

# **Section 1**

**Process Server Code of Ethics  
Application Packet Checklist**

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE L. COURT PROFESSIONS REGULATION

CHAPTER 156. PROCESS SERVER CERTIFICATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 156.001. DEFINITIONS. In this chapter:

- (1) "Advisory board" means the Process Server Certification Advisory Board.
- (2) "Certified process server" or "process server" means a person who is certified by the commission under order of the supreme court to serve process.

Added by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.06, 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. 27, eff. September 1, 2017.

SUBCHAPTER B. PROCESS SERVER CERTIFICATION ADVISORY BOARD

Sec. 156.051. ORGANIZATION. (a) The Process Server 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 staggered six-year terms as ordered by the supreme court.  
(f) If a vacancy occurs on the advisory board, the supreme court shall appoint a person to serve the remainder of the term.

(g) 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 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.06, 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. 156.052. FEES FOR PROCESS SERVER CERTIFICATION. (a) The commission may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the commission before the fees may be collected.

(b) Repealed by Acts 2017, 85th Leg., R.S., Ch. 516 (S.B. 43), Sec. 35(5), eff. September 1, 2017.

(c) The office may collect the fees recommended by the commission and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the office for the support of regulatory programs for process servers, guardians, and court reporters.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1138 (H.B. 1614), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. 1), Sec. 7.01, eff. September 28, 2011.

Transferred, redesignated and amended from Government Code, Section 51.008 by Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 1.07, 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. 35(5), eff. September 1, 2017.

Sec. 156.053. PROCESS SERVER CERTIFICATION RENEWAL; FEES. Certification of a process server expires on the last day of the month in which the second anniversary of the date on which the certification was issued occurs unless it is renewed on or before that date. On renewal of certification, each process server must pay a fee to the commission in accordance with Section 152.2015.

Added by Acts 2017, 85th Leg., R.S., Ch. 516 (S.B. 43), Sec. 28, eff. September 1, 2017.

## Certified Process Servers

### Code of Ethics

*Preamble.* This Code of Conduct applies to all Process Servers certified by the Judicial Branch Certification Commission pursuant to order of the Supreme Court of Texas. A violation of this Code of Conduct may subject a Process Server to discipline by the Judicial Branch Certification Commission, but a violation does not give rise to a claim that service of process was defective. In this Code, certified process servers are referred to as "Process Server," and the Judicial Branch Certification Commission is referred to as "JBCC."

A Process Server is a key part of the Texas Judicial System. Serving as a Process Server is a privilege, and professionalism is required.

1. *Respect.* A Process Server must treat everyone with respect.
2. *Accurate Returns; Honesty.*
  - (a) A Process Server must provide an accurate return of service or report of service as to all documents served.
  - (b) A Process Server must not sign, submit, or file any document that is false or misleading.
  - (c) A Process Server must be candid and truthful concerning all process service matters.
  - (d) A Process Server must not falsely swear or commit perjury in any communication to the JBCC or any federal or state regulatory or licensing authority or court.
3. *Service by Law Firm Employees.* A Process Server must not serve any document, other than a subpoena, for a lawyer or law firm with whom the Process Server is otherwise employed.
4. *Process Server's Objectivity.* A Process Server must not serve process in a suit in which the Process Server:
  - (a) has an interest in the outcome of the suit; or
  - (b) is a party or is employed by a party or a party's attorney.
5. *Appearance of Impropriety.* A Process Server must not serve process in a suit in which the process server's participation would cause a distinct appearance of impropriety.
6. *Exaggerating Authority.* A Process Server must not exaggerate his authority or his position or affiliation with a court, agency, or office.
7. *Wearing of Uniform or Displaying of Badge.* A Process Server in law enforcement, while serving process in a private capacity, must not attempt to serve a document while wearing a law enforcement officer's uniform or a uniform that resembles a law enforcement uniform. A Process Server must not display a law enforcement badge or a badge that resembles a law enforcement badge. A Process Server may display certification issued by

the JBCC.

8. *Maintaining Contact Information With the JBCC.* A Process Server must, at all times, provide the JBCC with the Process Server's current name, business name, business address, home address, business and home telephone numbers, email address, and fax number, and must notify the JBCC of any change in contact information within 30 days of the change.
9. *Prompt Response.* A Process Server must promptly respond to all inquiries from the JBCC and all inquiries from parties and clients within the time prescribed in the request.
10. *Cooperation With Complaint Investigation.* A Process Server must cooperate fully with the investigation of a complaint filed with the JBCC and provide information as requested. A Process Server must, upon request, provide contact information on how to file Process Server complaints with the JBCC. The information provided must include the address, telephone number, and website address of the JBCC.
11. *Reporting Violations.* A Process Server must report to the JBCC in writing any violation of this Code by another Process Server. A Process Server must not file a false or baseless complaint with the JBCC.
12. *Continuing Education.* A Process Server must comply with the continuing education requirements adopted by the JBCC and approved by the Supreme Court of Texas.
13. *Reportable Events.*
  - (a) A regulated person who, after being certified, registered, or licensed, is convicted of any felony or misdemeanor offense must immediately notify the Commission of the conviction.
  - (b) A Process Server must immediately make a written report to the JBCC if any of the following occur:
    - (1) any disciplinary action against the Process Server, including, but not limited to, revocation or suspension of a license or registration;
    - (2) refusal by another authority to grant or renew a license, registration, or other authorization to deliver process or provide process service in another jurisdiction; or
    - (3) being held in contempt by a state or federal court.
  - (c) As used in this Code, a conviction includes the initial plea, verdict, or finding of guilt, plea of no contest, or pronouncement of sentence by a trial court even though that conviction may not be final or sentence may not be actually imposed until all appeals are exhausted.
14. *Misconduct.*
  - (a) A Process Server must not violate this Code or knowingly assist or induce another to do so.
  - (b) A Process Server must not falsely represent that he or she possesses any certificate, degree, or title.

- (c) A Process Server must not commit any criminal act.
- (d) A Process Server must not violate any law of the State of Texas, another state, or of the United States relating to the conduct of a Process Server.
- (e) A Process Server must not engage in conduct involving dishonesty, fraud, deceit, misrepresentation, or obstruction of justice.
- (f) In connection with any felony or any crime involving fraud or dishonesty or other conduct involving moral turpitude, a Process Server may be considered to have engaged in misconduct upon a final conviction, the imposition of community supervision, or the imposition of deferred adjudication.
- (g) A Process Server is considered to have engaged in misconduct if the judge of any court makes a finding in connection with a case in that judge's court that the Process Server knowingly filed a false return.
- (h) A Process Server must not violate any rule promulgated by the Supreme Court of Texas relating to the conduct of a Process Server.
- (i) A Process Server must not violate a final order of any state or federal court unless the order has been lawfully stayed.
- (j) A Process Server who has been held in contempt by a state or federal court is subject to review and disciplinary action by the JBCC.
- (k) A Process Server must not cause or be party to, directly or indirectly, a breach in the security of the private process server examination in any private process server course.
- (l) A Process Server must not serve process when the Process Server's certification has expired or when the Process Server's authorization to serve process has been suspended or revoked.
- (m) A Process Server must not employ or engage to serve process a Process Server whose certification has expired or when the Process Server's authorization to serve process has been suspended or revoked.



## Civil Process Server Application Checklist

\* Submit Certificate and Application with Fees to JBCC prior to scheduling background check

1) Certificate from JBCC Approved Certification or Continuing Education Course

2) Completed Civil Process Server Application (ONLINE ONLY, NO PAPER FILING)

<https://jbcctexas.txcourts.gov/>

(Must request online account setup)

Upload Certificate from class to JBCC online account.

***\$200 Certification fee. Debit and Credit Cards accepted Online***

3) Complete Background Check Electronic fingerprint with JBCC authorized provider.

**(Not Required for Renewal)**

4) Upload Electronic Fingerprint Receipt to JBCC online account and confirm through email  
**with JBCC. JBCC Email:** processservers@txcourts.gov

Please allow a minimum of 3-6 weeks for processing. Upon approval, your name will appear on the Texas JBCC website.

# Process Server Certification

## INITIAL CERTIFICATION

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- Certification Requirements
- Criminal History
- Orientation Courses and Providers
- Expiration
- Fees

All Process Servers are strongly encouraged to review and adhere to the Process Server Curriculum.

### ***Inquiries Regarding Paperwork***

Applications are processed as soon as possible, in the order of which they are received. Due to the volume of applications received, processing times can vary; therefore, we are unable to provide more specific timeframes.

Applicants must confirm receipt of their applications, and the status of their applications, by referring to the View Pending Applications page of their online profiles. All applicants are sent automated email confirmations of successful application submission, and when applications are approved. Inquiries for application status checks or receipt confirmation will not be replied to unless determined by staff that there's been a delay in processing your application, and you have not received prior notification. We receive many of these inquiries and each email takes time to research and respond to which delays the processing of applications. Thank you for your understanding.

## Certification Requirements

In order to become a certified Process Server, you must:

1. **Complete a civil process service educational course.** Applicants must complete a 7 hour course approved by the Commission (no more than) one year of filing their Process Server Application. Upon completion of the course, the course director must supply you with a certificate of completion.
2. **Submit the Application for Certification.** You must apply for certification via our online licensing and certification system. To apply online, please go to the online certification and licensing system on our home page.
3. **Pay the certification fee.** Please see the Fees section of this page for information on amounts due, acceptable forms of payment, etc. The appropriate fee must accompany the application to be certified to serve civil process for a two-year period, and the orientation course certificate. The course must have been completed within the year prior to applying for initial certification, per section 8.2 (c) of the JBCC rules.
4. **Pass a criminal history background check with DPS and the FBI.** Applicants that apply for certification online will receive the service code form via the automated email confirmation they receive after submitting their application for certification. They should check their inbox (and spam folder) for this correspondence.

## Certification of Military Spouses, Military Service Members, and Military Veterans

To apply for Certification or Licensure as a military applicant, under sections 3.4 (a)-(g) of the JBCC Rules, you must do the following:

1. **Submit the Application for Licensure** via the online system on our home page.
2. **Submit all required documentation** for the items indicated below:
  - Documentation of being a military service member, spouse, or veteran, (such as military ID or other official documentation confirming you as being a military spouse);

- Proof of holding a current certification or license as a process server in another state (such as a copy of your certification or license);
- Proof of the current certification or license requirements of that state (which must be “substantially equivalent” to those of Texas), or proof that you held a certification or license as a process server in Texas within the last 5 years;
- A letter of good standing from your current certification or licensing authority;
- Letters of recommendation or a resume showing your work experience;
- Proof of passing your state’s certification or licensure exam (if applicable); and
- Documentation of your state’s current certification or licensure requirements. (Note: the documentation must be from your state’s licensing authority. Applicants cannot create the documentation themselves.)

3. **Pass a criminal history background check** by DPS and the FBI. Applicants that apply for certification online will receive the service code form via the automated email confirmation they receive after submitting their application for certification. They should check their inbox (and spam folder) for this correspondence.

To inquire about providing process server services as a military spouse applicant, under section 3.4 (h) of the JBCC Rules, you must submit your inquiry to the licensing specialist for this department at this email address: [processservers@txcourts.gov](mailto:processservers@txcourts.gov)

Should you have questions not addressed online, please submit inquiries to [processservers@txcourts.gov](mailto:processservers@txcourts.gov).

## Criminal History

Criminal History FAQ's

All new applicants, and those renewing their certifications are required to obtain one-time electronic Fingerprinting through the Texas Department of Public Safety (DPS). Fees for these services are paid at the time your fingerprints are taken. The results of the DPS and FBI fingerprint searches will be sent directly to the Commission.

Please refer to the Certification & Licensure Criminal History FAQ's page for additional information.

You do not need to have your fingerprints taken again once you have been fingerprinted. Upon receipt of your application and required payment, staff will request a new criminal history report and the results will be sent directly to the Commission.

Refer to section 3.5 of the JBCC Rules for additional details on this requirement.

Under section 3.5 (a) of the JBCC Rules, an initial or renewal application may be denied, and a regulated person may be disciplined, if the person's criminal history or other information indicates that the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license.

Please be aware that we must have an application from you before we can provide the instructions, service code and disclosure language that is required to make your fingerprinting appointment. When you submit your application for certification online, an automated email confirmation will be sent to your primary email address. This automated email will contain the code and instructions you need to get fingerprinted. Please check your inbox (and spam folder) for this correspondence. Do not rely on information or forms that you receive from a source other than the JBCC. Doing so may result in your having to be re-fingerprinted, and thus delays in processing your application.

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## Expiration

Your approval to serve process will expire two (2) years after the last day of the month of certification and, upon expiration, unless renewed, your name will be removed from the list of certified process servers in our online licensing system.

## Reinstatement of Certification Expired 1 Year or More

See section 3.2 (f) of the JBCC Rules for a certification that has been expired for 1 yr. or more.

**Important Note:** Before starting the reinstatement process, you must email the licensing specialist at processservers@txcourts.gov so they can reactivate your profile, thereby allowing you to submit the application online.

When initially applying to reinstate an expired license, **do not create a first-time applicant profile** in our online system. Instead, you must do the following as an **existing certification** to start the licensure process over again.

1. Login to your existing certification profile in the online licensing system

- If you do not know your login credentials, follow the instructions in section XIII of the pdf Guide to Using the Online System located on the home page of our website to obtain your login name and reset your password.
- If you've never created an online profile, email staff so they can provide the instructions you need to create one. Once your profile is created, proceed to the step below.

2. Click the button to apply for new certification and pay the application fee.

Submit questions regarding this matter to the licensing specialist at processservers@txcourts.gov so staff may assist you.

## **Fees**

**All fees are non-refundable.**

**First-Time Applicants:** \$200.00

**Acceptable forms of payment:** Credit Card or Debit Card

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Updated: 08/05/2021

# Process Server Certification

## RENEWALS

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### Important Information

- **Renewals must be submitted online.** We will email a reminder notice to the primary email address on file approximately 60 days before your expiration date. **After you receive your renewal notice, you will be able to apply online for renewal of your certification.** Early submissions will not be accepted.
- **Before starting your online renewal application, you must review the "Watch How to Apply for Renewal-Slideshow"** on the home page of our website, for step-by-step instructions on the online renewal process (including how to upload CE).
- Per sections 152.2015 of the Government Code, 3.2 (a) and 3.14 of the JBCC Rules be advised that you cannot perform work requiring a certification, registration, or a license if it has expired. You are considered renewed when your application is processed (i.e., approved), not when it is received. **We strongly recommend that you submit your renewal application, all required documentation, and all applicable fees at least 30 days prior to your expiration date.**
- **When reporting your CE, do not report each session for the seminar you attended,** we will obtain that from your certificate of attendance. You must only report (i.e., select) the name of the seminar you attended. You will find the title of the seminar on your certificate of attendance.
- **You are not considered renewed until your application has been processed.** Once your paperwork is processed, an automated email will be sent to the primary address on file. You can track your status via our online system. We strongly recommend that you check your email (including your spam folder) and/or the online system, prior to reporting to work to ensure you are renewed. Providing services without a valid certification is a violation of the rules and may result in disciplinary actions. Staff will notify you via email if there are insufficiencies with your renewal that requires action on your end.
- **Not receiving a renewal notice is not grounds for an extension of time or exemption from additional fees.** It is your sole responsibility to ensure that you have all items and information necessary to timely renew your certification. To confirm your expiration date please refer to your certification card, registration certificate, or search for your information in our online system located on the home page of our website.
- **Under the Commission's rules, you must maintain your CE documentation for 3 years.** There are no provisions in the rules for a waiver from obtaining continuing education credit to renew your certification.
- **Please submit all inquiries regarding your renewal** via email to: processservers@txcourts.gov.
- **To confirm receipt and track your application status,** please refer to the online certification and licensing system. Log in to your profile, go to the link for viewing pending applications, and you can see your status there.

### ***Inquiries Regarding Paperwork***

Applicants must confirm receipt of their applications, and the status of their applications, by referring to the View Pending Applications page of their online profiles. All applicants are sent automated email confirmations of successful application submission, and when applications are approved. Inquiries for application status checks or receipt confirmation will not be replied to unless determined by staff that there's been a delay in processing your application, and you have not received prior notification. We receive many of these inquiries and each email takes time to research and respond to which delays the processing of applications. Thank you for your understanding.

## Renewal Requirements

To renew your certification, you must:

1. **Submit the Application for Renewal of Certification.** You must apply for renewal via our online licensing and certification system. For the link to access the online system, instructions on how to apply online, and how to report CE with your renewal, please refer to the home page of our website.
2. **Pay the renewal fee.** Please see the Fees section of this page for information on amounts due, acceptable forms of payment, etc. The appropriate renewal fee must accompany the application to be certified to serve civil process for a two-year period and any timely application.
3. **Pass a criminal history background check with DPS and the FBI.** Staff will email the required form needed to schedule their fingerprinting appointment to applicants who have not yet been fingerprinted for the JBCC, after we've received their applications.  
Refer to section 3.5 of the JBCC Rules for additional details on this requirement.
4. **New continuing education requirement.** Effective 04/12/2018, renewing process servers must document that they have completed 8 hours of continuing education during their certification period.
  - Those who are renewing an existing 3 year certification still need to obtain 12 hours of CE (i.e., 4 hours per year). They cannot carry excess hours forward.
  - Those who renew a 2 year certification must obtain 8 hours of CE (i.e., 4 hours per year). They can carry forward up to 4 hours of CE towards their next renewal.

Please refer to the Certification & Renewal section of our Frequently Asked Questions page for additional information on the CE requirement.

## Late Renewals

An individual whose certification has been expired for 90 or less may renew for 1½ times the normally required renewal fee.

An individual whose certification has been expired more than 90 days but less than one year may renew for twice the normally required renewal fee.

If your certification is not renewed within a year of expiration, you will be required to meet the requirements for a new certification.

Exceptions will not be granted and fees will not be waived, refunded, or transferred. Please refer to section 3.2 of the JBCC Rules for more information.

## Criminal History

Criminal History FAQ's

New criminal history reports are required when you apply for renewal. You do not need to have your fingerprints taken again once you have been fingerprinted for purposes of process server certification under the JBCC. Upon receipt of your application and payment, staff will request a new criminal history report and the results will be sent directly to the Commission.

Please refer to the Certification & Licensure Criminal History FAQ's page for additional information.

## Fees

**All fees are non-refundable.**

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|----------------------------------|-----------------|
| <b>Timely Renewals</b>           | <b>\$200.00</b> |
| <b>Expired 90 days or less</b>   | <b>\$300.00</b> |
| <b>Expired 91 days to 1 year</b> | <b>\$400.00</b> |

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**Acceptable forms of payment:** Credit Card or Debit Card

Updated: 08/05/2021

# Process Server Certification

## CONTINUING EDUCATION

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### Continuing Education

- Frequently Asked Questions

To search our list of approved continuing education courses, please go to the online certification and licensing system on our home page.

Effective 04/12/2018, to renew a certification, a process server must have completed 8 hours of approved continuing education.

- Those who are renewing an existing 3 year certification still need to obtain 12 hours of CE (i.e., 4 hours per year). They cannot carry excess hours forward.
- Those who renew a 2 year certification must obtain 8 hours of CE (i.e., 4 hours per year). They can carry forward up to 4 hours of CE towards their next renewal.

**We are accepting applications for approval of continuing education from both course providers and certified process servers.** A course outline must be submitted with each request for approval as well as copies of the speaker bios. The course outline must contain the following information:

- Describe course content (i.e., detailed description of each session of the program)
- Indicate the time allotted to each segment (i.e., the start and end time of each session of the program in quarter hours for in-person courses , or listing each session duration using quarter hour increments for online courses). See examples below:
  - In-person course example: 8:00-8:15, 9:45-11:30, etc.
  - Online course example: .25 hrs, .50 hrs, .75, hrs, 1.0 hrs, 2.5 hrs, etc.
- The date and location of the course (i.e., city/state for in-person courses, or website for online courses)
- Any sessions in Ethics must be identified on the outline as well.

When submitting CE applications online, enter data in the "Course Location" field, as follows:

- For in-person courses: enter just the city/cities (for TX courses), or city/cities and state (for non-TX courses), or
- For online courses: enter the website address where the course is offered
- skip the City, State and Zip fields.

Entering the location this way helps to ensure it is displayed properly for those searching our system to see what is available in their area(s).

**For Course Type**, please only select Seminar, Online, or Other.

**Approved courses can be found in our online licensing system.** A course must be approved before a certified process server can claim the hours for renewal purposes.

Please refer to section 4.0 and Rule 8.5 of the JBCC Rules for additional details on this requirement.

### ***Inquiries Regarding Paperwork***

Applications are processed as soon as possible, in the order of which they are received. Due to the volume of applications received, processing times can vary; therefore, we are unable to provide more specific timeframes.

Applicants must confirm receipt of their applications, and the status of their applications, by referring to the View Pending Applications page of their online profiles. All applicants are sent automated email confirmations of successful application submission, and when applications are approved. Inquiries for application status checks or

receipt confirmation will not be replied to unless determined by staff that there's been a delay in processing your application, and you have not received prior notification. We receive many of these inquiries and each email takes time to research and respond to which delays the processing of applications. Thank you for your understanding.

## Applying for Continuing Education Course Approval

To apply for approval of a continuing education course, you must submit a request for CE approval electronically, by way of our online certification and licensing system located on our home page. Please refer to the pdf Guide to Using the Online System, as well as the pdf slideshow for how to apply for course approval online, on our home page for instructions on the online application process.

**Note:** If the course is already approved (i.e., it already has a JBCC program number that starts with PSC shown on the certificate), you do not have to apply for CE approval.

Providers, online courses and in-person courses must be applied for separately. If you have a course you offered in-person and wish to offer all (or part of) it online, you must submit the required course approval form. Each will be assigned its own program number.

Applications will be reviewed to determine compliance with Commission's rules. Applicants will be notified of the determination via email.

## Applying for Orientation Course Approval

Pre-Certification Orientation Approval Form (pdf) 

To apply for approval of an orientation course, you must submit the Pre-Certification Orientation Approval Form along with the appropriate documentation to the address indicated on the form. Applications will be reviewed to determine compliance with Commission's rules. Applicants will be notified of the determination via email.

Orientation course approval forms **cannot** be submitted via the online certification and licensing system.

Updated: 05/25/2021

**Judicial Branch Certification Commission  
Criminal History Guidelines  
(Effective January 23, 2015)**

These guidelines are issued by the Judicial Branch Certification Commission (hereinafter “JBCC” or “Commission”), pursuant to TEXAS GOVERNMENT CODE, Title 2, Subtitle L, Chapters 151 through 157. These guidelines describe the process used by the JBCC to determine whether a criminal offense indicates that an applicant lacks the honesty, trustworthiness, or integrity to hold the certification, or whether an offense warrants revocation or suspension of a current certification. These guidelines also present the general factors considered in all cases and the categories of crimes that are considered to relate to each type of certification issued by the JBCC. (Note: in addition to certification of court reporters, guardians, and process servers, the JBCC issues licenses to licensed court interpreters and registers court reporting firms. These guidelines apply to all certifications, licenses, and registrations issued by the JBCC, but for convenience, the guidelines refer to “certification.”)

**I. Commission Process**

Applications for certification require the applicant to provide information about criminal offenses, if any. JBCC’s Certification Division also runs a state and national criminal background check on each certification application using the Texas Department of Public Safety (DPS) system. When the application or the DPS background check reveals a criminal offense, the committee comprised of Certification Division staff that reviews criminal histories may request further information from the applicant in order to make a determination. If the offense is not a basis for denying the application, then the committee approves the completed application. If it is a basis for denying the application, the committee reviews the criminal offense with reference to the applicable statutory provisions and these guidelines. If the committee determines that the application should be denied due to the criminal offense, a letter from the Certification Division Director (the Administrative Director’s designee) explaining the denial is mailed to the applicant. The letter clearly identifies the offense(s) that forms the basis for the denial, cites the statutory authority for the denial, and advises the applicant that he or she may request, within twenty (20) days of the date of the denial, to have the decision reconsidered by the Commission. The letter also informs the applicant that his or her request must be in writing and identify each point or matter of the decision to be reconsidered.

At its next regularly scheduled meeting, the Commission must consider the request and may allow the applicant or other witnesses to appear at the meeting and present sworn testimony. The Commission

may limit the number of witnesses appearing and the time allotted for a witness' testimony. After it has reconsidered the applicant's request, the Commission may either affirm or reverse the decision to deny the application. The Commission must notify the applicant in writing of its decision on reconsideration. The Commission's decision is final and may not be appealed.

## **II. General Factors**

In making a determination whether a criminal offense indicates that an applicant lacks the honesty, trustworthiness, or integrity to hold the certification, or whether an offense warrants revocation or suspension of a current certification, the Commission or Certification Division Director (the Administrative Director's designee) shall consider the following factors in addition to the guidelines stated in IV below:

1. The nature and seriousness of the crime;
2. The extent to which certification, registration, or licensing might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
3. The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the occupation;
4. The extent and nature of the person's past criminal activity;
5. The age of the person when the crime was committed;
6. The amount of time that has elapsed since the person's last criminal activity;
7. The conduct and work activity of the person before and after the criminal activity;
8. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
9. Other evidence of the person's fitness, including, but not limited to, letters of recommendation.

The Commission or Certification Division Director may also consider the proof provided by the applicant under IV below.

## **III. Types of Certification and Crimes**

These guidelines reflect the most common or well-known categories of crimes. The vast majority of criminal offenses reviewed by the Commission will fit within the categories of crimes described below. However, these guidelines are not intended to be an exclusive listing and do not prohibit the JBCC from considering crimes not listed below. After due consideration of the circumstances of the criminal act and

the general factors listed above, the Commission may find that an offense not described below is sufficient to deny, revoke, or suspend a certification.

In addition to the specific crimes listed below, multiple violations of any criminal statute will always be reviewed for any type of certification. Multiple violations may reflect a pattern of behavior indicating that an applicant lacks the honesty, trustworthiness, or integrity to hold the certification.

### **COURT REPORTING**

- Crimes against the person such as assaultive offenses, kidnapping and murder.
- Crimes involving prohibited sexual conduct or involving children, the elderly, or disabled persons as victims.
- Crimes involving dishonesty, fraud, deceit, misrepresentation, deceptive business practices, or obstruction of justice.
- Crimes involving tampering with government documents.
- Crimes involving drug related offenses.
- Crimes involving deliberate violence.

### **GUARDIANSHIP CERTIFICATION**

- Crimes against the person such as assaultive offenses, kidnapping and murder.
- Crimes involving prohibited sexual conduct or involving children, the elderly, or disabled persons as victims.
- Crimes involving dishonesty, fraud, misrepresentation, deceptive business practices, or misapplication of fiduciary property.
- Crimes involving tampering with government documents.
- Crimes against property such as theft or burglary.
- Crimes involving alcohol and drug related offenses.
- Crimes involving deliberate violence.

### **PROCESS SERVER CERTIFICATION**

- Crimes against the person such as assaultive offenses, kidnapping and murder.
- Crimes involving prohibited sexual conduct or involving children, the elderly, or disabled persons as victims.

- Crimes involving dishonesty, fraud, misrepresentation, deceptive business practices, misapplication of fiduciary property, or obstruction of justice.
- Crimes involving tampering with government documents.
- Crimes against property such as theft or burglary.
- Crimes involving trespassing laws.
- Crimes involving breach of the peace.
- Crimes involving deliberate violence.

#### **COURT INTERPRETERS**

- Crimes against the person such as assaultive offenses, kidnapping and murder.
- Crimes involving prohibited sexual conduct or involving children, the elderly, or disabled persons as victims.
- Crimes involving dishonesty, fraud, deceit, misrepresentation, deceptive business practices, or obstruction of justice.
- Crimes involving tampering with government documents.
- Crimes involving deliberate violence.

#### **IV. Proof Provided by Applicant**

The applicant with a criminal history may also furnish proof in the form required by the Commission that the applicant has:

1. maintained a record of steady employment;
2. supported the applicant's dependent(s);
3. maintained a record of good conduct; and
4. paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.