

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE L. COURT PROFESSIONS REGULATION

CHAPTER 155. DUTIES RESPECTING GUARDIANSHIP

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 155.001. DEFINITIONS. In this chapter:

(1) "Advisory board" means the Guardianship Certification Advisory Board.

(2) "Corporate fiduciary" has the meaning assigned by Section 1002.007, Estates Code.

(3) "Guardian" has the meaning assigned by Section 1002.012, Estates Code.

(4) "Guardianship program" means a local, county, or regional program that provides guardianship and related services to an incapacitated person or other person who needs assistance in making decisions concerning the person's own welfare or financial affairs.

(5) "Incapacitated person" has the meaning assigned by Section 1002.017, Estates Code.

(6) "Private professional guardian" means a person, other than an attorney or a corporate fiduciary, who is engaged in the business of providing guardianship services.

(6-a) Notwithstanding Section 151.001, "registration" means registration of a guardianship under this chapter.

(7) "Ward" has the meaning assigned by Section 22.033, Estates Code.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff. September 1, 2005.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 9, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 516 (S.B. 43), Sec. 23, eff. September 1, 2017.

Sec. 155.002. RULES. The supreme court may adopt rules consistent with this chapter, including rules governing the certification of individuals providing guardianship services. Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff. September 1, 2005.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 155.051. ADVISORY BOARD. (a) The Guardianship Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least five members appointed by the supreme court.

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) The supreme court shall appoint a presiding officer of the advisory board from among the advisory board members to serve for two years.

(d) A majority of the advisory board constitutes a quorum.

(e) Advisory board members serve for staggered six-year terms as ordered by the supreme court. Advisory board members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory board duties, as provided by the General Appropriations Act.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff.

September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 32 (S.B. 507), Sec. 1, eff. September 1, 2007.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

Sec. 155.052. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) this chapter;
- (2) the role and functions of the advisory board; and
- (3) any applicable ethics policies adopted by the commission.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff. September 1, 2005.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

SUBCHAPTER C. STANDARDS FOR AND CERTIFICATION OF CERTAIN GUARDIANS

Sec. 155.101. STANDARDS FOR CERTAIN GUARDIANSHIPS AND ALTERNATIVES TO GUARDIANSHIP. (a) The commission shall adopt minimum standards for:

- (1) the provision of guardianship services or other

similar but less restrictive types of assistance or services by:

(A) individuals employed by or contracting with guardianship programs to provide the assistance or services on behalf of the programs; and

(B) private professional guardians; and

(2) the provision of guardianship services by the Department of Aging and Disability Services or its successor agency.

(b) The commission shall design the standards to protect the interests of an incapacitated person or other person needing assistance making decisions concerning the person's own welfare or financial affairs.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff. September 1, 2005.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 2, eff. September 1, 2017.

Sec. 155.102. CERTIFICATION REQUIRED FOR CERTAIN GUARDIANS.

(a) To provide guardianship services in this state, the following individuals must hold a certificate issued under this section:

(1) an individual who is a private professional guardian;

(2) an individual who will provide those services to a ward of a private professional guardian on the guardian's behalf; and

(3) an individual, other than a volunteer, who will provide those services or other services under Section 161.114, Human Resources Code, to a ward of a guardianship program or the Department of Aging and Disability Services on the program's or department's behalf.

(a-1) An individual who directly supervises an individual who will provide guardianship services in this state to a ward of a guardianship program must hold a certificate issued under this section.

(b) An applicant for a certificate under this section must:

(1) apply to the commission on a form prescribed by the commission; and

(2) submit with the application a nonrefundable application fee in an amount determined by the commission, subject to the approval of the supreme court.

(c) The supreme court may adopt rules and procedures for issuing a certificate and for renewing, suspending, or revoking a certificate issued under this section. Any rules adopted by the supreme court under this section must:

(1) ensure compliance with the standards adopted under Section [155.101](#);

(2) provide that the commission establish qualifications for obtaining and maintaining certification;

(3) provide that the commission issue certificates under this section;

(4) provide that a certificate expires on the last day of the month in which the second anniversary of the date the certificate was issued occurs unless renewed on or before that day;

(5) prescribe procedures for accepting complaints and conducting investigations of alleged violations of the minimum standards adopted under Section [155.101](#) or other terms of the certification by certificate holders; and

(6) prescribe procedures by which the commission, after notice and hearing, may suspend or revoke the certificate of a holder who fails to substantially comply with appropriate standards or other terms of the certification.

(d) If the requirements for issuing a certificate under this section or reissuing a certificate under Section [153.060](#) include passage of an examination covering guardianship education requirements:

(1) the commission shall develop and the director shall administer the examination; or

(2) the commission shall direct the director to contract with another person or entity the commission determines has the expertise and resources to develop and administer the examination.

(e) In lieu of the certification requirements imposed under this section, the commission may issue a certificate to an individual to engage in business as a guardian or to provide guardianship services in this state if the individual:

(1) submits an application to the commission in the form prescribed by the commission;

(2) pays a fee in a reasonable amount determined by the commission, subject to the approval of the supreme court;

(3) is certified, registered, or licensed as a guardian by a national organization or association the commission determines has requirements at least as stringent as those prescribed by the commission under this subchapter; and

(4) is in good standing with the organization or association with whom the person is licensed, certified, or registered.

(f) An employee of the Department of Aging and Disability Services who is applying for a certificate under this section to provide guardianship services to a ward of the department is exempt from payment of an application fee required by this section.

(g) An application fee or other fee collected under this section shall be deposited to the credit of the guardianship certification account in the general revenue fund and may be appropriated only to the office for the administration and enforcement of this chapter.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff. September 1, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 599 (S.B. 220), Sec. 1, eff. September 1, 2011.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts

2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 516 (S.B. 43), Sec. 24, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 3, eff. September 1, 2017.

Sec. 155.103. PROVISIONAL CERTIFICATE.

(a) Notwithstanding Section 155.102(a), the commission may issue a provisional certificate to an individual who:

(1) does not meet the qualifications for obtaining certification under Section 155.102; and

(2) possesses the qualifications for provisional certification required by rules adopted by the supreme court.

(b) An individual who holds a provisional certificate may provide guardianship services in this state only under the supervision of an individual certified under Section 155.102.

(c) The supreme court may adopt rules and procedures for issuing a provisional certificate under this section that, at a minimum, must:

(1) ensure compliance with the standards adopted under Section 155.101; and

(2) provide that the commission establishes qualifications for obtaining and maintaining the certification.

Added by Acts 2007, 80th Leg., R.S., Ch. 16 (S.B. 506), Sec. 2, eff. April 25, 2007.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS. In addition to the information submitted under Section 1104.306, Estates Code, the director may require a private

professional guardian or a person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian to submit information considered necessary to monitor the person's compliance with the applicable standards adopted under Section 155.101 or with the certification requirements of Section 155.102.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 3.24, eff. September 1, 2005.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(21), eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 22.032, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 516 (S.B. 43), Sec. 25, eff. September 1, 2017.

Sec. 155.105. ANNUAL DISCLOSURE. (a) Not later than January 31 of each year, each guardianship program shall provide to the commission a report containing for the preceding year:

(1) the number of wards served by the guardianship program reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the guardianship program;

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

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

(4) the total amount of money received from this state for the provision of guardianship services; and

(5) the amount of money received from any other public

source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

(b) Not later than January 31 of each year, each private professional guardian shall provide to the commission a report containing for the preceding year:

(1) the number of wards served by the private professional guardian reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the private professional guardian;

(2) the name, business address, and business telephone number of each individual who provides guardianship services to a ward of the private professional guardian on behalf of the private professional guardian;

(3) the total amount of money received from this state for the provision of guardianship services; and

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

(c) A private professional guardian shall submit with the report required under Subsection (b) a copy of the guardian's application for a certificate of registration required by Section [1104.302](#), Estates Code.

Added by Acts 2005, 79th Leg., Ch. 268 (S.B. [6](#)), Sec. 3.24, eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 510 (S.B. [1055](#)), Sec. 1, eff. September 1, 2009.

Transferred, redesignated and amended from Government Code, Chapter 111 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. [966](#)), Sec. 1.05, eff. September 1, 2014.

Redesignated from Government Code, Subtitle K, Title 2 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. [1296](#)), Sec. [21.001](#)(21), eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec. 22.033,

eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 516 (S.B. 43), Sec. 26, eff. September 1, 2017.

Sec. 155.106. PROHIBITED EMPLOYMENT. A guardianship program may not employ an individual to provide, or directly supervise the provision of, guardianship and related services on the program's behalf:

(1) if a certificate issued to the individual under this subchapter is expired or refused renewal, or has been revoked and not been reissued; or

(2) during the time a certificate issued to the individual under this subchapter is suspended.

Added by Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 4, eff. September 1, 2017.

SUBCHAPTER D. GUARDIANSHIP REGISTRATION AND DATABASE

Sec. 155.151. REGISTRATION OF GUARDIANSHIPS. (a) The supreme court, after consulting with the office and the commission, shall by rule establish a mandatory registration program for guardianships under which all guardianships in this state shall be required to register with the commission.

(b) In establishing rules under this section, the supreme court shall ensure courts with jurisdiction over a guardianship immediately notify the commission of the removal of a guardian.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.152. GUARDIANSHIP DATABASE. In cooperation with the commission and courts with jurisdiction over guardianship proceedings and by using the information obtained by the commission under this subchapter, the office shall establish and maintain a central database of all guardianships subject to the jurisdiction of this state.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.153. ACCESS TO DATABASE. (a) The office shall ensure the database is accessible to the Department of Public Safety for law enforcement purposes.

(b) Subject to Subsection (c), the Department of Public Safety shall make information from the database available to law enforcement personnel through the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by the department.

(c) The only information that may be disclosed from the database to a law enforcement official inquiring into a guardianship is:

- (1) the name, sex, and date of birth of a ward;
- (2) the name, telephone number, and address of the guardian of a ward; and
- (3) the name of the court with jurisdiction over the guardianship.

(d) The office shall limit access to the database to properly trained staff.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.154. DATABASE DISCLAIMER. To the extent feasible, the following disclaimer shall be displayed when the database is accessed: "This database is for the limited purpose of determining whether an individual has a guardian and obtaining a guardian's contact information. The scope of a guardian's authority is determined by court order, and a guardian should not be presumed to have the authority to act for or on behalf of a ward until the extent of the guardian's authority is verified by the court with jurisdiction over the guardianship."

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.155. CONFIDENTIALITY OF INFORMATION IN DATABASE.

(a) Information that is contained in the database required under

Section 155.152, including personally identifying information of a guardian or a ward, is confidential and not subject to disclosure under Chapter 552 or any other law.

(b) A law enforcement agency or officer that receives the information must maintain the confidentiality of the information, may not disclose the information under Chapter 552 or any other law, and may not use the information for a purpose that does not directly relate to the purpose for which it was obtained.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

SUBCHAPTER E. DUTY TO ASSIST IN QUALIFYING CERTAIN GUARDIANS

Sec. 155.201. DEFINITION. In this subchapter, "probate court" has the meaning assigned by Section 1002.008, Estates Code. Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.202. APPLICABILITY. This subchapter does not apply with respect to the following persons who are or will be providing guardianship services to a proposed ward:

(1) an attorney or corporate fiduciary; or

(2) an individual subject to certification under Subchapter C.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.203. DUTY TO PROVIDE ASSISTANCE IN QUALIFYING GUARDIANS; SUPREME COURT RULEMAKING. (a) The supreme court, after consulting with the commission, shall by rule establish a process by which the commission performs training and criminal history background checks for individuals seeking appointment as guardian.

(b) In adopting rules under this section, the supreme court shall ensure that the commission is required to provide confirmation of a person's completion of training and a copy of the person's criminal history background check to the probate court not later than the 10th day before the date of the hearing to appoint a

guardian.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.204. TRAINING REQUIRED. (a) In adopting rules under Section 155.203, the supreme court shall:

(1) subject to Subdivision (2), ensure that before a person is appointed guardian, the person completes a training course:

(A) designed by the commission to educate proposed guardians about their responsibilities as guardians, alternatives to guardianships, supports and services available to the proposed ward, and a ward's bill of rights under Section 1151.351, Estates Code; and

(B) made available for free to proposed guardians by the commission online via the commission's Internet website and, on request, in a written format; and

(2) identify the circumstances under which a court may waive the training required under this section.

(b) Notwithstanding Section 155.203(b) or Section 1251.052, Estates Code, the training required under Subsection (a):

(1) does not apply to the initial appointment of a temporary guardian under Chapter 1251, Estates Code; and

(2) applies only if there is a motion to extend the term of a temporary guardian.

(c) The commission may make the training required under this section available to court investigators and guardians ad litem. A court investigator or guardian ad litem is not required to receive training unless required to do so by a court.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

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 a 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 a ward are \$50,000 or less; and

(2) the proposed guardian is a resident of this state.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. [1096](#)), Sec. 11, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 521 (S.B. [626](#)), Sec. 71, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 576 (S.B. [615](#)), Sec. 31, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. [4123](#)), Sec. 9, eff. June 13, 2023.

Sec. 155.206. INFORMATION FOR EXCLUSIVE USE OF COMMISSION AND COURT. (a) Criminal history record information obtained under this subchapter is privileged and confidential and is for the exclusive use of the commission and the court with jurisdiction over the guardianship. 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 individual being

investigated.

(b) The commission may destroy the criminal history record information after the information is used for the purposes authorized by this subchapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.207. USE OF CRIMINAL HISTORY RECORD INFORMATION.

(a) The commission shall use the criminal history record information obtained under this subchapter only for a purpose authorized by this subchapter.

(b) A court may use the criminal history record information obtained under this subchapter only in the same manner and only to the same extent a court is authorized to use the information under Section 1104.409, Estates Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 10, eff. June 13, 2023.

Sec. 155.208. CLARIFICATION OF AUTHORITY GRANTED.

(a) This subchapter does not grant to the commission the authority to:

(1) establish additional qualifications or a code of ethics for individuals subject to training or a background check under this subchapter, require those individuals to pass examinations or take continuing education courses, or otherwise regulate those individuals; or

(2) interfere with a court's authority to ensure a guardian is performing all of the duties required of the guardian respecting a ward.

(b) Individuals subject to training or a background check under this subchapter are not subject to enforcement action under Chapter 153.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

Sec. 155.209. FEE FOR OBTAINING CRIMINAL HISTORY RECORD INFORMATION. (a) Except as provided by Subsection (b), the commission may charge a fee to obtain criminal history record information under this subchapter, in an amount approved by the supreme court.

(b) The supreme court may adopt rules excluding individuals who are indigent from having to pay the fee authorized by this section.

(c) A guardian is entitled to reimbursement from the guardianship estate as provided by Subchapter C, Chapter 1155, Estates Code, for the fee authorized by this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 11, eff. September 1, 2017.

SUBCHAPTER F. REGULATION OF GUARDIANSHIP PROGRAMS

Sec. 155.251. APPLICATION OF SUBCHAPTER. This subchapter does not apply to guardianship and related services provided by a guardianship program under a contract with the Health and Human Services Commission.

Added by Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 5, eff. September 1, 2017.

Redesignated from Government Code, Section 155.151 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(21), eff. September 1, 2019.

Sec. 155.252. STANDARDS FOR OPERATION OF GUARDIANSHIP PROGRAMS. (a) The commission, in consultation with the Health and Human Services Commission and other interested parties, shall adopt minimum standards for the operation of guardianship programs.

(b) The commission shall design the standards to monitor and ensure the quality of guardianship and related services provided by guardianship programs.

(c) Standards adopted under this section must be designed to ensure continued compliance by a guardianship program with this chapter and other applicable state law.

Added by Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 5, eff. September 1, 2017.

Redesignated from Government Code, Section 155.152 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(21), eff. September 1, 2019.

Sec. 155.253. REGISTRATION REQUIRED FOR GUARDIANSHIP PROGRAMS. (a) A guardianship program may not provide guardianship and related services to an incapacitated person or other person described by Section 155.001(4) unless the program is registered with and holds a certificate of registration issued by the commission under this subchapter.

(b) The supreme court shall adopt rules and procedures for issuing, renewing, suspending, or revoking a registration certificate under this section. Rules adopted by the supreme court under this section must:

(1) ensure compliance with the standards adopted under Section 155.252;

(2) provide that the commission establish qualifications for obtaining and maintaining a registration certificate;

(3) provide that a registration certificate expires on the second anniversary of the date the certificate is issued;

(4) prescribe procedures for accepting complaints and conducting investigations of alleged violations by guardianship programs of the standards adopted under Section 155.252 or other violations of this chapter or other applicable state law;

(5) prescribe procedures by which the commission, after notice and hearing, may suspend or revoke the registration certificate of a guardianship program that does not substantially comply with the standards adopted under Section 155.252 or other provisions of this chapter or other applicable state law; and

(6) prescribe procedures for addressing a guardianship for which a guardianship program is the appointed guardian if the guardianship program's registration certificate is expired or refused renewal, or has been revoked and not been reissued.

Added by Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 5, eff. September 1, 2017.

Redesignated from Government Code, Section 155.153 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(21), eff. September 1, 2019.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.002(10), eff. September 1, 2019.

Sec. 155.254. REGISTRATION DATABASE. (a) The commission shall make available on the commission's Internet website a publicly accessible list of all registered guardianship programs. The list must contain the following for each guardianship program:

(1) the information provided under Section 155.105(a); and

(2) whether the guardianship program holds in good standing a registration certificate under this subchapter.

(b) The commission shall update the list described by Subsection (a) at least quarterly.

Added by Acts 2017, 85th Leg., R.S., Ch. 715 (S.B. 36), Sec. 5, eff. September 1, 2017.

Redesignated from Government Code, Section 155.154 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(21), eff. September 1, 2019.

SUBCHAPTER G. GUARDIANSHIP MEDIATION TRAINING

Sec. 155.301. TRAINING. (a) The office by rule shall establish a training course with at least 24 hours of training for persons facilitating mediations under Title 3, Estates Code, that may be provided by a mediation training provider approved by the office. A mediation training provider shall adhere to the established curriculum in providing the training course.

(b) This section does not require a mediator facilitating a mediation under Title 3, Estates Code, to attend or be certified under a training course established under Subsection (a).

Added by Acts 2021, 87th Leg., R.S., Ch. 382 (S.B. [1129](#)), Sec. 5,
eff. September 1, 2021.