

Guardianship Services

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Guardianship Services
Location/Division	701 W. 51 st Street, Austin, TX 78751/ Access & Intake Division
Contact Name	Elisa J. Garza, Assistant Commissioner for Access & Intake
Actual Expenditures, FY 2012	\$6,889,913.00
Number of Actual FTEs as of June 1, 2013	108
Statutory Citation for Program	Texas Human Resources Code, Chapter 161, Subchapter E

B. What is the objective of this program or function? Describe the major activities performed under this program.

DADS Guardianship Services program provides guardianship services directly or through contracts with local guardianship programs to individuals referred to the program by the Texas Department of Family and Protective Services (DFPS). DADS also serves a limited number of guardianships referred directly from courts with probate authority under certain circumstances.

A guardian is a person or entity (such as a state agency) appointed by the court to make decisions on behalf of a person with diminished capacity. Depending upon the powers granted by the court, guardianship responsibilities may include some or all of the following:

- providing services for adults with diminished capacity who otherwise qualify for guardianship services under state laws;
- arranging for placement of the individual in facilities, such as long-term care facilities, hospitals, or foster homes;
- managing estates; and
- making medical decisions.

The Guardianship Services program provides services statewide through 82 field-based employees working from 23 regional offices, with an additional 17 employees in the state office. Nine attorney FTEs are part of the guardianship appropriation but are managed by the legal division. DADS employees providing guardianship services must be certified by the Texas Guardianship Certification Board. Effective January 1, 2014, this board becomes the Judicial Branch Certification Commission. The program also contracts with private guardianship entities to provide services in 84 counties of the state.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

Guardianship Program Statistics

	FY 2011	FY 2012
Average number of individuals receiving guardianship services from DADS staff	898	913
Average number of wards receiving guardianship services from DADS contractors	411	436
Average monthly cost per adult individual served by DADS staff	\$549.13	\$540.21
Average monthly const per adult individual served by DADS contractors	\$218.36	\$205.79
Average monthly cost per adult individual	\$445.30	\$432.44
Average monthly number of referrals from Texas Department of Family and Protective Services to DADS	40	39

Statewide, the program uses a comprehensive customized database system, Guardianship On-Line Database system, to track referrals from all sources, ward information, legal information, and financial assets belonging to the wards. The Department of Family and Protective Services sends referrals electronically.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

Guardianship services were originally established to serve youth aging out of foster care. The program began serving DFPS Adult Protective Services clients in September 1995, as an additional level of protection to these individuals. The program was transferred to DADS in 2005.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

Guardianship is an appointment by a court with probate authority of a person or organization to make decisions for and exercise control over an incapacitated person, referred to legally as a

ward. An incapacitated adult is an individual who, because of a physical or mental condition, is substantially unable to care for his or her own physical health or to manage his or her own financial affairs.

To be eligible for services via the Adult Protective Services program, an individual must be age 65 or older, or be age 18 to 65 and have a disability, and be determined by Adult Protective Services to be in a state of abuse, neglect or exploitation.

To be eligible for services via the Child Protective Services program, an individual must be age 16 or older and must be a minor in the conservatorship of Child Protective Services. For these older children, Child Protective Services must have reason to believe the individual will be substantially unable to provide for his or her own food, clothing, shelter, and physical health, or to manage his or her own financial affairs as an adult. Guardianship may take effect only on or after the individual's eighteenth birthday.

By statute, the Guardianship Services program may be appointed by the court to serve as permanent guardian of the person or the estate in circumstances limited to individuals referred to the Guardianship Services program by DFPS. The program may also choose to otherwise agree to serve as permanent guardian in limited circumstances. The courts may appoint the Guardianship Services program as a temporary guardian of the person or estate if the person is found to be in imminent danger.

The Guardianship Services program cannot serve as a guardian for individuals who do not have private assets available to meet the expenses of day-to-day living or who are not eligible for government benefits (for example, Medicaid, Social Security, or veteran's benefits) sufficient to provide needed support. The Guardianship Services program cannot fund services provided to wards, including the cost of long-term services and supports or burial expenses.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The Guardianship Services program is responsible for all guardianship functions performed by state office and field staff. The program is organized into three units: Regional Operations, Oversight and Community Supports, and Policy and Program Development.

Regional Operations is responsible for supervision of field staff located throughout the state. Field staff provides direct services to wards and assess proposed wards for the appropriateness of DADS guardianship.

The Policy and Program Development Unit is responsible for:

- policy development, including the preparation and maintenance of the guardianship handbook;

- development and operation of the Guardianship Training Academy;
- certification training and registration of eligible staff to meet the requirements established by the Texas Guardianship Certification Board;
- development and maintenance of the Guardianship On-line Database; and
- ward accounting functions.

The Oversight and Community Supports Unit is responsible for contract oversight of the guardianship services contracts and monitoring of the guardianship services provided by program staff. This unit also receives and investigates all complaints made against staff and contractors or conducts inquiries as otherwise directed by the section manager.

The program is administered using applicable guardianship statutes, comprehensive guardianship and contract handbooks, an outcome-based contract monitoring and quality assurance program, and the Texas Administrative Code, Chapter 10.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The funding sources for this program include federal funds only. In FY 2012, the program received \$6,889,913.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other state agency provides guardianship services. Guardianship services are provided by family members, private guardians, for-profit and non-profit guardianship programs, and non-agency attorneys as appointed by the court.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

DADS and DFPS created a Memorandum of Understanding in 2004 to outline the roles and duties of each agency regarding guardianship services. The memorandum was updated in October 2009 to address recent legislation and other policy and process improvements.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The Guardianship Services program receives referrals from, and regularly coordinates efforts with, DFPS. The program works closely with the Guardianship Certification Board on matters pertaining to the certification of the program's employees who provide direct guardianship services. Representatives of the program appear before judges in courts with probate authority throughout the state. The program follows the orders and directives of the court.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2012;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

The contractors serve as successor guardians and perform guardianship functions as set forth by the court for DADS referred wards. In FY 2012, DADS spent \$1,030,569.48 for guardianship services, through 11 contracts with 6 providers. The top five contracts for FY 2012 were:

- Friends for Life – \$537,768 (4 contracts);
- Family Elder Care –\$118,942.80;
- Guardianship Services Incorporated – \$111,240;
- League of United Latin American Citizens Project Amistad – \$170,304 (2 contracts); and
- Senior Source – \$84,000.

The program monitors contractor at least annually for program and fiscal issues. Program rules and standards ensure funding from DADS is used appropriately. In addition, DADS has a contract with Panoramic Software to provide, host, and maintain the Guardianship On-Line Database system. The total FY 2012 contract amount with Panoramic Software was \$72,768. There are no current contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. What statutory changes could be made to assist this program in performing its functions? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The preceding discussion is sufficient to gain a preliminary understanding of the Guardianship Services program.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

N/A