



JUDICIAL BRANCH CERTIFICATION COMMISSION

CHAIR
THE HONORABLE SID HARLE

CERTIFICATION DIVISION DIRECTOR
JEFFERY L. RINARD

Dear County Clerk,

With the passing of House Bill 4123, effective June 13, 2023, the JBCC can no longer perform fingerprint-based criminal history background checks on individuals seeking guardianship appointment.

Per Section 9. of HB 4123, Sec. 155.205, Government Code, is amended to read as follows:

Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.

(a) In accordance with Subsection (c) and the rules adopted by the supreme court under Section 155.203, the commission shall obtain criminal history record information that is maintained by the Department of Public Safety. The clerk shall obtain in accordance with Subsection (b) criminal history record information from the Federal Bureau of Investigation identification division relating to an individual seeking appointment as a guardian or temporary guardian.

(b) The clerk shall obtain fingerprint-based criminal history record information of a proposed guardian if:

- (1) the liquid assets of the estate of the ward exceed \$50,000; or
- (2) the proposed guardian is not a resident of this state.

(c) The commission shall obtain name-based criminal history record information of a proposed guardian, including any criminal history record information under the current name and all former names of the proposed guardian, if:

- (1) the liquid assets of the estate of the ward are \$50,000 or less; and
- (2) the proposed guardian is a resident of this state.

(d) Each proposed guardian described in Subsection (b) shall file with the commission proof of having submitted to a fingerprint-based criminal history search.

Per the above-mentioned statutory requirements, the proposed guardian must provide the JBCC proof of having been fingerprinted according to their county's instructions.

Please feel free to review the [criminal history FAQs](#) on our website. Although these pertain to our licensees, they may prove helpful to you as well.

If you have any questions regarding the fingerprinting process, please reach out to the Texas Department of Public Safety's Fingerprint Services Unit at (512) 424 – 2474.

Sincerely,
Brian Keenan
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Regulatory Services of the Office of Court Administration
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