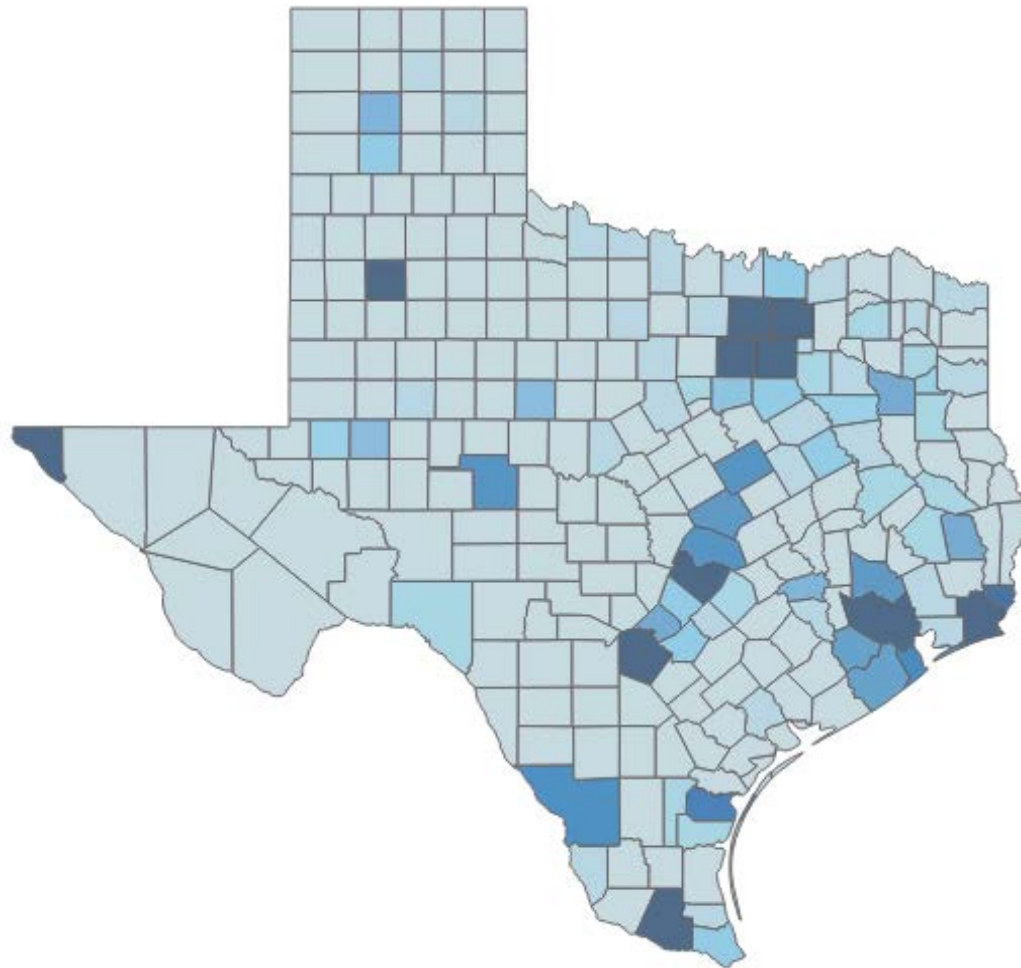


Improving Guardianship in Texas

*Assisting the courts protect our most
vulnerable citizens and their assets.*



50,000 (+) Active Guardianships



- 254 Counties*
- 10 Counties
 - 18 Statutory Probate Courts
 - Specialized staff, auditors and investigators
- Remaining 244 Counties*
- County Judge
 - County Court at Law Judges
 - Lack personnel and resources



Guardianship In Texas

- Guardian of the Person is appointed by the court to take care of the physical well-being of a ward.
- Guardian of the Estate is appointed to care for a ward's property and estate.
- The Guardian of the Person and a Guardian of the Estate can be the same person.
- Family Members, Friends, Attorneys, Certified Guardians



Texas Certified Guardians

- Regulated by the Judicial Branch Certification Commission (JBCC)
- HHCS, Program, Private Professional Guardians
- Education, Experience, and Examination Requirements
- Criminal History Checks
- Code of Ethics and minimum standard adapted by the Supreme Court
- Complaint Investigation



Guardianship Compliance Project

- Provides Guardianship Compliance Specialists to assist courts and clerks handling guardianship cases.
- Review all guardianship cases to identify reporting deficiencies by the guardian.
- Audit annual accountings and report findings back to the court.
- Prepare report for courts on findings.
- Develop best practices in managing guardianship cases.
- Develop and send notices for the missing reports.



Project Findings on Required Reporting

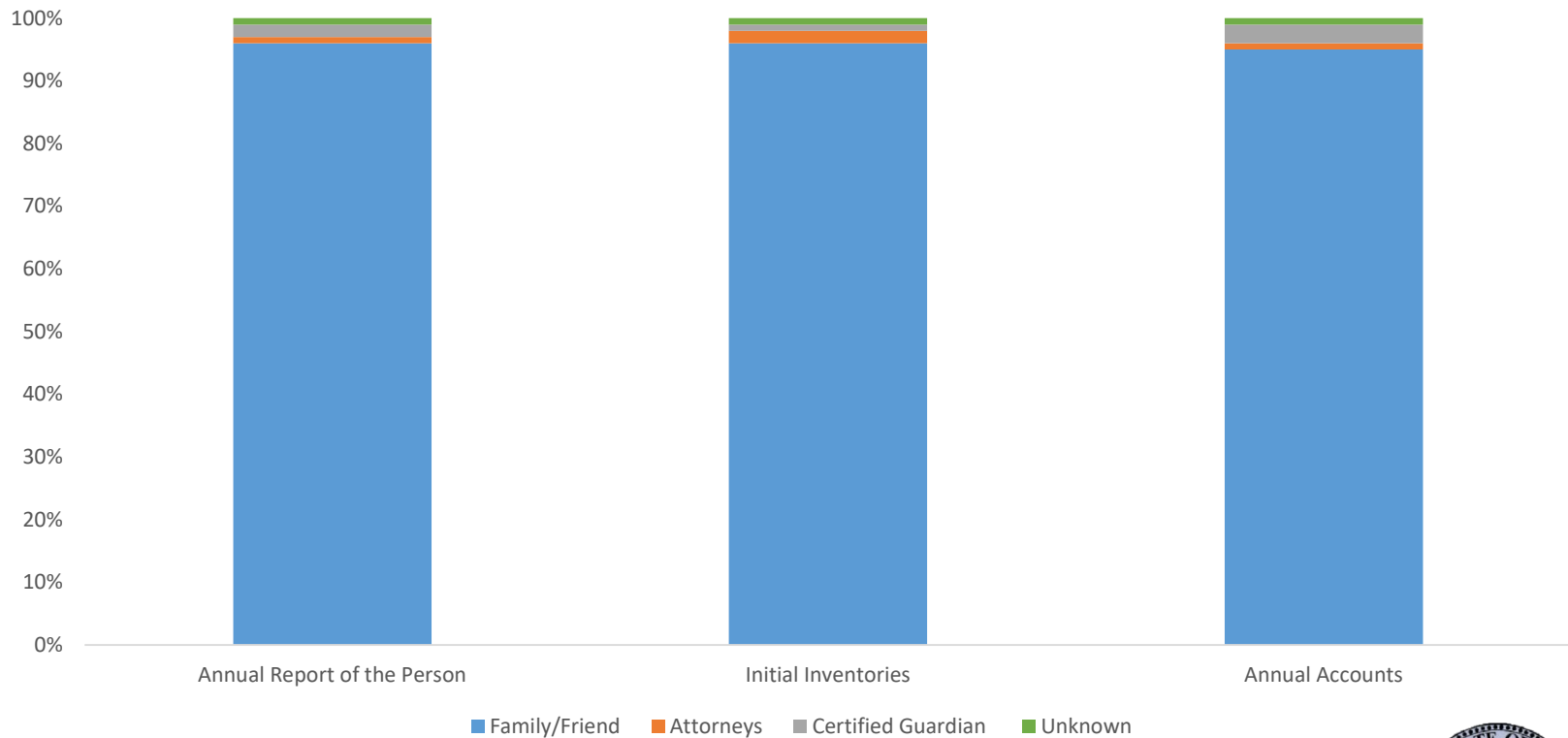
- GCP staff have worked with 34 courts in 21 counties
 - 18,773 guardianship cases reviewed
 - 12,921 guardianship cases recommended for closure
 - 2,413 deceased persons under guardianship
 - 5,852 active guardianship cases were identified
 - 1607 guardianship cases were found to be out of compliance
 - 34 percent of cases were found to be missing reports of the person
 - 40 percent of cases were found to be missing initial inventories
 - 46 percent of cases were found to be missing annual accountings

Note: These numbers are reported for the 17 counties in which the initial review process has been completed. The number of active guardianships in those 17 counties totaled 4120. With 1607 cases out of compliance with required reporting, the percentage of cases out of compliance is 39%.



Compliance by Guardianship Type

Figure 2: Percentage of Reports Out of Compliance by Guardian Type



Project Observations

- Lack of backup bank statements, receipts, check copies, and invoices for the annual accountings to be audited
- Unauthorized or unexplained ATM withdrawals and transfers
- Unauthorized or unexplained gifts to family members
- Payments to credit card accounts not listed on annual accounting
- Unauthorized or unexplained purchases
- Lack of required criminal background checks
- Training and procedures needed
- Missing required reports



Best Practice Recommendations

- Implement procedures to address all reports from APS or law enforcement alleging abuse or exploitation.
- Evaluate the need for a guardianship of the estate in cases where the only income is Supplemental Security Income (SSI).
- Ensure Reporting Requirements. Process to ensure notice is sent within 60 days for delinquent reports.
- Review guardianships annually for continuation, modification or termination.
- Ensure background checks are completed.



S.B. 667

- S.B. 667 expands the Guardianship Compliance Program statewide to provide courts with needed assistance in monitoring guardianship cases.
- The program provides resources and assistance to courts with jurisdiction over guardianships and provide guardianship compliance specialists to review guardianship cases.
- On-line annual reporting for inventory, annual reports and annual accountings.
- The agency authorized to notify the State Commission on Judicial Conduct if the office has reason to believe a judge's actions or failure to act with respect to a report from a guardianship compliance specialist would indicate the possibility of judicial misconduct.
- The bill requires the agency to provide an annual report on the program to the Legislature



S.B. 1096

- S.B. 1096 implements two recommendations from the Texas Judicial Council (TJC):
 - Requires that all guardianships to be registered with the Judicial Branch Certification Commission (JBCC), and
 - Directs JBCC to ensure that these guardians obtain proper training and criminal history.
- Makes this database available for query by law enforcement.
- Contains protections to ensure that private information is not publicly available.
- June 1, 2018



S.B. 36

- S.B. 36 amends current law relating to the regulation of certain guardianship programs.
- S.B. 36 provides JBCC with the additional authority to register and monitor guardianship programs similar to the way that JBCC oversees court reporting and shorthand reporting firms.
- Allows JBCC to ensure that guardianship programs adhere to minimum standards that further the welfare of those under a program's care and would increase transparency.
- Estimated less than 30 programs throughout the state.
- September 1, 2018



OCA Guardianship Project Development

- Developing an online reporting system for Texas guardians to file initial inventory, annual well being report and annual accountings electronically.
- Registration of all guardianships throughout Texas.
- OCA received SJI grant for NCSC development of a Texas guardianship training video.
- JBCC Developing on-line licensing and certification database. On-line renewals, CE, and information updates.



Guardianship Compliance Program

<http://www.txcourts.gov/programs-services/guardianship-compliance-project.aspx>

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