COUNTY COURTS AT LAW

FORT BEND COUNTY, TEXAS

Administrative Order Regarding Background Checks

Section 1104.402 of the Texas Estates Code provides as follows:

(a) Except as provided by Section 1104.403, 1104.404, or 1104.406(a), the clerk of the county having venue of the proceeding for the appointment of a guardian shall obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division relating to:
   1. A private professional guardian;
   2. Each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;
   3. Each person employed by a private professional guardian who will:
      (A) Have personal contact with a ward or proposed ward;
      (B) Exercise control over and manage a ward's estate; or
      (C) Perform any duties with respect to the management of the ward's estate;
   4. Each person employed by or volunteering or contacting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or
   5. Any other person proposed to serve as a guardian under this title, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

(b) The clerk may charge a $10 fee to recover the costs of obtaining criminal history record information under Subsection (a).

Section 1104.403 of the Texas Estates Code provides that:

Not later than the 10th day before the date of the hearing to appoint a guardian, a person may submit to the clerk a copy of the person's criminal history record information required under Section 1104.402(a)(5) that the person obtains not earlier than the 30th day before the date of the hearing from:

(1) The Department of Public Safety; or
(2) The Federal Bureau of Investigation

The Fort Bend County Clerk has prepared a "Criminal History Records Request Form" which is attached hereto as Exhibit "A." This Criminal History Records Request Form will be used in gathering the information necessary to obtain the requisite criminal history record information from those persons described in Section 1104.402 above.

The collection of such information at the time an Application for the Appointment of a Guardianship, Successor Guardian, or Temporary Guardian will allow the County Clerk to immediately obtain the criminal history record information statutorily required.

IT IS THEREFORE ORDERED that the following procedures shall be followed when any Application for the Appointment of a Guardian, Successor Guardian, or Temporary Guardian is filed in Fort Bend County Courts at Law, effective upon execution of this Order.

a. The Criminal History Records Request Form prepared by the person(s) governed by Section 1104.408 shall be filed with any Application for the Appointment of a Guardian, Successor Guardian, or Temporary Guardian.

b. If the Criminal History Records Request Form is not filed by the person(s) governed by Section 1104.408 with the Application for the Appointment of a Guardian, Successor Guardian, or Temporary Guardian; and/or pursuant to Section 1104.403, a Proposed Guardian, Successor Guardian, or Temporary Guardian should fail to provide a Criminal History Record - no hearing on such Application shall be placed on the calendar of the County Court at Law having probate jurisdiction over such matter until such Criminal History Records Request Form has been filed with the County Clerk and/or a Criminal History Record has been provided to said court.

c. The County Clerk shall submit the Criminal History Record of the Proposed Guardian, Successor Guardian, or Temporary Guardian to the County Court at Law having probate jurisdiction via *in camera* inspection.

Signed on this the 17 day of November, 2015.

County Court at Law No. 1
Fort Bend County, Texas

County Court at Law No.2
Fort Bend County, Texas

County Court at Law No. 3
Fort Bend County, Texas

County Court at Law No. 4
Fort Bend County, Texas

HONORABLE LAURA RICHARD
COUNTY CLERK
FORT BEND COUNTY, TEXAS

Exhibit "A"

CRIMINAL HISTORY RECORDS REQUEST FORM

(Confidential – This document contains sensitive data)

Cause No.: _____ Guardianship of: _____ Court No:_____

Printed Name of Applicant:

_____

Last *First* *Middle*

Date of Birth:_____ **Last 4 SSN#:**_____ **Driver's License #:**_____

Home Phone:_____ **Cell Phone:**_____

Other Names You Have Used (*Also Known As / Alias*):

_____

Current Physical Address:

_____

Street *City* *State* *Zip*

Disclosure: Pursuant to Section 1104.402(a)(5) and Section 1104.403 of the Texas Estates Code, criminal history records are required for persons proposed to serve as guardians of an incapacitated adult or minor. If the criminal history reveals a criminal conviction or other relevant information, you may be disqualified from serving as proposed guardian. Not later than the 10th day before the date of the hearing to appoint a guardian, a person may submit to the clerk a copy of the person's criminal history records information required that the person obtained not earlier than the 30th day before the date of the hearing from:

1. The Department of Public Safety; or
2. The Federal Bureau of Investigation

Authorization: I understand that I am required to furnish the above information for the use of the court having jurisdiction of the proceeding for the appointment of a guardian. I further understand that the criminal history record information is privileged and confidential and is for exclusive use of the court. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order or consent of the person being investigated pursuant to Section 1104.405(a).

Certification: I hereby certify that all statements on the Criminal History Records Request Form are true and correct to the best of my knowledge and belief.

_____

Signature Date