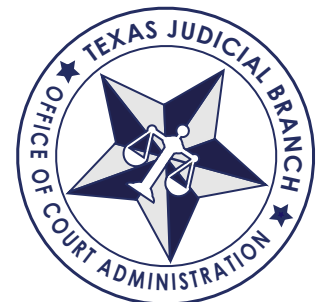


**Guardianship Abuse, Fraud and
Exploitation Deterrence Program
ANNUAL REPORT**

**TEXAS GUARDIANSHIP COMPLIANCE
FY 2022**



*Protecting Our Most
Vulnerable Citizens
and Their Assets*





TEXAS GUARDIANSHIP COMPLIANCE

OFFICE OF COURT ADMINISTRATION

GUARDIANSHIP ABUSE, FRAUD AND EXPLOITATION DETERRENCE PROGRAM

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INTRODUCTION AND BACKGROUND OF THE GAFEDP

On September 1, 2019, the Office of Court administration initiated the Guardianship Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP), which was created during the 86th Legislative Session (Senator Zaffirini/Representative Smithee).

The GAFEDP delivers the following Services:

- Provides resources and assistance to courts
- Reviews the guardianships of wards and identify reporting deficiencies by guardians
- Works with courts to develop best practices in managing guardianship cases
- Reports to the court potential abuse, fraud, and exploitation including financial exploitation
- Progress on clean up survey
- Follow-up reviews
- The Online Reporting System provides for centralized auditing and assists guardians by completing reports that document the condition of the Protected Person and/or Estate.

Guardian Compliance Monitoring:

- A compliance review of all active guardianships based on the list of guardianships provided by the court and the clerk
- Additional review of guardianship files occasionally not included in the clerk's list as necessary
- Data collection to identify cases recommended for closure
- Data collection to identify compliance issues with bonds, annual reports, inventories, and annual accounts
- Data collection to identify guardianships with special issues
- Data collection to identify guardianships with well-being, abuse, fraud, and exploitation concerns

Financial Audits:

- A review of the two most recent annual accounts to ensure estate is being managed properly
- A review of assets for older guardianships to ensure assets have been tracked appropriately throughout the life of the estate

How are Financial Audits Conducted?

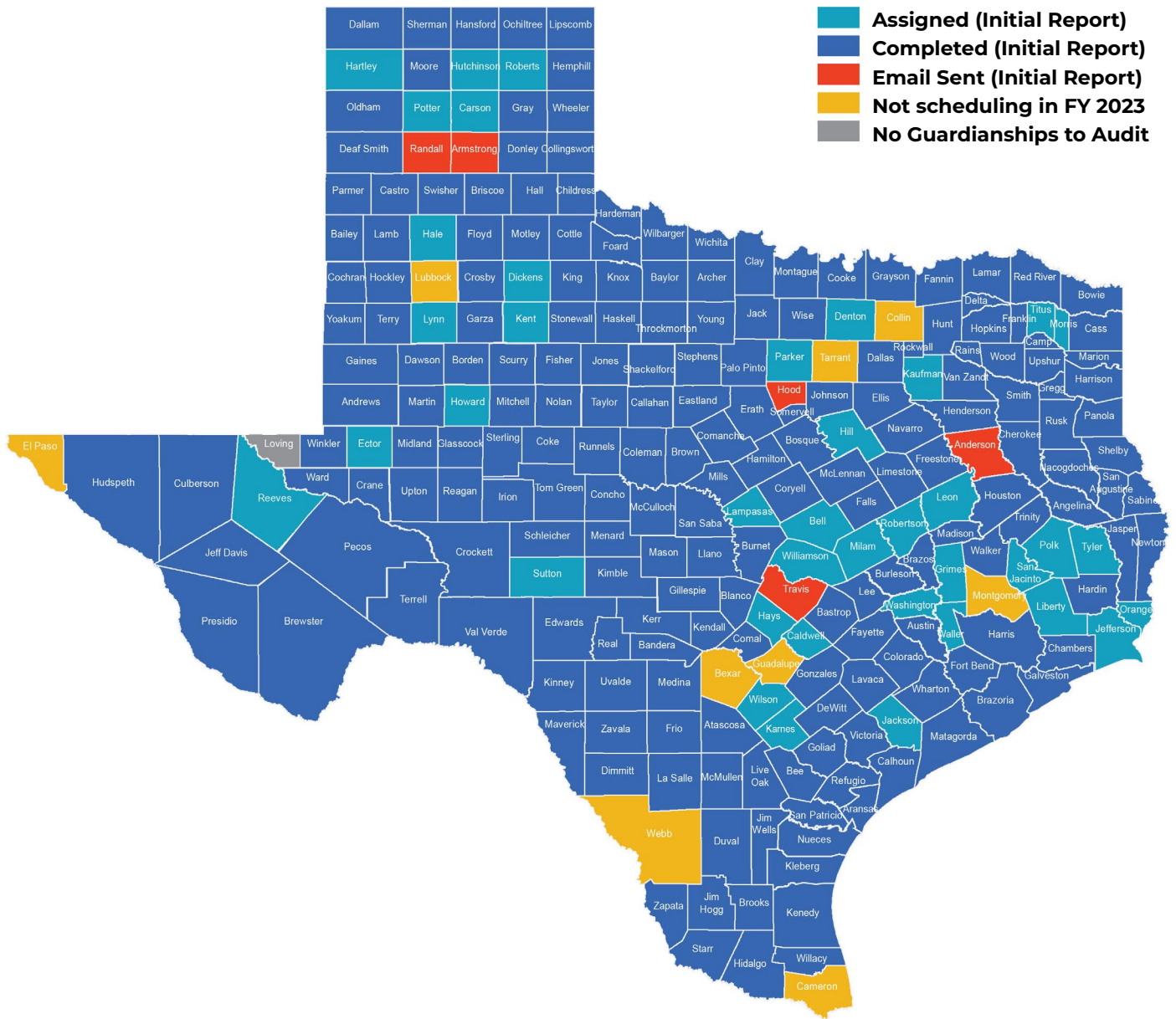
- Estates may be selected for audit by the program
- Courts may request a financial audit be conducted on any estate
- The program may select individual counties to conduct financial audits on all estates

Reports for the Courts following Review:

- Guardianship case files are reviewed for compliance and specific data elements collected. Reports based on the data collected are prepared and provided to the judge and clerk of court for their review.
- Included in the report are well-being concerns, compliance statistics, best practices, and trends noted during the review. The reports afford the courts the opportunity to recognize deficiencies in court records or procedures and bring them into compliance with guardianship law.
- The Director may notify the State Commission on Judicial Conduct in writing if the OCA has reason to believe that a Judge's actions or failure to act with respect to a report received from a GCS indicating an abuse, fraud or exploitation concern constitutes judicial misconduct.

INITIAL CASE REVIEW STATISTICS

As of August 31, 2022



INITIAL COMPLIANCE REVIEW STATISTICS

FY 2022 Compliance Review County Courts and Courts at Law	
Total Counties	106
Total Courts	136
Total Cases Reviewed	13,373
Total Closure Recommendations	6,880
Total Active Cases Identified	9,950
% Cases Missing Annual Reports	26%
% Cases Missing Annual Accounts	46%
% Cases Missing Inventories	46%
% Cases Out of Compliance	34%
% Cases with Waived Bonds	9%
Total # of guardianships out of compliance	3,349
Deceased Wards Discovered	1,434

FY 2022 Compliance Review Statutory Probate Courts	
% Cases Missing Annual Reports	15%
% Cases Missing Annual Accounts	25%
% Cases Missing Inventories	11%
% Cases Out of Compliance	17%
% Cases with Waived Bonds	0%

NUMBER OF CASES REPORTED TO THE COURTS	
FY 2022 - 106 Counties	Total
Well-Being Concerns	188
Abuse	4
Abuse- Corroborated	1
Fraud & Exploitation	20
Fraud & Exploitation Corroborated	3
Total	216

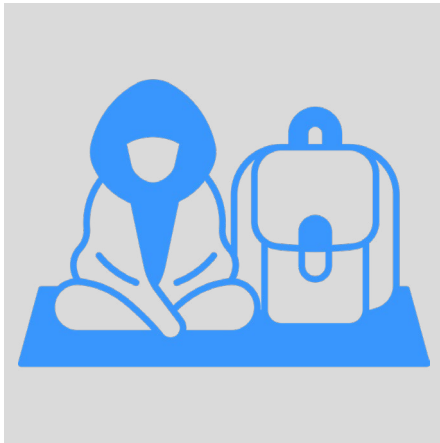
PROGRAM TRAINING AND TECHNOLOGY DEVELOPMENT

THE GAFEDP MANAGER DIRECTS A STATEWIDE MOBILE TEAM OF AUDITORS.

- The initial program training consists of five training phases including individual training with the program trainer, ongoing support and remedial training, and in person training.
- Initial financial audit training along with individual financial training is provided to the team.
- The team has also developed our data collection and financial workbook.
- This fiscal year, the GAFEDP collaborated in the creation of the [National Association for Court Management's 2022 Adult Guardianship Guide](#).
- Development of the initial inventory functionality of the Texas Guardianship Online Reporting System continues. The Annual Report functionality has been tested and is anticipated to go live in Montgomery County in the upcoming year. The team is also developing an online financial audit and data collection application continue.



EXAMPLE CASE FINDINGS



GUARDIAN REMOVED DUE TO ALLOWING THE PROTECTED PERSON'S BANK ACCOUNT TO BE SCAMMED FOR NEARLY \$200,000.00

PROTECTED PERSON FOUND TO BE PAYING ALL OF THE BILLS IN HER SIBLING'S APARTMENT WITH THE PARENT GUARDIAN'S KNOWLEDGE.



GUARDIAN DEPOSITED \$30,000.00 OF THE PROTECTED PERSON'S FUNDS INTO THEIR OWN PERSONAL ACCOUNT TO PAY BILLS FOR THEIR OWN HOUSE, OWN LIVING EXPENSES ETC.

APPLICATION FOR SUCCESSOR GUARDIAN PENDING FOR 3 YEARS WHILE PROTECTED PERSON IS HOMELESS AND LIVES IN HER CAR.

PROTECTED PERSON UNDER GUARDIANSHIP SINCE 1994 WHOSE ONLY INCAPACITY WAS HER INABILITY TO LIFT HEAVY OBJECTS.

INDIVIDUAL ACTING AS GUARDIAN DESPITE NOT BEING APPOINTED FILED ANNUAL REPORTS AND ANNUAL ACCOUNTS INDICATING FULL ACCESS TO ALL OF THE PROTECTED PERSON'S FUNDS AND HAS RELOCATED THE PROTECTED PERSON OUT OF STATE.



GUARDIANSHIP ESTABLISHED AFTER PROTECTED PERSON WAS EXPLOITED BY RELATIVES- FORGED POWER OF ATTORNEY, IDENTITY THEFT, AND STOLEN FUNDS.

GUARDIAN REMAINS APPOINTED DESPITE 3 SEPARATE ALLEGATIONS OF SEXUAL ABUSE AND HAVING RELOCATED THE PROTECTED PERSON.

CO-GUARDIANS HAVE NOT VISITED PROTECTED PERSON IN 31 YEARS PER APPROVED ARS.



FORMER GUARDIAN RECEIVED APPROVAL TO SELL ONE OF THE PROTECTED PERSON'S VEHICLES BUT SOLD BOTH.

FORMER GUARDIAN ATTEMPTED TO SELL PROTECTED PERSON'S PROPERTY \$300,000.00 BELOW MARKET VALUE.

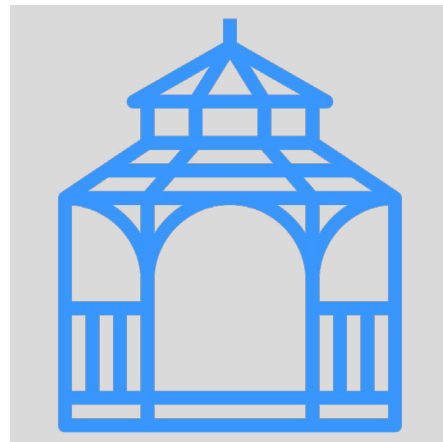


PROTECTED PERSON'S FUNDS APPROVED TO PAY FOR THE GUARDIAN'S DIVORCE AND NEW ROOF.

TRUST DISTRIBUTIONS INCLUDED IN ANNUAL ACCOUNT TO PAY FOR GUARDIAN'S UTILITIES, REMODELING COSTS, POOL CARE COSTS, PEST SERVICES, SPA REPAIRS AND BUILDING A GAZEBO AMONG OTHER ITEMS DESPITE HOME BEING OWNED BY GUARDIAN.

GUARDIAN WROTE CHECK OUT TO CASH FOR \$1,000.00 FOR GOLF CART USE AS WELL AS \$2,600.00+ FOR HOME REPAIRS FOR A HOME HE DOES NOT OWN.

PRIVATE PROFESSIONAL GUARDIAN REQUESTED RESIGNATION AND FAILED TO FILE FINAL ACCOUNT IN 2015. NO SUCCESSOR GUARDIAN HAS BEEN APPOINTED.



PROTECTED PERSON'S EX-WIFE APPOINTED GUARDIAN AND IMPROPERLY ADMINISTERED THE PROTECTED PERSON'S SOLE PROPERTY BY DECLARING IT COMMUNITY PROPERTY.

APPLICATION TO RESTORE PROTECTED PERSON TO FULL CAPACITY FILED IN 2010 BUT NEVER HEARD.

GUARDIAN REMOVED AFTER MISMANAGING THE PROTECTED PERSON'S BENEFITS OBLIGATING THE TRUST TO PAY FOR MEDICAL EXPENSES.



GUARDIANSHIP ABUSE, FRAUD AND EXPLOITATION DETERRENCE PROGRAM

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<https://www.txcourts.gov/programs-services/guardianship-abuse-fraud-and-exploitation-deterrence-program-gafedp/>