



Debbie Hollan
Waller County Clerk

Proposed Guardian: Background Check Requirement

To: Private professional guardians, employees or volunteers for private professional guardian; Proposed Guardian, Proposed Temporary Guardian, Proposed successor Guardian-other than an attorney. (HB1438, 84th Legislation)

This does not apply to those holding a certificates issued under TX Government Code 111.042 or a provisional certificate issued under TX Government Code 111 .0421 if the Certification Board conducted a criminal history before issuing or renewing the certificate. The board **shall** provide to the clerk at the court's request the information obtained from DPS or FBI.

Per Texas Estates Code 1104.402(a) and Texas Government Code 411.1386(a) the Clerk of the Court with Jurisdiction **shall obtain** criminal history record information maintained by Department of Public Safety (DPS) or the Federal Bureau of Investigation (FBI).

- The proposed guardian may submit a copy of their criminal history record that the person obtains from the DPS not earlier than the 30th day before the date of the hearing. (GC 411.1386(a-5)).

Or

- The proposed guardian may have a fingerprint background done by going to the Fingerprint Application Services of Texas (FAST) as instructed online at www.txdps.state.tx.us or by calling the DPS Program Vendor at 1-888-467-2080, submit a full and complete set of fingerprints and request a copy be sent to the Waller County Clerk.

Not later than the 10th day before the date of the hearing to appoint, the proposed guardian may submit to the clerk a copy of the criminal history record information that was obtained not earlier than the 30th day before the date of the hearing from DPS or FBI. (TX Estates Code 1104.403)