

**Administrative Order**

**2015-1**

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**In the Probate Courts**

**of**

**Harris 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 10<sup>th</sup> 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 30<sup>th</sup> day before the date of the hearing from:

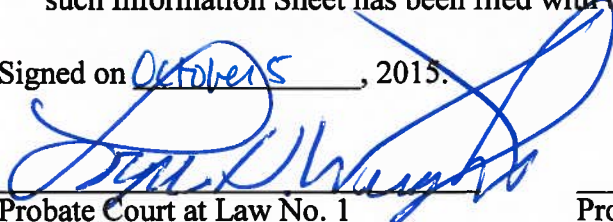
- (1) the Department of Public Safety; or
- (2) the Federal Bureau of Investigation.

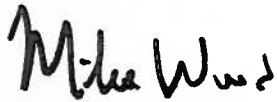
The Harris County Clerk has prepared an Information Sheet which is attached hereto as Exhibit A. This Information Sheet will be used in gathering the information necessary to obtain the requisite criminal history record information from those persons described in Section 1104.402 above. The collection of such information at the time an Application for the Appointment of a Guardian, Successor Guardian, or Temporary Guardian will allow the clerk to immediately obtain the criminal history record information and will enable the court investigators to be more prepared when making the required visit and drafting their report.

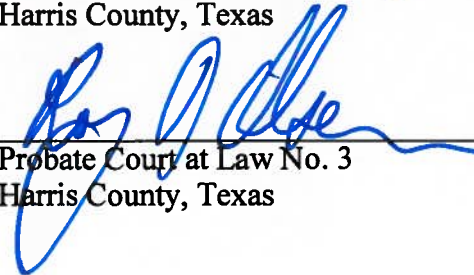
IT IS THEREFORE ORDERED that the following procedures shall be followed when any Application for the Appointment of a Guardian, Successor Guardian, or Temporary Guardian is filed in Harris County Probate Courts, effective October 5, 2015.

- a. The Information Sheet 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 Information Sheet 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, no hearing on such Application shall be placed on the calendar of the probate court having jurisdiction over such matter until such Information Sheet has been filed with the clerk.

Signed on October 5, 2015.

  
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Probate Court at Law No. 1  
Harris County, Texas

  
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Probate Court at Law No. 2  
Harris County, Texas

  
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Probate Court at Law No. 3  
Harris County, Texas

  
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Probate Court at Law No. 4  
Harris County, Texas