



GUARDIANSHIP SERVICES PROGRAM

2014 Judicial Partner Survey

December 2014

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EXECUTIVE SUMMARY

The Department of Aging and Disability (DADS) Guardianship Services program developed a judicial partner survey for the purpose of evaluating the effectiveness of the program's relationship with the courts responsible for probate and guardianship matters. Beginning with fiscal year 2010, a judicial survey is completed biennially before the upcoming legislative session. This report contains the findings of the survey completed during the summer of 2014. Previous surveys were completed in the summers of 2010 and 2012.

Significant findings of the 2014 survey include:

- Court perceptions of interactions with DADS were found to be agreeable in cases in which DADS appeared before the court by eighty-two percent of respondents. Eleven percent of respondents indicated they did not know.
- DADS responds to court requests in a timely manner and DADS staff and attorneys are prepared for court. Only one court reported a concern in this area.
- Using a 6.0 rating scale, DADS scored high on questions specific to operations and interactions with the courts. The highest rating (for professionalism in court) was a 4.64 and the lowest rating (for services meeting court expectations) was 4.20; the average was 4.43.
- A small number of courts reported concerns about matters specific to their court.
- Fourteen courts requested face-to-face contact with DADS guardianship and/or legal staff.
- As in the 2012 survey, some courts requested information about guardianship in general and the services available from DADS or visits by DADS staff.

Guardianship staff were commended by many courts for their timeliness and professionalism. Some comments indicate an opportunity for DADS to be more responsive to a few of the respondent courts. All comments are considered valuable by the guardianship management team and were reviewed for further action.

A chart comparing survey responses for 2010, 2012 and 2014 is located in the Appendix.

I. INTRODUCTION AND PURPOSE

The DADS Guardianship Services program provides guardianship services, either directly or through contracts, to persons referred by the Adult Protective Services (APS) and Child Protective Services (CPS) divisions of the Texas Department of Family and Protective Services (DFPS), who are found to lack decision-making capacity by a court with probate jurisdiction and for whom it is determined DADS guardianship is appropriate. Courts may also make direct referrals to the program in certain limited circumstances outlined in statute.

As guardian, DADS assumes responsibility for arranging services and placement for the wards, managing their estates, and making medical and other decisions on their behalf as necessary and appropriate based on the order of the court. One of the key responsibilities of the Guardianship Services program is to work in cooperation with consumers, service providers, and other stakeholders including the judiciary to provide efficient, quality, and effective services to promote and enhance the individual's well-being, safety and dignity.

The Guardianship Services program developed the judicial partner survey as a measure of performance and to obtain feedback directly from the courts served. The survey is sent to courts with probate jurisdiction, as they are most likely to interact with the program in guardianship proceedings. The survey has been carried out biennially, since 2010, prior to each legislative session. A written report is furnished to DADS executive management and to the courts who participate in the survey.

II. BACKGROUND

The DADS Guardianship Services program currently serves as guardian for wards located throughout Texas. When appropriate, the program seeks appointment as guardian of the person, guardian of the estate, or both by filing an application for guardianship in courts with probate jurisdiction.

The program recognizes the value of maintaining positive, responsive, and open relationships with mutual stakeholders and welcomes their comments and involvement. In order to reach out to judicial partners, DADS executive staff authorized the guardianship program to develop and administer the judicial survey.

III. METHODOLOGY

In preparation for the 2014 Judicial Partner Survey, state office staff verified and updated data from the 2012 list of courts with probate jurisdiction. This verification included names, addresses, telephone numbers, and email addresses for the identified courts. Once the list was verified, the 2014 survey was sent to approximately 479 individuals representing 337 courts in Texas. The judiciary list included constitutional county judges, county court-at-law judges, statutory probate judges, court administrators, and other court personnel.

Eighteen statutory probate courts are included in the total of 337 courts. Statistics represented within this report are presented on the overall 479 total number of surveys sent out. Selected responses from the statutory probate courts are extrapolated and reported separately. Judges and court personnel from 67 different courts responded to the survey. There were 77 actual survey responses received (four duplicate responses were not reflected in the final analysis). This represents a 15 percent response rate of the overall survey population and a 20 percent response of the number of courts surveyed. Responses were received from 6 of the 18 statutory probate courts (33 percent) in Texas including probate judges, associate judges, and court investigators.

The survey was administered on-line via a web-based survey application from June 17, 2014, through August 15, 2014. Judges and court personnel initially received an electronic mail message with instructions on how to access and complete the survey. This information was sent a second time during the course of the survey to encourage participation. The survey included a total of 15 questions which encompassed the following:

- Demographic information about the court and person completing the survey:
 - information on title of person completing the survey, contact information on person completing the survey, and counties served (questions 1–5);
 - number of guardianship cases heard and types of guardianships, other legal proceedings (question 8);
 - DADS legal representation before the court (question 9).
- Perceptions of the court regarding the capability, effectiveness and professionalism of DADS staff:
 - a combination of Likert scale statements (question 10); and
 - open-ended questions (questions 11–15).

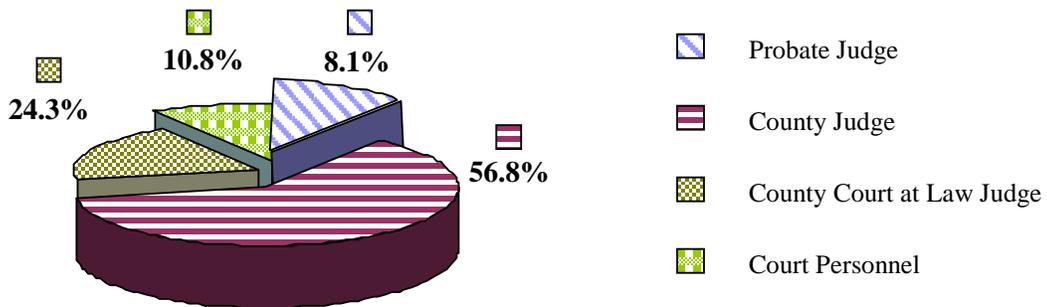
IV. SURVEY RESULTS

Actual responses to the 2014 survey are displayed in the Appendix. Significant results include:

- Court perceptions of interactions with DADS staff were found to be agreeable in cases when DADS staff appeared before the court (see Figure 3).
- DADS staff and attorneys respond to court requests in a timely manner and are prepared for court. Only one court indicated slight disagreement regarding the timely response to court requests and the preparedness of DADS staff and attorneys.
- The highest rating received on a Likert scale for 10 specific questions designed to gauge the relationship between the courts and DADS was 4.64 on a scale where 6.0 was the highest, indicating an overall positive relationship. The lowest rating was 4.20. The average was 4.43.
- Depending on the question asked, 7-9 respondents indicated they did not know the answer to the question.
- Approximately one-half (45 percent) of the respondent courts had either little interaction with DADS or no interaction, which made for few or no substantive comments by these courts.

Respondents to the survey by category (see Figure 1) include statutory probate judges, county court at law judges, county judges, and court personnel.

Figure 1 (2014) - Respondents to the Survey



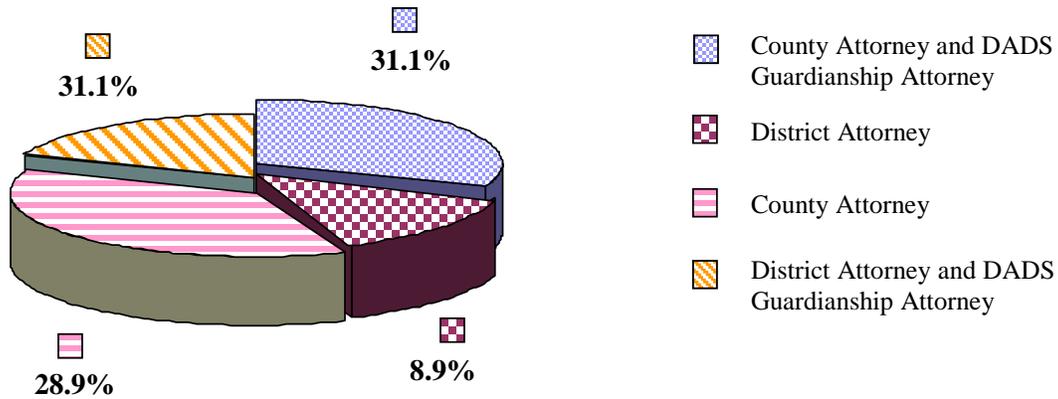
Respondents by Probate Courts

There are 18 statutory probate courts in Texas. Responses were received from 5 of the judges (including one associate judge) and three court investigators for those courts, resulting in a 28 percent response rate for the probate courts.

Other Findings:

- Number of guardianship cases heard annually by the respondent courts ranged from a low of zero to a high of 250 or 1,000 open guardianship files.
- Number of DADS guardianship cases heard annually by the respondent courts ranged from a low of zero to a high of 45 or up to 10 percent of all cases heard in an individual court.
- DADS legal representation in respondent courts is indicated in Figure 2:

Figure 2 (2014) - DADS Legal Representation



The responses of judicial partners to Likert scale statements in question 10 are displayed in the Appendix. Figure 3 represents a rating average for the statements which judges responded to on a scale from “strongly agree” to “don’t know.” Judges were asked to identify their level of agreement with each statement in the survey.

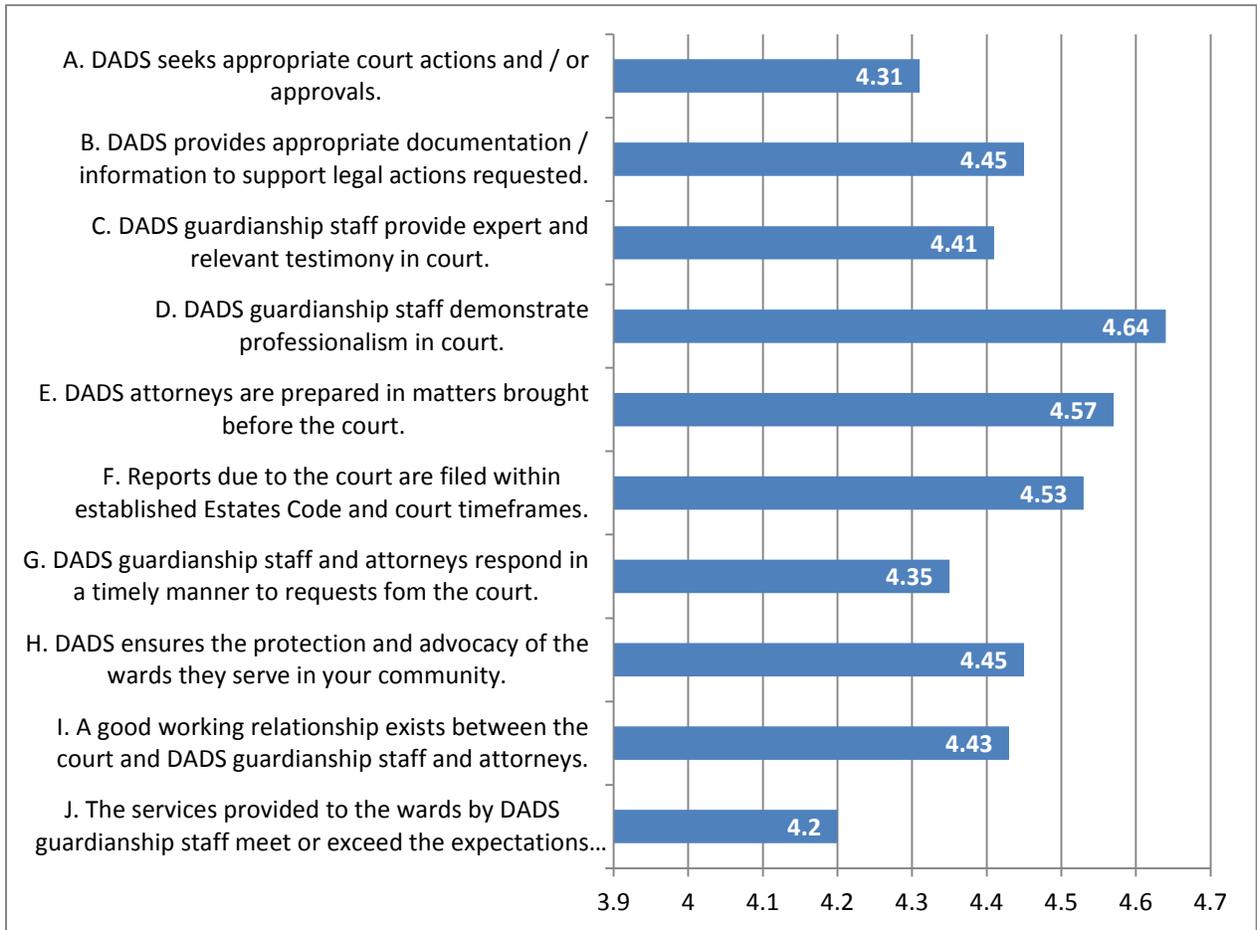
In computing the rating average for each statement, weighted values were given to each ratings scale choice as follows:

- (6) Strongly Agree
- (5) Agree
- (4) Slightly Agree
- (3) Slightly Disagree
- (2) Disagree
- (1) Strongly Disagree
- (0) Don’t Know

A higher rating average for a specific statement is indicative of more agreement by the respondents with the statement. For this survey, rating averages fell between “strongly agree” and “agree” choices (actually closer to the “agree” value).

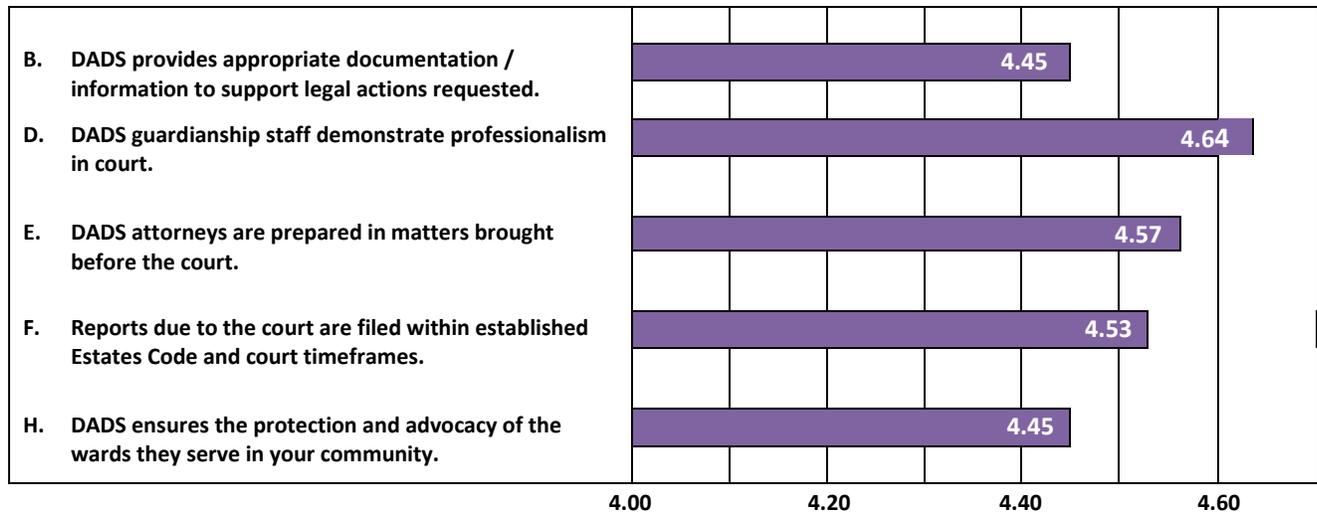
Analysis of survey data indicate the views of DADS relationship with the judiciary community are positive as shown in Figure 3.

Figure 3 (2014) - DADS Relationship with the Judiciary



Analysis of survey data indicates the top five perceived strengths of the DADS relationship with the judiciary community as shown in Figure 4 below:

Figure 4 (2014) - Top Five Perceived Strengths



These five strengths indicate DADS is prepared for court in applications filed and strives to protect wards served, based on survey respondents.

V. QUALITATIVE SURVEY RESPONSES

A small number of individuals remarked on various aspects of the relationship and interaction between DADS and the courts. Their comments provided below relate to particular activities or questions. Each statement presents the opinion of only the court or individual who responded. The statements are not reflected in the general opinion regarding how DADS performs on the issues identified. It appears the opinion expressed more accurately reflects a specific problem or issue, which may have occurred in a particular court.

Twenty-one percent of the total respondents provided comments to survey question 11 which asks how DADS can improve the quality of protection and advocacy for wards served through the courts. The comments were generally positive and included such statements as:

“DADS generally indicates they are the guardian of last resort. I wish they could handle more cases.”

“Continue to provide the best service possible.”

“Provide information to court staff to supply to the general public of their guardianship services.”

“Quality of services is good currently. No immediate improvement necessary.”

“I am satisfied with the services provided as I see them.”

“I don’t know what DADS is.”

“At this time everything is going well.”

“I have had very few DADS cases before me; consequently, I have not seen any problems.”

“By accepting more cases.”

“Cannot as things have been excellent!”

“Respondent’s statements contained suggestions for enhancing the relationship between DADS and the court. Some of the suggestions include:

“Just by making contact with the court when cases are pending.”

“Personnel does a good job of responding to questions of the Court and follow up even afterhearings.”

“A general comment. Charles Rice from the Abilene office is the DADS attorney that my court typically works with in proposed guardianship cases. He is an excellent attorney, very professional and represents the client very well.”

“At this time no additional assistance is required.”

“No change.”

“Periodic emails to remind us that your services are available. An inexpensive way of getting the word out.”

“Make an appointment to visit.”

“No further enhancement necessary at this time.”

“By graciously accepting difficult cases for which there are no local resources.”

“Attend the Annual Conferences hosted by the Court in order to further educate the guardians and attorneys of new changes to the guardianship programs.”

Ten of the 73 respondents (14 percent) of the judges and court personnel offered comments on how DADS and Adult Protective Services coordinate effectively and timely in their court. Examples of the responses include:

“Adult Protective have been contacted and receive no response”

“Do not have an opinion.”

I don't remember having a DADS case in my court”

“They do not appear in my Court”

“Don't know that I have ever dealt with DADS.”

“I really don't have much experience with APS and, in the past, have not been able to get very much help from APS.”

“They appear not to coordinate at all from my perspective. In most cases, our office can initiate a guardianship, have a trial, and get the client in a permanent setting in 3 weeks tops if time is an issue. DADS, by doing it twice, has difficulty making it happen within 40 days, specifically because you refuse to coordinate.”

“I have had no contact with DADS Guardianship Program”

“This has never come up in my Court.”

“Do not know.”

Fourteen of the 73 respondents (19 percent) indicated a desire for further contact with local DADS guardianship staff to obtain more information about DADS or to address individual concerns.

VI. MANAGEMENT RESPONSE

The DADS Guardianship Services program management team reviewed the responses and findings of this survey. Guardianship supervisors and regional guardianship attorneys (as appropriate) were asked to contact and provide follow-up with the 14 judges who indicated a desire for further information. All contacts will be completed by November 1, 2014.

Individuals responded on various aspects of DADS agency operations and the Guardianship Services program in particular. The individual comments included both satisfied and dissatisfied responses and concerns with program policies and procedures. Some unfavorable comments relate to court expectations, which exceed the statutory authority of the DADS Guardianship Services program.

VII. ACTION ITEMS

- Management review of survey findings at state office and local level.
- Executive management review of findings.
- Supervisors and attorneys were tasked with contacting courts who requested meetings.
- Communication of survey results to the Interagency Steering Committee regarding the relationship between DFPS and DADS.
- Continue and enhance participation in on-going discussions with APS and CPS to address processing of referrals, locating less restrictive alternatives, and completing assessments.
- Post the final 2014 judicial survey report on the DADS website – December 2014.
- Notify courts of the online availability of the survey report and include a link to the guardianship brochure.
- Review the process and outcomes of the survey to improve the next survey, which will be completed in the summer of 2016.

VIII. CONCLUSIONS

The results of the survey re-enforce previous findings of a continuous, positive improvement in DADS interactions with the courts in which guardianships are filed and heard. DADS staff and attorneys continue to receive positive feedback for their professionalism, timeliness and the work they do in the courts. Many of the judges surveyed were new to the bench and did not have knowledge of the DADS Guardianship Services program. There remains an opportunity for the program to increase visibility to the courts and to provide information about the program, the statutory limitations and the processes followed by both DFPS and DADS. As found in previous years, a small number of issues raised by a few of the courts are outside the control of DADS or cannot be resolved without additional funding and legislative action. The DADS management team values all comments and reviews them for further action and improvement.

IX. APPENDIX

Survey Questions and 2014 Judicial Survey Responses*

| Question | Response Count (Percent) | Response(s) |
|---|------------------------------------|--|
| 1. Name | 69(95%) | |
| 2. County / Counties your court serves | 70 (96%) | |
| 3. E-mail address | 70 (96%) | |
| 4. Telephone number | 70 (96%) | |
| 5. What is your title? | 70 (96%) | |
| 6. Approximately how many guardianship cases do you hear annually? | 51 (70%) | |
| 7. Of these cases, how many are DADS guardianship cases? | 51 (70%) | |
| 8. Indicate the type(s) of legal proceedings that your court hears (please select all that apply): <input type="checkbox"/> Temporary Guardianship <input type="checkbox"/> Permanent Guardianship <input type="checkbox"/> Emergency Detention under the Mental Health Code <input type="checkbox"/> Protective Custody under the Mental Health Code <input type="checkbox"/> Court Ordered Mental Health Services under the Mental Health Code | 48 (66%) | |
| 9. Indicate who typically represents DADS in your court for guardianship proceedings. <input type="checkbox"/> County Attorney <input type="checkbox"/> District Attorney <input type="checkbox"/> County Attorney and DADS guardianship attorney <input type="checkbox"/> District Attorney and DADS guardianship attorney | 46 (63%) | |
| | | |
| 10. In the section below, please place a check in the column that best reflects your views of current DADS and judicial relations in your community. (Please select only one response per item.) | 51 (70%) | See Questions and Survey Results on Page |
| 11. How can DADS further improve the quality of protection and advocacy for wards they serve through your court? | 16 (22%) | See Survey Results section |
| 12. How can DADS further enhance its working relationship with your office? | 26 (36%) | |
| 13. Would you like a local DADS guardianship staff member to contact you to provide information about DADS or to address any individual concerns? | 66 (90%) | |
| 14. Adult Protective Services and the DADS Guardianship Program coordinate effectively and timely in your court? | Agree 46 (63%) Disagree 8 (11%) | |
| 15. What specific issues would you like to address? | 32 (44%) | |

Question 10 – 2014

10. In the section below, please place a check in the column that best reflects your views of current DADS and judicial relations in your community. (Please select only one response per item)

| | Strongly Agree | Agree | Slightly Agree | Slightly Disagree | Disagree | Strongly Disagree | Don't Know | Rating Average | Response Count |
|--|----------------|-------------------|----------------|-------------------|----------|-------------------|--------------------------|----------------|----------------|
| A. DADS seeks appropriate court actions and/or approvals. | 29.4% (15) | 45.0% (23) | 5.9% (3) | 0.0% (0) | 2.0% (1) | 2.0% (1) | 15.7% (8) | 4.31 | 51 |
| B. DADS provides appropriate documentation/information to support legal actions requested. | 31.4% (16) | 45.0% (23) | 7.9% (4) | 0.0% (0) | 0.0% (0) | 0.0% (0) | 15.7% (8) | 4.45 | 51 |
| *C. DADS guardianship staff provide expert and relevant testimony in court. | 31.4% (16) | 47.0% (24) | 2.0% (1) | 2.0% (1) | 2.0% (1) | 0.0% (0) | 15.7% (8) | 4.41 | 51 |
| D. DADS guardianship staff demonstrate professionalism in court. | 36.0% (18) | 48.0% (24) | 2.0% (1) | 0.0% (0) | 0.0% (0) | 0.0% (0) | 14.0% (7) | 4.64 | 50 |
| E. DADS attorneys are prepared in matters brought before the court. | 39.2% (20) | 41.2% (21) | 3.9% (2) | 0.0% (0) | 0.0% (0) | 0.0% (0) | 15.7% (8) | 4.57 | 51 |
| *F. Reports due to the court are filed within established Probate Code and court timeframes. | 35.3% (18) | 45.0% (23) | 3.9% (2) | 0.0% (0) | 0.0% (0) | 0.0% (0) | 15.7% (8) | 4.53 | 51 |
| G. DADS guardianship staff and attorneys respond in a timely manner to requests from the court. | 27.4% (14) | 47.0% (24) | 7.9% (4) | 0.0% (0) | 2.0% (1) | 0.0% (0) | 15.7% (8) | 4.35 | 51 |
| H. DADS ensures the protection and advocacy of the wards they serve in your community. | 29.4% (15) | 49.0% (25) | 5.9% (3) | 0.0% (0) | 0.0% (0) | 0.0% (0) | 15.7% (8) | 4.45 | 51 |
| *I. A good working relationship exists between the court and DADS guardianship staff and attorneys. | 31.4% (16) | 45.0% (23) | 3.9% (2) | 3.9% (2) | 0.0% (0) | 2.0% (1) | 13.7% (7) | 4.43 | 51 |
| J. The services provided to wards by DADS guardianship staff meet or exceed the expectations of the court. | 27.4% (14) | 45.0% (23) | 3.9% (2) | 3.9% (2) | 0.0% (0) | 2.0% (1) | 17.7% (9) | 4.20 | 51 |
| *Total slightly off 100 due to rounding. | | | | | | | answered question | | 51 |
| | | | | | | | skipped question | | 22 |

Comparative Results of Judicial Survey Responses

| Individual Items | 2014 % Agreement | 2014 N | 2012 % Agreement | 2012 N | 2010 % Agreement | 2010N |
|--|------------------|--------|------------------|--------|--------------------|-------|
| A. DADS seeks appropriate court actions and /or approvals. | 74.4% | 38 | 75.4% | 49 | 80.4% | 45 |
| B. DADS provides appropriate documentation / information to support legal actions requested. | 76.4% | 39 | 77% | 50 | 80.4% | 45 |
| C. DADS guardianship staff provide expert and relevant testimony in court. | 78.4% | 40 | 70.8% | 46 | 75% | 42 |
| D. DADS guardianship staff demonstrate professionalism in court. | 84% | 42 | 76.9% | 50 | 80.4% | 45 |
| E. DADS attorneys are prepared in matters brought before the court. | 80.4% | 41 | 72.3% | 37 | 73.2% | 41 |
| F. Reports due to the court are filed within established Estates / Probate Code and court timeframes. | 80.3% | 41 | 75.4% | 49 | ¹ 79.6% | 43 |
| G. DADS guardianship staff and attorneys respond in a timely manner to requests from the court. | 74.4% | 38 | 70.7% | 46 | 76.8 | 43 |
| H. DADS ensures the protection and advocacy of the wards they serve in your community. | 78.4% | 40 | 75.4% | 49 | 71.4% | 40 |
| I. A good working relationship exists between the court and DADS guardianship staff and attorneys. | 76.4% | 39 | 79.7% | 51 | 78.6% | 44 |
| J. The services provided to the wards by DADS guardianship staff meet or exceed the expectations of the court. | 72.4% | 37 | 78.5% | 51 | 75% | 42 |

% Agreement = responses of either “Strongly Agree” or “Agree”.

N = total responses of “Strongly Agree” or “Agree”.

¹For 2010, percentage for Item F calculated based on 54 total responses. All other percentages calculated based on 56 total responses.