



Rules and Regulations
Regarding Certification and Recertification of
National Certified Guardians (NCG)
Board Approved – October 28, 2016



I. ADMINISTRATION

A. Certification Purpose

The purpose of the Center for Guardianship Certification (CGC) National Certified Guardian (NCG) certification program is to identify those individuals who are involved in guardianship issues, who meet minimum qualifications, and who have the minimum level of knowledge and experience in guardianship services to be identified to the public as a National Certified Guardian (NCG).

B. Definition of Guardian

National Guardianship Association (NGA) Standards of Practice define guardian as an individual or corporation named by order of the court to exercise any or all powers and rights of the person and/or the estate of an individual. The term includes conservators and certified private or public fiduciaries.

C. Certification is Voluntary

Certification is individual and voluntary, except where required by state regulations. CGC certified guardians are expected to act in compliance with the CGC Rules and Regulations in any fiduciary capacity, whether court-appointed, non-court appointed, or any position of trust. Application with the appropriate fee shall be made to the CGC on the forms it shall supply.

D. Non-Discrimination. No individual shall be excluded from the opportunity to participate in the CGC certification or recertification program on the basis of ethnic origin, national origin, color, religion, sex, age, disability, physical ability, marital status or sexual orientation.

E. Confidentiality

All applications and other information submitted to the CGC as part of the certification and recertification process shall be privileged and confidential except that the CGC may reveal that an application has been made for the purpose of verifying (a) information submitted by the applicant, or (b) whether an individual is a National Certified Guardian.

CGC is committed to protecting privacy in the certification and recertification process including privacy of examination results. If a person applies or recertifies to be a National Certified Guardian (NCG) or recertifies, CGC will collect personal information including but not limited to name, home and/or business address, email address, phone number, fax number, credit/debit card information, place of employment, and position title. We may also collect or receive the following additional information at registration or in the testing process, as necessary or appropriate: date of birth, employment and education history, and previous CGC examination history. CGC may also collect information about any disability for purposes of providing accommodations under the Americans with Disabilities Act (ADA). For verification and identification purposes, we may collect all or part of a government-issued identification number. When a computer based certification test is administered, we may collect and score test responses and then derive a test score and generate a report about certification test results. Depending upon the test sponsor and/or test security requirements, we may collect signature, photographic image, fingerprint, and/or palm vein image digitally at a test center and may audio and video tape test takers during the examination. When existing demographic information in our database is incorrect or incomplete, that information will be updated.

CGC may statistically aggregate in non-person-specific form test responses and other information collected in the certification process. Such aggregated non-person-specific information may be used for quality control, operations management, security and marketing purposes and to enhance, develop or improve certification, and recertification, testing services, examinations and certification related products and services. By registering for a test through CGC, consent is given to this non-person-specific data aggregation and the use and transmission of this aggregated statistical data as outlined above.



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F. Certification Administration

The certification and recertification of National Certified Guardians shall be administered by the CGC. The CGC shall certify all individuals in accordance with these rules and regulations. The CGC shall develop and oversee the following:

1. Approval of the application process used in certification and recertification.
2. Approval of training and continuing education courses related to meeting certification or recertification requirements.
3. Establishment of criteria relative to the disciplinary process outlined in this document.
4. Approval of all examination questions.
5. Preparation and administration of certification examinations.
6. Provision of accommodations in accordance with the ADA.
7. Verification of employment and education background.
8. Review of results from criminal background check.
9. Determination as to whether particular applicants have met the minimum eligibility requirements for certification or recertification.
10. Issuance of a certificate via e-mail.
11. Distribution of a new certificate upon satisfactory completion of the recertification process by e-mail.
12. Maintenance of all appropriate records relative to certification.

II. NATIONAL CERTIFIED GUARDIAN ELIGIBILITY REQUIREMENTS AND PROCEDURES

A. Minimum Eligibility Requirements for Certification

To qualify for certification the applicant shall pay all required fees, comply with the application procedures, follow the instructions provided in the CGC Examination Handbook, and adhere to all CGC requirements specified in the application, signature pages, and other documents. Applicants must also meet the minimum eligibility requirements, except as otherwise provided by state certification law.

All applicants must:

1. be at least 21 years of age.
2. describe experience related to a minimum of three different NCG core competencies.
3. document one of the following requirements:
 - a. be a high school graduate or possess the GED equivalent and submit proof of 30 hours of CGC approved coursework within two years prior to the applicant applying for certification;
 - b. hold a licensure in guardianship or certification in a field related to guardianship (for example, CFP, CPA, CMC, CCM) and submit proof of 20 hours of CGC approved coursework within two years prior to the applicant applying for certification;
 - c. possess a two-year degree in a field related to guardianship (for example, social work, criminal justice, accounting, nursing) and submit proof of 10 hours of CGC approved coursework within two years prior to the applicant applying for certification;
 - d. possess a four-year or higher degree in a field related to guardianship (for example, law, medical, social work, psychology, finance, business) and submit proof of 10 hours of CGC approved coursework within two years prior to the applicant applying for certification.
4. submit to third-party verification and send proof of educational requirements.
5. not have been convicted or pled guilty or no contest to a felony, or admit to having a felony and share the circumstances for consideration.
6. submit to a criminal background check.
7. agree to comply with the NGA Ethical Principles and the NGA Standards of Practice.
8. not have been civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, moral turpitude, theft, or conversion.
9. not have been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.



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10. be bonded or obtain appropriate bonding insurance after certification in accordance with state statutes and local practice.
11. not have been found liable in a subrogation action by an insurance or bonding agent.
12. disclose discipline by a state or national certification or licensing organization in any profession.
13. agree to comply with CGC policies, requirements, and rules & regulations.
14. be in good standing with CGC and not have had CGC certification revoked.
15. not have provided false information through the application process.

CGC may conduct further inquiries or require additional information from the applicant or other sources. CGC may reject any application based on the information it receives.

B. Passing Certification Examination

The applicant shall make a satisfactory showing of competency in guardianship by successfully passing an examination administered by the CGC. Notification of examination results shall be emailed to the applicant within thirty (30) days and posted on the CGC website.

C. Application Procedure

Detailed information on the application procedures required can be found in the CGC Examination Handbook which is incorporated by reference into the NCG Rules and Regulations available on the CGC website. Applicants are encouraged to download the Handbook for step-by-step instructions.

1. Fees.

All fees connected with certification shall be set by the CGC and are subject to change at any time.

a. Application Fee.

Each applicant shall submit a non-refundable application fee along with the completed application form. No application will be processed until the application fee has been paid.

b. Examination Fee.

Each applicant shall pay an examination fee before taking the certification examination. The fee shall be submitted with the completed examination application to the CGC. If the required verification process identifies that the applicant is not eligible for certification, this fee will be refunded to the applicant.

c. Criminal Background Check Fee.

Each applicant will be required to submit a fee to a third-party company chosen by CGC to conduct a criminal background check. The amount may vary, based upon the applicant's state of residence.

d. Test Center Cancellation Fee.

If a candidate fails to appear for their scheduled examination or cancels their appointment less than three (3) business days in advance of their scheduled appointment, a cancellation fee will be assessed by CGC.

e. Retest Fee.

CGC requires those who fail the exam to submit a retest fee along with their new application, in order to retake the examination.

2. Application Protocol.

- a. Application Forms. Applications for certification shall be made on forms provided by the CGC.
- b. Upon receipt of a completed application, the CGC staff shall review the application to determine:
 - i. the application and all required forms have been properly completed and submitted,
 - ii. the applicant meets the minimum eligibility requirements, and
 - iii. the appropriate fees have been paid.



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Upon successful completion of the criminal background, education, and employment verifications, the applicant will be notified of his or her eligibility to sit for the examination. CGC requires forty-five (45) business days to process an application before an applicant is approved to sit for an examination.

3. Scheduling the Exam

Applicants are required to make an appointment to take the certification examination at an approved testing site provided by CGC. Upon CGC notification of eligibility to sit for the examination, the applicant has sixty (60) business days to schedule an appointment and take the examination.

4. Examination Failure

In the event the applicant does not pass the certification examination, the applicant may retake the examination within one year from the date of the original examination. In order to retake the examination, the applicant must submit a new examination application and relevant retake fees. Fees required for re-testing include test center/proctoring fees and the retest fee. For unsuccessful applicants taking the examination after the one-year time period, all fees required for new applicants apply.

5. Denial And Disciplinary Criteria

The CGC may deny, suspend or revoke a certification, or impose other disciplinary action on a National Certified Guardian, who as the guardian of the person or estate, or who in any other court appointed or non-court appointed fiduciary capacity, or position of trust, if it is determined that they have violated any of the following criteria:

- a. Failed to abide by the Rules and Regulations promulgated by the CGC to govern the certification program.
- b. Failed to pay any applicable fee established by the CGC.
- c. Failed to meet the Minimum Eligibility Requirements for Certification established by the CGC as set forth in Section II.
- d. Failed to notify CGC of a violation as set forth in Section II A.
- e. Violated the NGA Ethical Principles.
- f. Violated the NGA Standards of Practice.
- g. Failed to notify CGC of any changes in their circumstances or violations between recertification periods.
- h. CGC may also discipline a National Certified Guardian, including by suspension or revocation of certification if: (1) the certificate was granted contrary to CGC Rules and Regulations; or (2) the certificate was granted to an individual who is not eligible to acquire a certificate or who has made any false representations or misstatement of material fact to the CGC.

III. RECERTIFICATION MINIMUM ELIGIBILITY REQUIREMENTS AND PROCEDURES

The period of certification is two years. Certification shall expire two years after the date it is issued. To be eligible for recertification, the certified individual shall meet the requirements specified in Sections III A, B and C.

A. Minimum Eligibility Requirements for Recertification

To qualify for recertification the applicant shall pay all required fees, comply with the application procedures, follow the instructions, and adhere to all CGC requirements specified in the application, signature pages, and other documents. The applicant must also meet the following minimum eligibility requirements.

All those applying for recertification must:

1. not have been convicted or pled guilty or no contest to a felony, or admit to having a felony and share the circumstances for consideration.
2. not have been found civilly liable in an action that involved fraud, misrepresentation material omission, misappropriation, moral turpitude, theft, or conversion.
3. not have been relieved of responsibilities as a guardian by a court, employer, or client for actions involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.



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4. be bonded or obtain appropriate bonding insurance after certification in accordance with state statutes and local practice.
5. not have been found liable in a subrogation action by an insurance or bonding agent.
6. comply with the NGA Ethical Principles and NGA Standards of Practice.
7. disclose discipline by a state or national certification or licensing organization in any profession.
8. not have violated CGC policies, requirements, and rules & regulations.
9. be in good standing with CGC and not have had CGC certification revoked.
10. not have provided false information through the application or recertification process.

CGC may conduct further inquiries or require additional information from the applicant or other sources. CGC may reject any application based on the information it receives.

B. Continuing Education Units.

1. The National Certified Guardian shall, during the period since certification or most recent recertification, have participated in at least twenty (20) hours of continuing education and guardianship training.
2. The National Certified Guardian shall maintain their personal continuing education profile on the CGC website that provides a listing of the dates, locations, sponsors, guardianship core competencies met, and number of credits earned for all continuing education courses to satisfy this requirement.
3. The National Certified Guardian must adhere to the CEU policy requirements.
4. CGC may conduct random audits of attendance or course completion certificates for continuing education approval.

C. Recertification Procedures

1. Recertification Time Line

CGC must receive a properly completed online application for recertification, and appropriate fees, no more than forty-five (45) days after the certification expires or recertification shall be denied. In such cases, the individual must begin the certification process again. When the 45 day period has expired, the CGC website will be updated to remove the individual from the listing of certified guardians. Applications for recertification will be accepted up to six months prior to the expiration date.

2. Recertification Fee

Each application for recertification shall be accompanied by a recertification fee, a portion of which will be a nonrefundable processing fee. No recertification application may be processed until the recertification fee has been paid.

3. Application Protocol

a. Application Forms

Application for recertification shall be made on forms provided by the CGC on the website.

b. Upon receipt of a completed online application form, the CGC staff shall review the application to determine:

1. the application and all required forms have been properly completed and submitted,
2. the applicant meets the minimum eligibility requirements, and
3. the appropriate fees have been paid.

4. Notification of Recertification

Upon meeting the minimum eligibility requirements for recertification, the applicant shall be e-mailed an approval letter, which includes instructions for how to submit future CEUs online, and a new certificate within thirty (30) days of successful completion.



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IV. DISCIPLINARY PROCEDURE FOR NATIONAL CERTIFIED GUARDIAN

A. Initiation of Process.

1. Who May Petition
Any person (“Petitioner”) may Petition CGC to initiate disciplinary procedures against a National Certified Guardian (“Respondent”).
2. If information or allegations come to the attention of CGC that a National Certified Guardian has violated one or more of the disciplinary criteria set forth in Section II C.5 herein, and no complaint is forthcoming from any person, then the CGC President may appoint an agent or agents to conduct an inquiry and fact finding to determine whether there is a reasonable basis to file a formal complaint.
 - a. If the agent or agents file a formal complaint, then this complaint shall be processed in accordance with the disciplinary procedures set forth herein. The person or persons who initiated/participated in the inquiry should not be part of the final appeal decision and would be asked to recuse themselves, if an appeal was made. Those same individuals will also not be asked to serve on the Professional Review Board (PRB) convened for the specific inquiry in which they were involved.

B. Content of the Petition.

A Petition, which is to be submitted to the CGC Executive Director, must be in writing and must include: the name and pertinent contact information of the Petitioner and the Respondent; an allegation of the existence of one or more of the disciplinary criteria set forth in Section II C.5; an adequate factual basis for the allegation(s); and any necessary documentation or other supporting materials or information.

C. Initial Review of Petition.

The CGC Executive Director, in consultation with the CGC President and CGC General Counsel, will review the Petition to determine if it includes the necessary elements identified in paragraph B herein. If the Executive Director determines that the Petition does not conform to paragraph B herein, then, citing the specific deficiency or deficiencies, the Executive Director shall notify the Petitioner that the Petition will not be considered. The Petitioner may re-file an amended Petition, or may seek a review of the Executive Director’s decision by the CGC Executive Committee by so notifying the CGC Executive Director within fifteen (15) days of the date of the rejection letter. In addition, if a complaint includes allegations of criminal conduct by a guardian or conduct that is actionable against a guardian in a court of law, the CGC Executive Director, in consultation with the CGC President and CGC General Counsel, may decline consideration and instead defer to the authority of an appropriate court of law, law enforcement agency, or other governmental investigatory or adjudicatory body. An outcome of such legal proceedings adverse to a guardian may form the basis of a subsequent complaint.

D. Professional Review Board (PRB).

Once a Petition is determined to conform to the requirements of paragraph B herein, the Executive Director will notify the CGC President, who will appoint three individuals to a Professional Review Board (PRB) to address the Petition. At least one appointee shall be a member of the CGC Board of Trustees at the time of appointment. The CGC President shall also designate one of the PRB members to be PRB Chair. The PRB will act by majority vote.

E. Notice and Response.

Concurrent with notification of the President, the Executive Director will also inform the Respondent in writing that a Petition has been submitted; provide the Respondent with a copy of the Petition, including all supporting materials, as well as a copy of these Rules and Regulations; send a form indicating the Respondent’s election to request or waive a Hearing; request a listing of participants (legal counsel, witnesses, and others) who will participate at the Hearing, and ask for a written Answer to the Petition. The Answer, Hearing request or waiver, and participant list must be received by CGC within fifteen (15) business days from the date of the letter. Failure to respond in the timeframe noted may be deemed an admission to the allegations in the complaint.



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F. Handling of Complaint and Response.

1. Paper Review by PRB.

The PRB Chair will schedule at least one meeting, in person or via conference call, to review the Petition and Answer, if any. Additional meetings may be held as deemed necessary by the PRB. If a Hearing is requested, the PRB may hold a preliminary meeting, but no decision will be rendered until such time as the Hearing takes place, unless the decision is to summarily dismiss the Petition. While the PRB may seek additional information in its discretion; it has no obligation to do so. The PRB is not an investigatory body and will generally render its decision based on the submissions of the Petitioner and Respondent and testimony at any Hearing.

2. Hearing.

The Respondent has the right to request or waive his/her right to a telephonic hearing. The PRB will determine the time and date of the hearing. The Respondent is responsible to bear all costs to participate in the hearing, including, but not limited to, the transcription of the hearing and the cost of witnesses for the Respondent. At this proceeding, the Respondent will be permitted to testify; present evidence; respond to questions from the PRB; and examine and cross-examine witnesses who are also present. The Respondent may be represented by legal counsel at the hearing. No hearing need be held if the PRB decides to summarily dismiss the Petition. The PRB may establish rules for the conduct of the hearing, though formal rules of evidence will not apply.

G. Decision of PRB.

The PRB shall strive to render a decision on the Petition within ninety (90) days of the submission of all documents by the Petitioner and Respondent or any hearing herein, and shall notify the Petitioner and Respondent in writing of that decision. The written notification shall include an explanation of the basis for the decision. In most cases a decision of the PRB will be one of the following: the Respondent has engaged in prohibited conduct; the Respondent has not engaged in prohibited conduct; or there is insufficient evidence to determine whether or not the Respondent has engaged in prohibited conduct. A finding of a prohibited conduct must include the PRB's decision as to any disciplinary action to be imposed including, but not limited to censure, suspension, and revocation. The PRB shall use the preponderance of the evidence standard of proof in all its decisions made pursuant to Section II C.5 herein. Preponderance of the Evidence is defined as "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not". The PRB may issue an Advisory Letter or Letter of Concern to the Respondent even though there is no finding of prohibited conduct. All correspondence related to the final decision of a PRB, which is of a non-disciplinary or disciplinary nature and placed in the permanent file of the Respondent, can be shared with future PRBs.

H. Definitions

The following represent definitions of terms associated with the decision herein of the PRB:

1. Non-Disciplinary Action

- a. Advisory Letter** means written communication from the PRB notifying the Respondent that the conduct, while not warranting discipline or a finding of prohibited conduct, may result in future disciplinary action if not modified or eliminated. An Advisory Letter is not disciplinary action and there is no appeal of an Advisory Letter by the Respondent. The Advisory Letter will be placed in the permanent file of the Respondent. The Respondent may respond in writing to the Advisory Letter. Any such correspondence will be included in the permanent file.
- b. Letter of Concern** means written communication from the PRB notifying the Respondent that, while there is insufficient evidence to support disciplinary action, the PRB believes the Respondent should modify or eliminate certain practices that led to the Complaint. A Letter of Concern is not a disciplinary action and there is no appeal of a Letter of Concern by the Respondent. The Letter of Concern will be placed in the permanent file of the Respondent. The Respondent may respond in writing to the Letter of Concern. Any such correspondence will be included in the permanent file.



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2. Disciplinary Action

- a. **Censure** means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Section II C.5 of the Rules and Regulations herein.
- b. **Suspension** means written disciplinary action finding the Respondent has engaged in prohibited conduct and violated one or more disciplinary criteria contained in Section II C.5 of the Rules and Regulations herein, resulting in not permitting the Respondent to exercise the privileges of a National Certified Guardian for the period of time set by the PRB, not to exceed five (5) years. The CGC Executive Committee may suspend a certification pending a decision by the PRB and/or pending the final decision of any appeal. Upon completion of the suspension period, the Respondent must make a written request to CGC to be reinstated as an NCG within 45 days after the end of the suspension period. If the Respondent's recertification period has expired during suspension, the Respondent shall apply for recertification within the 45-day period, pay the applicable fees, and comply with continuing education hours and all requirements of the recertification process. Failure to request reinstatement and complete any required recertification requirements within 45 days from the end of the suspension period will require Respondent to complete a new certification application and take the examination to be certified.
- c. **Revocation** means written disciplinary action from the PRB finding the Respondent has engaged in prohibited conduct and violated one or more criteria contained in Section II C.5 of the Rules and Regulations herein, resulting in removal by the PRB of the Respondent's Certification as a National Certified Guardian.

I. Appeal.

Except as otherwise provided in this Section, the Respondent may appeal the decision of the PRB by submitting a written notice with the CGC Executive Director within thirty (30) days of the date of the PRB's decision. Either the PRB or the CGC Board of Trustees may postpone implementation of the disciplinary action, if any, imposed by the PRB until after disposition of the appeal.

1. Required Documents for Submission to Request an Appeal

The Respondent shall include with the notice of appeal a Petition for Appeal that shall state clearly and concisely the reasons upon which the Respondent seeks a dismissal, modification or remand of the decision of the PRB. The burden of proof is on the Respondent to show that the decision of the PRB is clearly erroneous.

2. Considerations for Appeal Proceedings

The allegations of the Petition for Appeal shall be limited to the record before the PRB. There will be no consideration of new evidence or a right to a hearing or testimony of any witnesses in the Appeal. The Appeals Board, consisting of 3 members of the CGC Board of Trustees appointed by the CGC President, will determine the Petition for Appeal.

3. Actions of the Appeals Board

The decision of the Appeals Board may be to affirm the PRB decision, dismiss the Complaint, modify the PRB decision or discipline, or remand the case back to the PRB. The Appeals Board shall seek to issue its ruling within ninety (90) days of receipt of the Petition for Appeal. The decision of the Appeals Board shall be final and binding on CGC and the Respondent.



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J. Publication.

CGC may publicize the nature, existence, or preliminary or final result of any disciplinary proceeding or action at any stage, if deemed by CGC to be in the interests of CGC, the Certification Program, or any segment of the general public. This may include notification to the courts and other governmental and regulatory bodies. Any disciplinary action taken, including censure, suspension or revocation will be published on the CGC website indefinitely.

K. Correspondence.

All correspondence and notices herein between the petitioner and respondent should be made by e-mail, or certified mail and courier service.

V. THE OFFICIAL ADDRESS FOR ALL CORRESPONDENCE

The official address for all correspondence to the Center for Guardianship Certification is PO Box 5704, Harrisburg, PA 17110.

VI. OFFICIAL LANGUAGE

Except as restricted by applicable law, an individual holding a current certification from CGC shall use the following language to disclose the certification in written communications: "certified as a National Certified Guardian" and/or the designation of "NCG."

VII. AMENDMENTS PROCEDURES

These rules and regulations may be amended as provided in the Bylaws of the Center for Guardianship Certification.