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Bell County Clerk

NOTICE REGARDING GUARDIANSHIP CASES – HB 4123

Please be advised House Bill 4123 of the 88th Regular Legislative Session amended Government Code 155.205 to read as follows and is effective immediately:

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 [Ø] the Federal Bureau of Investigation identification division relating to an individual seeking appointment as a guardian or temporary guardian.

(b) The clerk [commission] shall obtain:

[~~(1)~~] fingerprint-based criminal history record information of a proposed guardian if:

(1) [~~(A)~~] the liquid assets of the estate of a ward exceed \$50,000; or

(2) [~~(B)~~] the proposed guardian is not a resident of this state.

(c) The commission shall obtain

[~~(2)~~] 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) [~~(A)~~] the liquid assets of the estate of a ward are \$50,000 or less; and

(2) [~~(B)~~] 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.

The Bell County Clerk's office is working with DPS and the FBI for a process to obtain the ORI access for the required fingerprint-based criminal history in guardianship cases with liquid assets of the estate of a ward exceed \$50,000; or the proposed guardian is not a resident of this state.

Please notify the Clerk, in the cover letter, when the estate of the ward exceeds \$50,000.00 in liquid assets or the Guardian is not a resident of this state.

The recommended process from JBCC to obtain fingerprints **in the interim** will require that the guardianship applicants arrange for an FBI Personal Review by using the following link: <https://www.edo.cjis.gov>.

The following two options are available for proposed guardians to obtain their national criminal history record information fingerprinting results:

1. An e-mail with a secure link and personal identification number.
 - a. The original confirmation e-mail is required to access the results.
2. First Class Mail via the U.S. Postal Service, if requested.

If the FBI Personal Review option is utilized, all proposed guardians must be re-fingerprinted when an ORI number is assigned to the county. The ORI number is what creates the county's subscription in the FACT Clearinghouse where the background check results are stored, and ensures the county receives any future event information after the proposed guardian has been fingerprinted for cases with liquid assets of the estate of a ward exceed \$50,000; or the proposed guardian is not a resident of this state.