



GUARDIANSHIP SERVICES PROGRAM

2012 Judicial Partner Survey

October 2012

TABLE OF CONTENTS

DESCRIPTION	PAGE
EXECUTIVE SUMMARY	i
I. INTRODUCTION AND PURPOSE.....	1
II. BACKGROUND.....	1
III. METHODOLOGY	1
IV. SURVEY RESULTS	2
Respondents by Probate Courts	3
Other Findings:	3
V. QUALITATIVE SURVEY RESPONSES	6
VI. MANAGEMENT RESPONSE.....	8
VII. ACTION ITEMS	8
VIII. CONCLUSIONS	9
IX. APPENDIX	10

List of Figures:

Figure 1(2012) – Respondents to the Survey	3
Figure 2 (2012) - DADS Legal Representation	4
Figure 3 (2012) - DADS Relationships with the Judiciary	5
Figure 4 (2012) - Top Five Perceived Strengths.....	6

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 2012. Previous surveys were completed in the summers of 2009 and 2010.

Significant findings of the 2012 survey include:

- Court perceptions of interactions with DADS were found to be agreeable in cases in which DADS appeared before the court.
- 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 was a 5.55 and the lowest rating was 5.06; the average was 5.30.
- A small number of courts reported concerns about matters specific to their court.
- Sixteen courts requested face-to-face contact with DADS guardianship and/or legal staff.
- Several courts requested information about guardianship in general and the services available from DADS.

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.

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 the each legislative session. A written report is furnished to DADS executive management and to the courts who participate in the initiative.

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 2012 Judicial Partner Survey, state office staff verified and updated data from the 2010 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 2012 survey was sent to approximately 484 individuals representing 343 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 343 courts. Statistics represented within this report are presented on the overall 484 total number of surveys sent out. Selected responses from the statutory probate courts are extrapolated and reported separately. Judges and court personnel from 88 courts responded to the survey. There were 91 actual survey responses received (three duplicate responses were not reflected in the final analysis). This represents a 26 percent response rate of the overall survey population and a 21 percent response of the number of courts surveyed. Responses were received from 8 of the 18 statutory probate courts (44 percent) in Texas.

The survey was administered on-line via a web-based survey application from June 15, 2012, through August 16, 2012. 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).

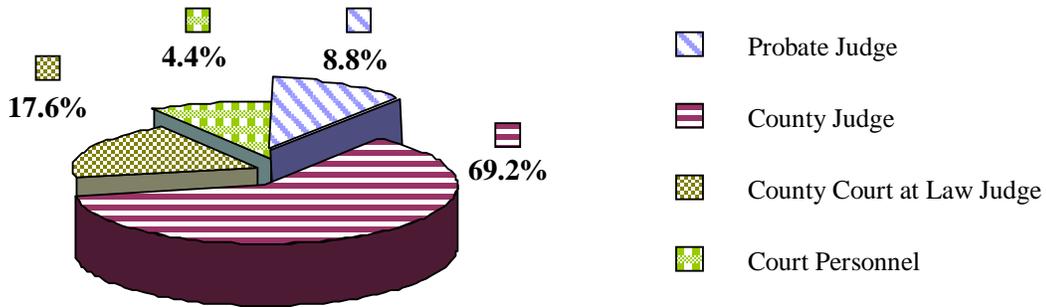
IV. SURVEY RESULTS

Actual responses to the 2012 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 5.55 on a scale where 6.0 was the highest, indicating an overall positive relationship. The lowest rating was 5.06. The average was 5.30.
- Depending on the question asked, 7-12 respondents indicated they did not know the answer to the question.
- Approximately one-half (48 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 (2012) - Respondents to the Survey



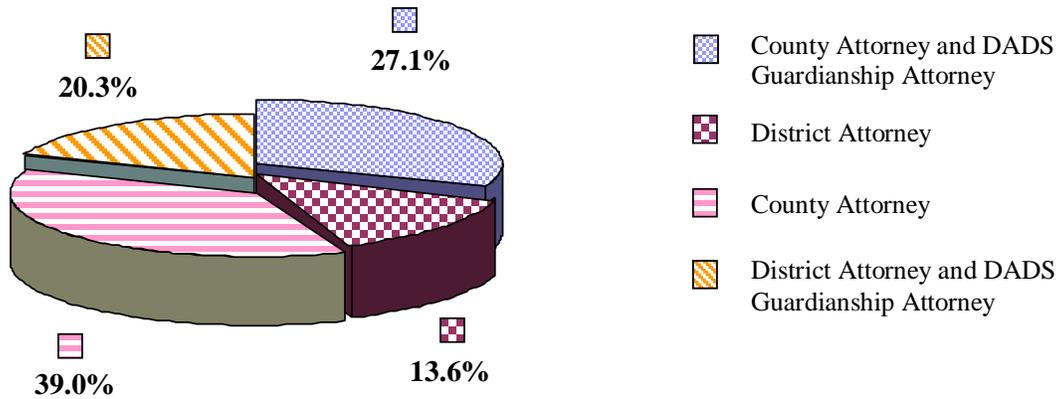
Respondents by Probate Courts

There are 18 statutory probate courts in Texas. Responses were received from 8 of the judges for those courts, resulting in a 44 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 50 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 (2012) - 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:

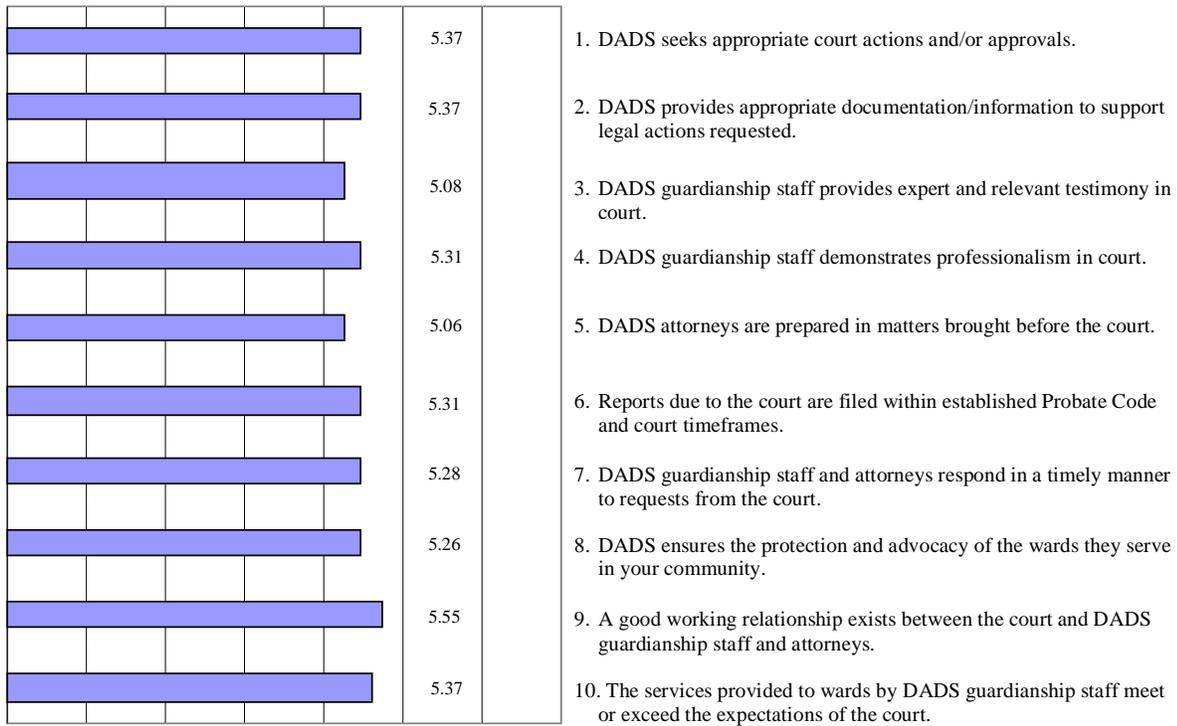
- (6) Strongly Agree
- (5) Agree
- (4) Slightly Agree
- (3) Slightly Disagree
- (2) Disagree
- (1) Strongly Disagree
- (0) Don’t Know

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 (2012) - DADS Relationship with the Judiciary

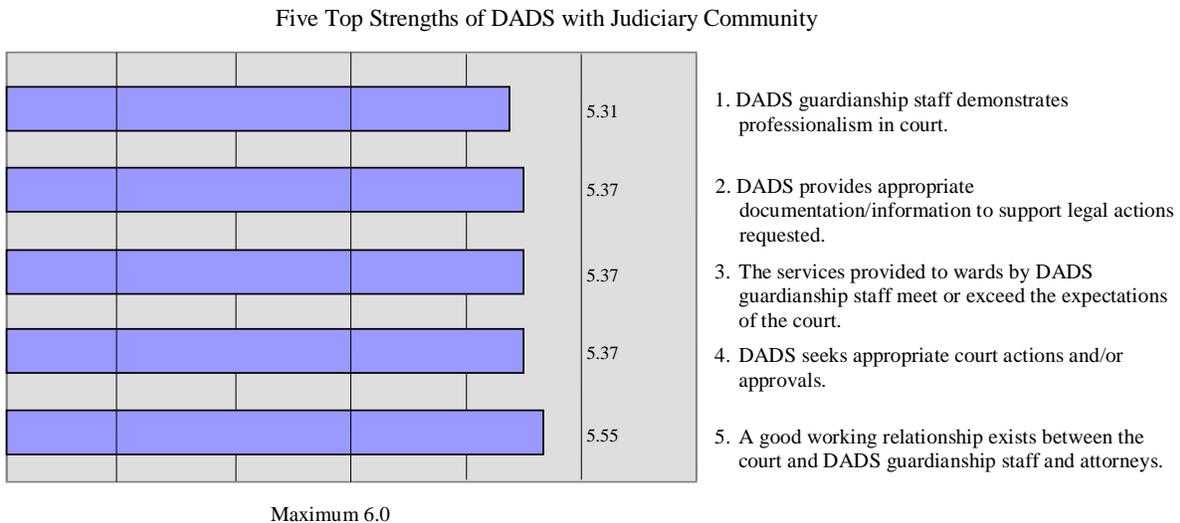
Representative Views of the DADS Relationship with Judiciary Community



Maximum Score 6.0

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 (2012) - Top Five Perceived Strengths



Respondents agree the level of services provided by DADS to wards meets or exceeds court expectations. The rating average for this statement for 2012 was 5.37 and was 4.03 for 2009 which represents a 24.95 percent improvement rate.

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.

Thirty-one individuals (34 percent of total respondents) made statements to the question designed to determine how DADS could improve the quality of protection and advocacy for wards served through the courts. Three of those statements did not address the question; however, the comments were positive and included such comments as:

“We are exceedingly happy with DADS. DADS does a wonderful job. I don't know how they could improve.”

“DADS already provides excellent protection and advocacy for their wards. DADS does a great job in my court. I think they do a fine job as it is. I cannot suggest improvements.”

“DADS does a great job and a great service.”

Twelve of the thirty-one statements contained suggestions for improvement and advocacy. The statements are reprinted below.

- “Continue to listen to the wants and needs of the wards.”
- “Contact me to introduce themselves.”
- “We need more advocates.”
- “Statutorily DADS is not allowed to take more guardianships than allowed from our County. It doesn't help in those instances when you have more need than resources to serve the ward.”
- “If DADS seeks the appointment of a successor guardian, then DADS should consent in advance to resume role of guardian if the successor must be removed.”
- “The process is hampered by the legislative framework.”
- “I just had an emergency detention/protection for an elderly person where there was a need for guardianship, and DADS never filed, and to my knowledge APS informed DADS. The guardianship was never filed. Once the elderly person was placed in a facility, the facility file for guardianship of the estate. It did not appear to me that other than APS being able to remove the person from a hostile environment, the best interest of the potential ward was not served.”
- “The slow response was by caseworker not DADS agency as whole. We have not used the services for a new case but updates on existing cases.”
- “Make sure that none of the cases slip through the cracks.”
- “Slow to act after EPO...had extension almost run out; our CI now handles EPOs as most will require a guardianship; better to file for guardianship and THEN utilize appropriate less restrictive alternative, if appropriate, rather than let extension run trying to avoid guardianship and then need a Temporary Guardian to KEEP ward in care.”
- “Could take more out of town Guardianship cases.”
- “By filing cases and appearing.”

Approximately 15 of the 88 respondents (17 percent) offered comments on how DADS could further enhance working relationships with the court. Numerous judges and court personnel pointed out they had never worked with DADS and could not provide comment. Other judges and court personnel indicated having a good working relationship with DADS. Thirteen judges and court personnel provided responses with specific suggestions on ways DADS could improve its interaction with the courts. Their responses are provided below:

- “Show up to court.”
- “Continue with the quote unquote 'open door policy'.”
- “Meet with the county judge and this will help our working relationship when you are called upon.”
- “Provide information on how DADS works.”
- “We enjoy the occasional meetings we have with Mr. [name removed] to make sure the courts and DADS are on the same page.”
- “Attend the judges' meeting at Tarrant County Mental Health/Mental Retardation.”
- “Provide a better awareness of what DADS has to offer.”

- “Just be available to help when we need DADS assistance and pass appropriate wards to our local program, GSI, so DADS can have slots for higher risk wards that we cannot serve with family or GSI. State should be last resort for difficult cases. DADS Attorney Ms. [name removed] is a treasure! So competent! Keep her by all means.”
- “See County Court Judge [name removed].”
- “Open interaction.”
- “By filing cases and appearing to court.”
- “We need a contact person and basic training on guardianship.”
- “By introducing themselves.”

Eight of the 88 respondents (9 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:

- “I do not know if there is a lack of communication between the two offices because I have received within the past month three requests for Section #683 of the Probate Code for a court investigation of a need for guardian. This is my 10th year in office and I cannot recall this ever occurring. I would hate to think that this is going to be a more common practice because the state's own investigators are looking for another office to do their job (for a lack of a better term). This practice should not continue.”
- “APS seemed to coordinate in a timely matter as to the last dealings our court was involved.”
- “Most of the time it seems to work but there can be a lag between APS referral and DADS action. I still believe APS should provide the CME as completion of its investigation and DADS should promptly go to court to fulfill its responsibility.”
- “I do not know. To the best of my knowledge no DADS attorney or representative has ever appeared in my court.”
- “DADS communicates with me proactively. We simply have not had any causes of action.”

Sixteen of the 88 respondents (18 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 16 judges who indicated a desire for further information. All contacts will be completed by November 15, 2012.

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. Many 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 2012 judicial survey report on the DADS website. – December 2012
- 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 2014.

VIII. CONCLUSIONS

The results of the survey indicate there is continuous, positive improvement in DADS interactions with the courts in which guardianships are filed and heard. Many courts commended DADS staff and attorneys for their timeliness, professionalism and the “great” job they were doing. Many of the judges surveyed were new to the bench and did not have knowledge of the DADS Guardianship Services program. There is an opportunity for DADS to increase its visibility to the courts and to provide information about the program, the statutory limitations and the processes followed by both DFPS and DADS. A small number of the issues raised by the courts are outside the control of DADS or cannot be resolved without additional funding and legislative action. All comments are considered valuable by the DADS management team and were reviewed for further action and improvement.

IX. APPENDIX

Survey Questions and 2012 Judicial Survey Responses*

Question	Response Count (Percent)	Response(s)
1. Name	85 (97%)	
2. County / Counties your court serves	85 (97%)	
3. E-mail address	84 (95%)	
4. Telephone number	86 (98%)	
5. What is your title?	88 (100%)	See Figure 1
6. Approximately how many guardianship cases do you hear annually?	60 (68%)	
7. Of these cases, how many are DADS guardianship cases?	59 (67%)	
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	64 (73%)	
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	57 (65%)	See Figure 2
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.)	65 (74%)	See Questions and Survey Results on Page 11
11. How can DADS further improve the quality of protection and advocacy for wards they serve through your court?	31 (35%)	See Survey Results section
12. How can DADS further enhance its working relationship with your office?	40 (45%)	
13. Would you like a local DADS guardianship staff member to contact you to provide information about DADS or to address any individual concerns?	87 (99%)	
14. Adult Protective Services and the DADS Guardianship Program coordinate effectively and timely in your court?	Agree 55 (63%) Disagree 12 (14%)	
15. What specific issues would you like to address?	23 (26%)	

Question 10 - 2012*

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.	32.3% (21)	43.1% (28)	6.2% (4)	0.0% (0)	1.5% (1)	0.0% (0)	16.9% (11)	4.37	65
B. DADS provides appropriate documentation/information to support legal actions requested.	30.8% (20)	46.2% (30)	4.6% (3)	0.0% (0)	1.5% (1)	0.0% (0)	16.9% (11)	4.37	65
C. DADS guardianship staff provide expert and relevant testimony in court.	32.3% (21)	38.5% (25)	4.6% (3)	0.0% (0)	1.5% (1)	0.0% (0)	23.1% (15)	4.08	65
D. DADS guardianship staff demonstrate professionalism in court.	33.8% (22)	43.1% (28)	3.1% (2)	0.0% (0)	0.0% (0)	0.0% (0)	20.0% (13)	4.31	65
E. DADS attorneys are prepared in matters brought before the court.	29.2% (19)	43.1% (28)	3.1% (2)	0.0% (0)	1.5% (1)	0.0% (0)	23.1% (15)	4.06	65
F. Reports due to the court are filed within established Probate Code and court timeframes.	29.2% (19)	46.2% (30)	6.2% (4)	0.0% (0)	0.0% (0)	0.0% (0)	18.5% (12)	4.31	65
G. DADS guardianship staff and attorneys respond in a timely manner to requests from the court.	33.8% (22)	36.9% (24)	9.2% (6)	0.0% (0)	1.5% (1)	0.0% (0)	18.5% (12)	4.28	65
H. DADS ensures the protection and advocacy of the wards they serve in your community.	29.2% (19)	46.2% (30)	3.1% (2)	1.5% (1)	1.5% (1)	0.0% (0)	18.5% (12)	4.26	65
I. A good working relationship exists between the court and DADS guardianship staff and attorneys.	39.1% (25)	40.6% (26)	3.1% (2)	1.6% (1)	0.0% (0)	0.0% (0)	15.6% (10)	4.55	64
J. The services provided to wards by DADS guardianship staff meet or exceed the expectations of the court.	30.8% (20)	47.7% (31)	1.5% (1)	1.5% (1)	1.5% (1)	0.0% (0)	16.9% (11)	4.37	65
answered question									65
skipped question									26