of Proposed Guardians – Training**

20  
21 (a) A proposed guardian may not be appointed guardian unless:

22 (1) the proposed guardian completes the training provided on the  
23 Commission’s website;

24 (2) the proposed guardian is a certified guardian, attorney, or a corporate  
25 fiduciary;

26 (3) the proposed guardian seeks initial appointment only as a temporary  
27 guardian for no longer than 60 days, subject to the restrictions specified  
28 in Section 155.204(b)(2) of the Government Code; or

29 (4) the court waives the training requirement in accordance with Rule 10.3.

30  
31 (b) The Commission must provide the proposed guardian the web address, or, upon  
32 request, the training materials and instruction for completion of the training

1 requirement. The proposed guardian must complete the training no later than 10  
2 days before the court's hearing to consider the proposed guardian's appointment.

3  
4 (c) The Commission must include the following subjects in the training:

5 (1) the guardian's fiduciary duty to the ward;

6 (2) the laws relating to the practice of guardians, including actions guardians  
7 may take without court approval and actions requiring court approval;

8 (3) the requirement to file and maintain an adequate bond to protect the ward  
9 and the ward's estate;

10 (4) the content and information to include in inventories, annual accounts,  
11 annual reports of the person, final reports of the person, final accounts,  
12 and other filings with the court;

13 (5) the content and information to include in the annual report to the  
14 Commission;

15 (6) alternatives to guardianship;

16 (7) support and services available to wards; and

17 (8) the ward's bill of rights.

18  
19 (d) Upon completion of the training, each proposed guardian will receive a  
20 certificate. The Commission must confirm to the court when a proposed guardian  
21 has successfully completed the training requirement. A hearing to appoint a  
22 proposed guardian may occur no earlier than 10 days after receipt of notice of  
23 completion of training.

24  
25 **10.3 Waiver of Guardianship Training**

26  
27 (a) A court may waive the training requirement as a qualification for appointment as  
28 guardian, if the court finds the proposed guardian received the training during  
29 the one-year period immediately preceding the date of the application for  
30 appointment as guardian.

31  
32 (b) A court may postpone the training requirement as a qualification for appointment

1 as guardian to a date not later than 60 days after appointment, if:

2 (1) the court makes an immediate appointment of a successor guardian under  
3 Section 1203.102(b) of the Estates Code;

4 (2) the court appoints a temporary guardian under Chapter 1251 of the  
5 Estates Code; or

6 (3) the court makes a written finding that due to extraordinary facts and  
7 circumstances an immediate appointment of a guardian is necessary.

8  
9 (c) The court must provide the Commission written notice of waiver or  
10 postponement of the training requirement, and of the reason for the waiver or  
11 postponement, within 5 days after the appointment of the guardian.

#### 12 13 **10.4 Qualification of Proposed Guardian – Criminal History Background**

14  
15 (a) Effective June 1, 2018, the Commission must have a search conducted of a  
16 proposed guardian’s criminal history records upon receipt of information  
17 regarding the proposed guardian in accordance with Rule 10.01, unless the  
18 proposed guardian is a certified guardian, a provisionally certified guardian, an  
19 attorney, or a corporate fiduciary.

20  
21 (b) A proposed guardian may not be appointed guardian, or temporary guardian,  
22 unless:

23 (1) the criminal history records of the Department of Public Safety are  
24 searched for the name and any former name of the proposed guardian if  
25 the value of the estimated liquid assets in the estate of the proposed ward  
26 is \$50,000 or less; or

27 (2) the fingerprints of the proposed guardian are searched in the records of  
28 the Federal Bureau of Investigations if the value of the liquid assets of  
29 the proposed ward’s estate exceed \$50,000.

30  
31 (c) The Commission must provide the criminal history background information  
32 regarding a proposed guardian to the clerk of the court. The clerk must provide

1 the information to the court for the exclusive use of the judge. The clerk must not  
2 file the criminal history background information in the court file. A hearing to  
3 appoint a proposed guardian may occur no earlier than 10 days after receipt of  
4 the criminal history background information.

5  
6 (d) The Commission may not disclose criminal history record information to any  
7 person or agency other than the clerk of the court in which the guardianship  
8 proceeding is pending or the court, except upon court order or consent of the  
9 subject of criminal history record information. The Commission and the clerk of  
10 the court may destroy copies of criminal history record information after it has  
11 been used for its intended purpose.

#### 12 **10.5 Notice of Guardianship – Entry in Database**

13  
14  
15 (a) A clerk of the court must notify the Commission of the date of the guardian’s  
16 qualification under Section 1105.002 of the Estates Code.

17  
18 (b) Upon receipt of notice from a clerk of the court of the qualification of a guardian,  
19 the Commission must register information regarding the guardianship obtained  
20 under Rule 10.1 in the guardianship database maintained by the Commission  
21 pursuant to Section 155.152 of the Government Code.

22  
23 (c) The clerk of a court which removes a guardian or terminates a guardianship must  
24 send notice of the removal or termination to the Commission within 10 days. The  
25 Commission must update the registration of the guardianship in the database.

26  
27 (d) The clerk of the court which transfers a guardianship to another venue or  
28 jurisdiction must notify the Commission within 10 days of receipt of  
29 confirmation that the receiving court has accepted the guardianship. The  
30 Commission must update the registration of the guardianship in the database.

31  
32 (e) The Commission must allow access to the guardianship database only as allowed

1                    by Section 155.153 of the Government Code and exclusively for the purposes  
2                    specified in that Section.

3  
4                    **10.6 Registration of Pre-existing Guardianships**

5                    Each guardian of a guardianship which existed on or before June 1, 2018, must register with  
6                    the Commission by filing the information listed in Rule 10.1(a) and by providing the  
7                    guardian’s qualification date no later than the date upon which the next annual report or  
8                    annual accounting is filed with the court. For purposes of registering a guardianship which  
9                    existed on or before June 1, 2018, a guardian need not obtain training or undergo a criminal  
10                   history background check, unless ordered to do so by the court.

11  
12                   **FEES OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION**

13  
14                   **Certified Court Reporters and Registered Court Reporting Firms**

15  
16                   (a)        Applicants for Certification and Certified Reporters.

17  
18                   (1)        Certification Application Fee. Each applicant must submit a certification  
19                   fee of \$200 [~~\$85~~] with the completed application.

20  
21                   (2)        Examination Fee. Each applicant who is taking the certification  
22                   examination must submit an examination fee of \$75 for Part B, \$125 for  
23                   Part A, or \$190 for Parts A and B combined by the date established by the  
24                   Commission.

25  
26                   [~~(3)~~] ~~Examination Late Fee. The late fee that must be paid by an applicant whose~~  
27                   ~~application to take the examination is late according to the deadlines~~  
28                   ~~established by the Commission is \$25.]~~

29  
30                   (3)[~~(4)~~] Renewal Fee (Before Expiration of Certification). Each certified court  
31                   reporter must submit a renewal fee of \$200 on or before the expiration date  
32                   of the certification. If this fee is not timely paid, the certification will expire  
33                   pursuant to Rule 6.3.

34  
35                   (4)[~~(5)~~] Late Renewal Fee (Expired for Ninety Days or Less). A person whose  
36                   certification has been expired for 90 days or less may renew the certification  
37                   by paying a renewal fee of \$300.

38  
39                   (5)[~~(6)~~] Late Renewal Fee (Expired More than Ninety Days but Less than One  
40                   Year). A person whose certification has been expired for more than 90 days  
41                   but less than one year may renew the certification by paying a renewal fee

1 of \$400.

2  
3 ~~(6)~~~~(7)~~ Recertification Fee (Moved to Another State). A person who was certified  
4 in this State, moved to another state, and is currently certified and has been  
5 in practice in the other state for one year ~~[the two years]~~ preceding the date  
6 of application may obtain a new certification without reexamination by  
7 paying a fee of \$400.

8  
9 ~~[(8) Subscription Fee. With each fee required by (a)(4)-(7), a person must pay~~  
10 ~~an additional, subscription fee of \$10 to fund a common Internet licensing~~  
11 ~~system pursuant to Section 2054.2591 of the Government Code.]~~

12  
13 ~~(7)~~~~(9)~~ Regrading Fee. A person who requests that an examination be regraded  
14 must pay a regrading fee of \$35.

15  
16 ~~(8)~~~~(10)~~ Replacement Fees. A person who requests a replacement for the person's  
17 certificate must pay a fee of \$15. A person who requests a replacement for  
18 the person's ~~[ID]~~ certification card must pay a fee of \$5.

19  
20 (b) Applicants for Registration and Registered Court Reporting Firms.

21  
22 (1) Registration Fee. Each registrant must submit a registration fee of \$200  
23 along with the completed registration form.

24  
25 (2) Renewal Fee (Before Expiration of Registration). Each registered court  
26 reporting firm and affiliate office must submit a renewal fee of \$200 on or  
27 before the expiration date of the registration. If this fee is not timely paid,  
28 the registration will expire pursuant to Rule 6.3.

29  
30 (3) Late Renewal Fee (Expired for Ninety Days or Less). A firm whose  
31 registration has been expired for 90 days or less may renew the registration  
32 by paying a renewal fee of \$300.

33  
34 (4) Late Renewal Fee (Expired More than Ninety Days but Less than One  
35 Year). A firm whose registration has been expired for more than 90 days but  
36 less than one year may renew the registration by paying a renewal fee of  
37 \$400.

38  
39 (5) Replacement Fee. A firm that requests a replacement registration certificate  
40 must pay a fee of \$15.

41  
42 ~~[(6) Subscription Fee. With each fee required by (b)(2)-(4), a person must pay~~  
43 ~~an additional, subscription fee of \$12 to fund a common Internet licensing~~  
44 ~~system pursuant to Section 2054.2591 of the Government Code.]~~

1 **Certified Guardians**

- 2
- 3 (a) Certification Application Fee [fee]— \$100 [\$25] (An employee of the Texas Health  
4 and Human Services Commission Office of Guardianship (“HHSC”) [~~Department~~  
5 ~~of Aging and Disability Services~~] who is applying for certification to provide  
6 guardianship services to a ward of the HHSC [~~Department~~] is exempt from payment  
7 of this fee.)
- 8
- 9 (b) Examination Fee [~~Exam fee~~] (initial)—\$175 (This fee must be paid separately from  
10 all other fees by the date established in the exam schedule.)
- 11
- 12 (c) Examination Fee [~~Exam fee~~] (retake)—\$175 (This fee must be paid separately from  
13 all other fees by the date established in the exam schedule.)
- 14
- 15 (d) Renewal Fee [fee]— \$100 [\$25] (An employee of the Texas HHSC [~~Department of~~  
16 ~~Aging and Disability Services~~] who is applying for renewal of certification to  
17 provide guardianship services to a ward of the HHSC [~~Department~~] is exempt from  
18 payment of this fee.)
- 19
- 20 (e) Late Renewal Fee [fee] (for 90 or fewer days after expiration)— \$150 [\$75]
- 21
- 22 (f) Late Renewal Fee (for more than 90 days but less than 1 year after expiration)--\$200
- 23
- 24 (g) Recertification Fee (Moved to Another State). A person who was certified in this  
25 State, moved to another state, and is currently certified and has been in practice in the  
26 other state for one year preceding the date of application may obtain a new  
27 certification without reexamination by paying a fee of \$200.
- 28
- 29 (h)[(f)] Certification Card Replacement fee—\$5
- 30

31 **Registered Guardian Programs**

- 32
- 33 (a) Initial Registration Application Fee ---- \$200
- 34
- 35 (b) Renewal Fee --- \$200
- 36
- 37 (c) Late Renewal Fee (for 90 or fewer days after expiration) --- \$300
- 38
- 39 (d) Late Renewal Fee (for more than 90 days but less than 1 year after expiration) -- \$400
- 40
- 41



1 **Certified Process Servers**

- 2
- 3 (a) Certification Application Fee [fee]—\$200 [~~\$225~~]
- 4
- 5 (b) Renewal Fee [fee]—\$200 [~~\$225~~]
- 6
- 7 (c) Late Renewal Fee [fee] (expired for 90 or fewer days ~~late renewals, in addition to~~  
8 ~~renewal fee)~~ ---\$300 [~~\$110~~]
- 9
- 10 (d) Late Renewal Fee (expired more than 90 days but less than 1 year) --\$400
- 11
- 12 (e) [~~Subscription fee to accompany each initial or renewal application, to fund~~  
13 ~~participation in a common Internet licensing system under Section 2054.2591 of~~  
14 ~~the Government Code~~—\$5]
- 15
- 16 (f) Recertification Fee (Moved to Another State). A person who was certified in this  
17 State, moved to another state, and is currently certified and has been in practice in  
18 the other state for one year preceding the date of application may obtain a new  
19 certification without reexamination by paying a fee of \$400.
- 20
- 21 (g)[~~(f)~~] Certification Card Replacement fee—\$5
- 22

23 **Licensed Court Interpreters**

- 24
- 25 (a) License Application Fee [fee]—\$200 [~~\$75~~]
- 26
- 27 (b) Renewal Application Fee [application fee]—\$200 [~~\$50~~]
- 28
- 29 (c) Upgrade to Master Application Fee [application fee]—\$25
- 30
- 31 (d) Additional Language Fee [endorsement fee]—\$25
- 32
- 33 (e) Replacement License Fee [license fee]—\$5
- 34
- 35 (f) Written Examination Fee [examination fee]—\$100
- 36
- 37 (g) Oral Examination Fee [examination fee]—\$300
- 38
- 39 (h) Late Renewal Fee (Expired for Ninety Days or Less). A person whose license has  
40 been expired for 90 days or less may renew the certification by paying a renewal  
41 fee of \$300 [~~\$75~~].
- 42
- 43 (i) Late Renewal Fee (Expired More than Ninety Days but Less Than One Year). A  
44 person whose license has been expired for more than 90 days but less than one year  
45 may renew the certification by paying a renewal fee of \$400 [~~\$100~~].
- 46

1 (j) Relicensing Fee (Moved to Another State). A person who was licensed in this State,  
2 moved to another state, and is currently licensed and has been in practice in the  
3 other state for one year preceding the date of application may obtain a new license  
4 without reexamination by paying a fee of \$400.

5  
6 (k) License Card Replacement Fee -- \$5

7  
8 **Fee Waivers – Military Service**

9  
10 Pursuant to Section 55.010 of the Occupations Code, the application and examination fees  
11 are waived for the following persons:

12 (a) a military service member or military veteran whose military service, training or  
13 education meets all of the requirements of the certification, registration, or license  
14 for which the military service member or veteran applies; or

15 (b) a military service member, military veteran, or military spouse who holds a current  
16 certification, registration, or license issued by another jurisdiction which has  
17 certification, registration, or licensing requirements that are substantially similar to  
18 the requirements enforced by the Commission.