

Texas Guardianship Reform Efforts

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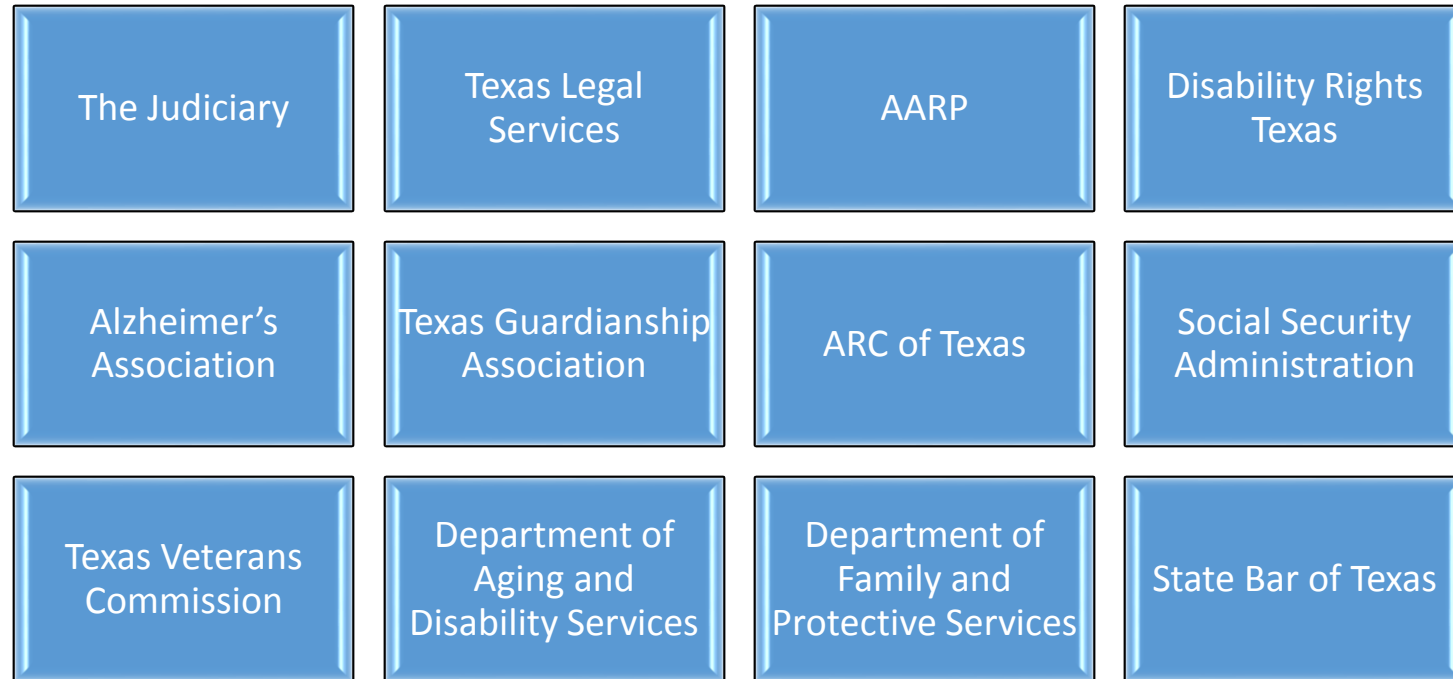
Silver Tsunami

- Over age 65 population in Texas will more than double by 2040.
- Many of these individuals will need help managing their affairs - some through the appointment of a guardian.
- TX currently has just over 400 state-certified guardians that handle 5,000 of the more than 40,000 active guardianships.
- 10 out of 254 counties have probate courts with resources to adequately prevent abuse.



Who was involved?

WINGS stands for the Texas Working Interdisciplinary Network of Guardianship Stakeholders and is a collaborative group of stakeholders dedicated to improving guardianship in Texas.



How did WINGS Get Started

- In 2013, the Texas Office of Court Administration was selected by the National Guardianship Network to establish one of four state pilot WINGS groups.
- The WINGS group is working in conjunction with the Texas Judicial Council's Elders Committee.



National
Guardianship
Network



Goals for Texas WINGS

1. Identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision making options;
2. Address key policy and practice issues;
3. Engage in outreach, education and training; and
4. Serve as an ongoing problem solving mechanism to enhance the quality of care and quality of life of adults in or potentially in the guardianship and alternatives system.



Identifying Priorities Timeline

September 2013

- **Texas Guardianship Assessment Survey**
- Sent to judges, medical professionals, mental health professionals, self advocates, advocacy organizations, attorneys ,certified guardians, court visitors, state legislators and other interested stakeholders.

November 2013

- **Full WINGS Group Meets to Discuss Survey**
- The group narrowed down a list of 26 issues to focus on 8

January 2014

- **Three Work Groups Formed and Met to Discuss Priorities and Solutions**
- 1)Alternatives to Guardianship, 2)Support Services 3)Person-Centered Assessments

August 2014

- **Elder's Committee Meets to Discuss Legislative Recommendations**
- Committee proposes three recommendations to be reviewed by Texas Judicial Council



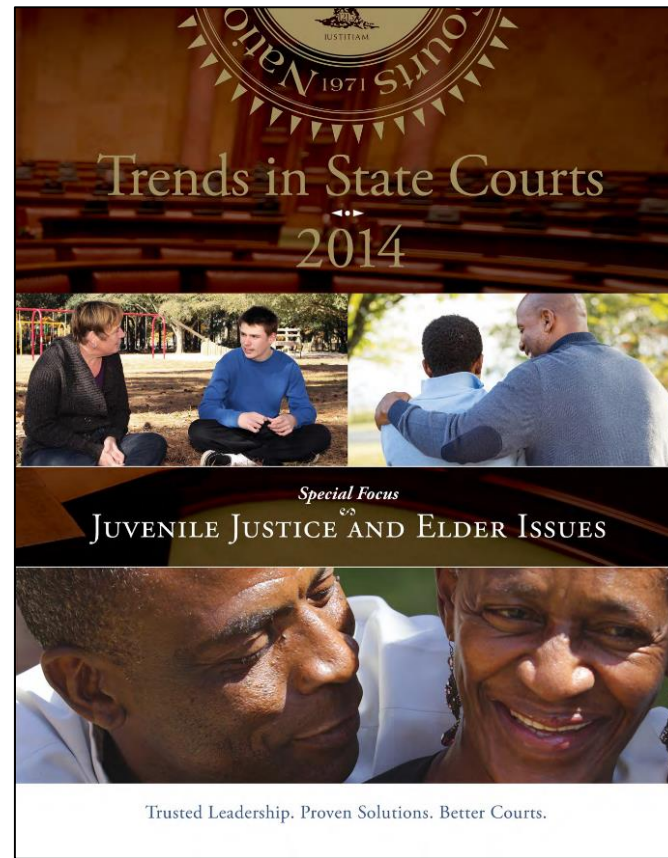
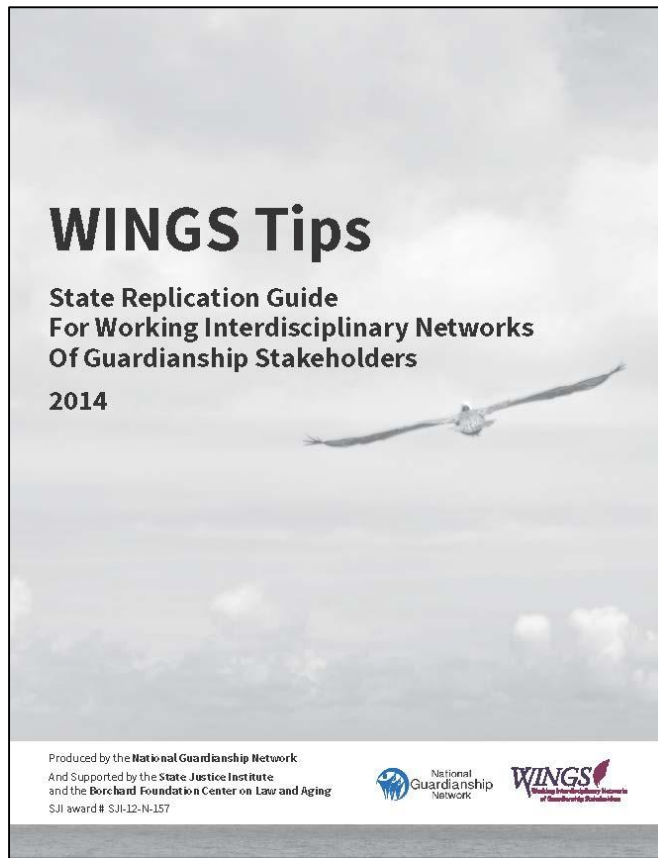
Priorities Discussed with WINGS and the Elders Committee

1. Services to coordinate alternatives to guardianship;
2. Support services to assist family/friend with becoming a guardian;
3. Support services to assist family/friend (non-professional) guardians to complete their legally mandated duties;
4. Court visitor qualifications, standards and procedures;
5. A standardized form for courts to obtain an accurate and detailed assessment of a proposed protected person's functional limitations; and
6. Template to assist guardians in developing a person-centered plan.



Texas WINGS Group Press

- Featured in several national publications including:



Elder's Committee Recommendations to the Texas Legislature

1. Strengthen guardianship alternatives and improve guardianships
2. Create a statewide guardian of last resort
3. Fund OCA's legislative appropriations request to create a pilot program for guardianship compliance specialists to review guardianship filings



Recommendation 1: Strengthen Guardianship Alternatives and Improve Guardianships

- Recognize supported decision making agreements
- Require the court to make a finding that no less restrictive alternatives exists to resolve the need for a guardianship
- Require the applicant or applicant's attorney to certify to the court that the guardianship is necessary and alternatives to guardianship have been explored



Recommendation 1: Strengthen Guardianship Alternatives and Improve Guardianships (cont)

- Requiring the physician examination letter or certificate to state whether improvement in the proposed ward's condition is possible and state time period after which individual should be re-evaluated to determine if guardianship is necessary
- Require court to consider the ward's right to make personal decisions about residence
- Require the court to consider the adult's preference of the person to be appointed a guardian by the court
- Require the applicant's attorney to be certified by the Bar as completing a course study in guardianship law and procedure



Recommendation 2: Statewide Guardian of Last Resort

- A guardian of last resort is needed when no one is available to assume the responsibility of guardianship or when the assets of the proposed ward are insufficient to pay for a private guardian.
- Expand the Guardianship Service Program under the Department of Aging and Disability Services (DADS) by removing the requirement that people be referred by Adult Protective Services (APS) or Child Protection Services (CPS)

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Recommendation 3: Pilot Program for Guardianship Compliance Specialists

- OCA requested funding for a pilot program to place guardianship compliance specialists across the state to review guardianship filings
- Program will help determine if guardians are:
 - Following statutorily required procedures
 - Review annual reports filed by guardians
 - Ensure that exploitation and or neglect of persons under guardianship is not occurring
- \$550k received over the biennium
 - 3 FTEs

