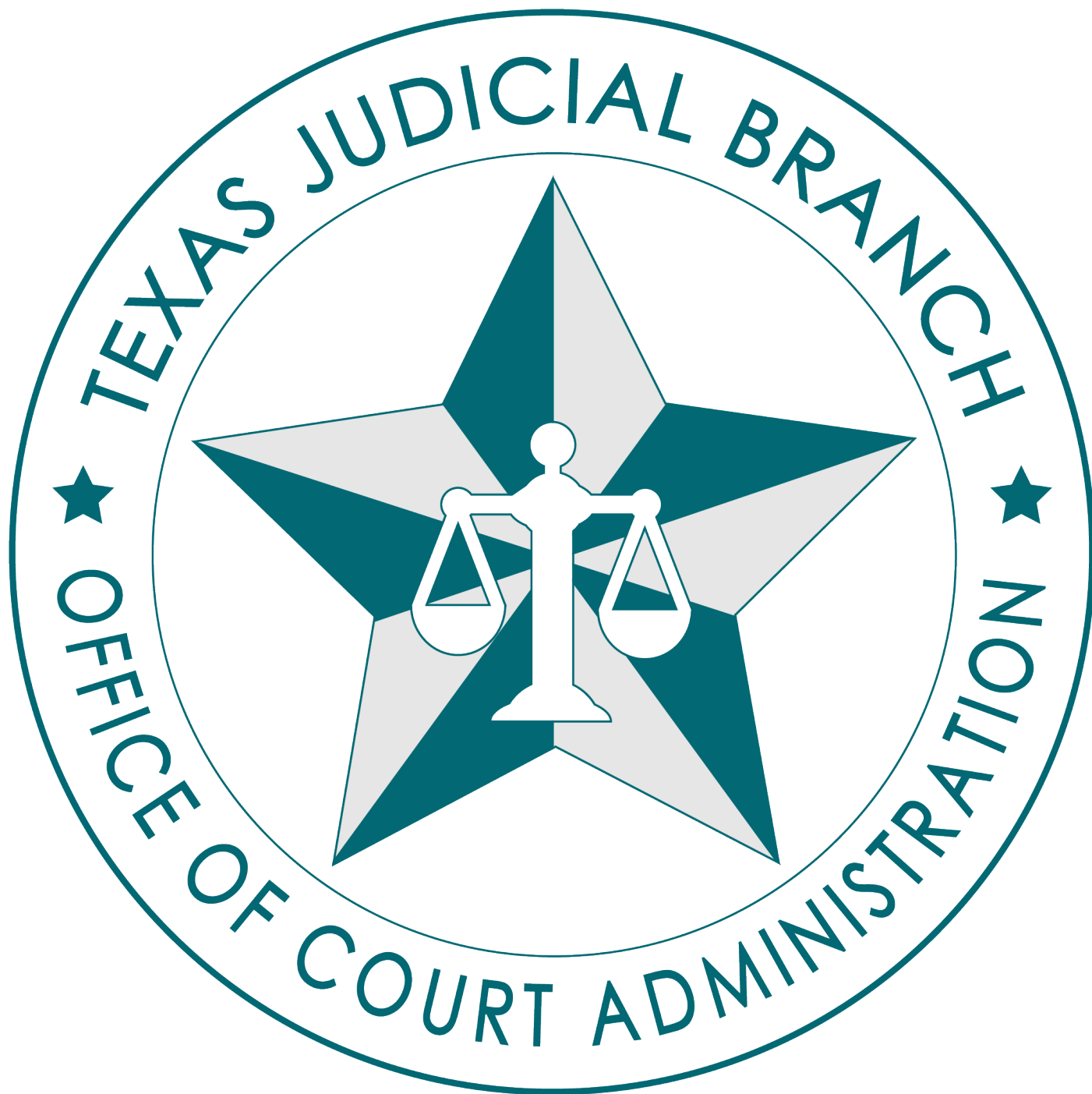


Annual Report of the Guardianship Abuse, Fraud, and Exploitation Deterrence Program



FY 2023



**THE MISSION OF THE GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION
DETERRENCE PROGRAM IS TO ASSIST THE COURTS IN PROTECTING OUR MOST
VULNERABLE CITIZENS AND THEIR ASSETS**

TABLE OF CONTENTS

PROGRAM STAFF & TRAINING

4

TECHNOLOGY DEVELOPMENT

5

INITIAL CASE REVIEW STATISTICS

5

INITIAL COMPLIANCE REVIEW STATISTICS

6

EXAMPLE CASE FINDINGS

7

The Guardianship Abuse, Fraud, and Exploitation Deterrence Program (Program) was established September 1, 2019, pursuant to **SB 31** (Zaffirini) and **HB 1286** (Smithee) during the 86th Legislative Regular Session.

The Program is managed by the Office of Court Administration (OCA). The Program provides assistance to the courts by reviewing guardianship cases and reporting to each of the probate courts on all deficiencies in guardianship annual reporting, well-being concerns, and any indications of suspected potential abuse, fraud, or exploitation of a protected person under the court’s jurisdiction. The Program also conducts financial reviews of inventories and annual accountings.

Following the review, each court and clerk receives a specialized initial compliance report based on the information gathered which contain recommendations, special cases, and best practices. The initial compliance reports are used by the courts and clerks to bring guardianship cases into compliance with the Texas Estates Code and deter abuse, fraud, and exploitation.









The team additionally performs reviews on the guardian annual accountings to identify cases ready to audit to ensure estates are being managed properly and financial transactions have been tracked appropriately throughout the life of the estate. The review recommendations identified are also reported to the court.

The OCA Administrative Director may notify the Judicial Conduct Commission regarding judges who fail to act upon concerns raised by the Program.

PROGRAM STAFF & TRAINING

The Program manager directs a 16-member statewide mobile team.

- 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 audit training is provided to the team.

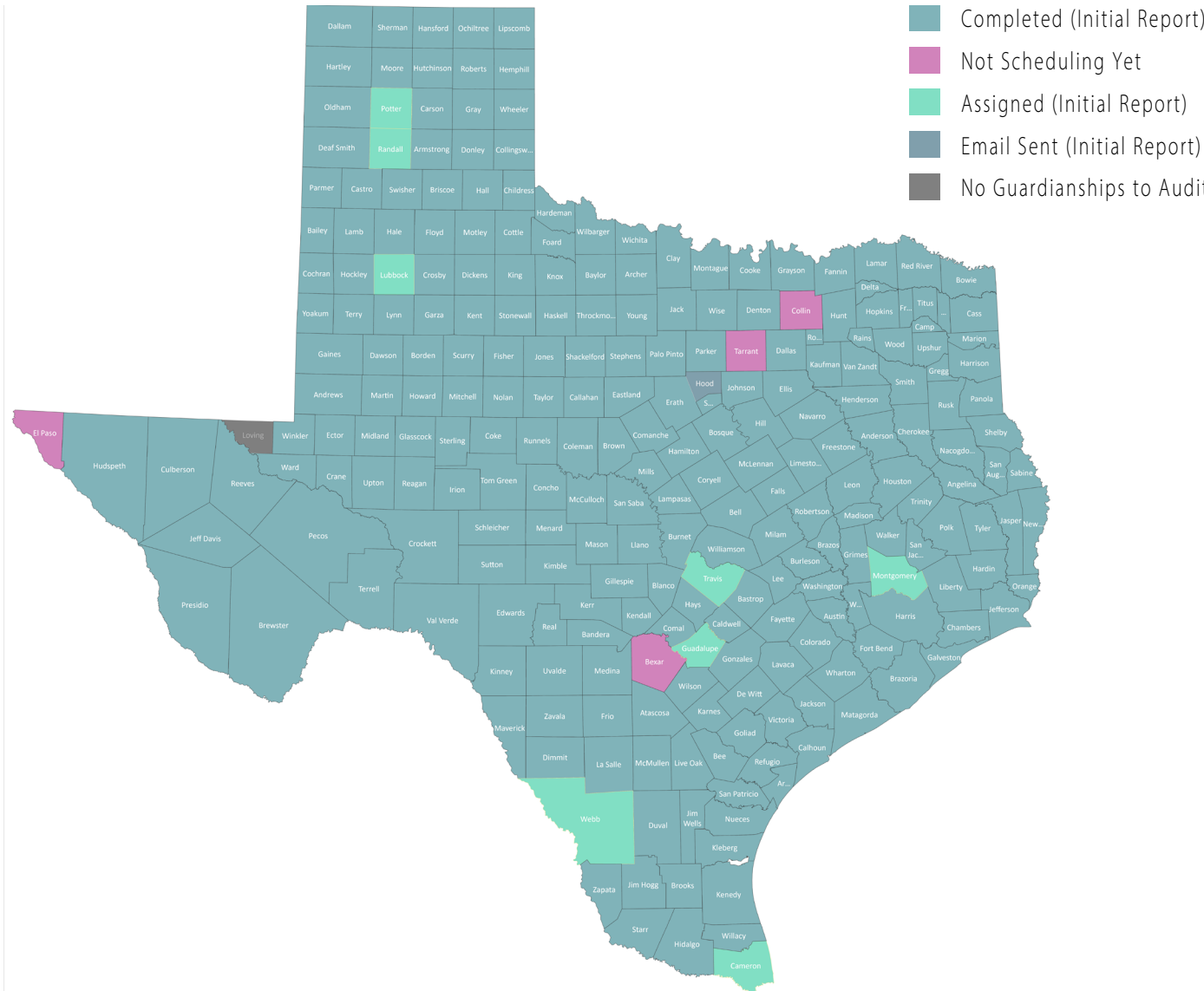
PERSON UNDER GUARDIANSHIP		GUARDIAN	
	LOSES CIVIL RIGHTS		MUST BE BONDED
	LOSES PERSONAL DECISION-MAKING POWER		MUST BE REGISTERED
	LOSES AUTHORITY TO CONTROL THEIR OWN MONEY AND ASSETS		MUST REPORT ANNUALLY
	VULNERABLE TO EXPLOITATION		MUST OBTAIN PERMISSION FROM THE COURT BEFORE MAKING MAJOR DECISIONS

TECHNOLOGY DEVELOPMENT

The OCA has been developing an electronic tool for filing required annual reports, annual accountings, and other documents in guardianship cases. This system will provide a method to submit required inventories, annual reports, and annual accountings to be audited by the Program. The annual report submission feature is currently active in Montgomery County.

This system will also include an audit module for the Program auditors to review and audit the reports submitted by the guardians. There are three phases to this project: Develop the SharePoint audit application, complete the inventory and annual accounting module, and deploy the audit application.

INITIAL CASE REVIEW STATISTICS



INITIAL COMPLIANCE REVIEW STATISTICS

FY 2023 OVERALL INITIAL COMPLIANCE REVIEW

Total Counties	40	% Cases Missing Annual Reports **	24%
Total Courts	50	% Cases Missing Annual Accounts **	48%
Total Cases Reviewed *	11,426	% Cases Missing Inventories **	42%
Total Closure Recommendations *	5,914	% Cases Out of Compliance **	37%
Total Active Cases Identified *	4,619	% Cases with Waived Bonds **	13%
Total # of guardianships out of compliance **	1,721	Deceased Wards Discovered *	1,290

During FY 2023, the Program completed a guardianship file review in one Statutory Probate Court which impacted the program's overall compliance findings. Statutory Probate Courts are required to employ support staff (court coordinator, administrative assistant, auditor, and investigator) per Gov't. Code §§ 25.0024 - 25.0025 to assist in the monitoring and administration of their guardianship caseloads.

As a result, Statutory Probate Courts reflect higher cases in compliance. There are solely 24 Statutory Probate Courts in 12 counties throughout the state. 242 counties in the state are comprised of County Courts and County Courts at Law and do not employ support staff.

FY 2023 COUNTY COURTS COMPLIANCE REVIEW

Total Counties	39
Total Courts	48
% Cases Missing Annual Reports	31%
% Cases Missing Annual Accounts	50%
% Cases Missing Inventories	43%
% Cases Out of Compliance	41%
% Cases with Waived Bonds	16%

FY 2023 STATUTORY PROBATE COURTS COMPLIANCE REVIEW

Total Counties	1
Total Courts	2
% Cases Missing Annual Reports **	2%
% Cases Missing Annual Accounts **	10%
% Cases Missing Inventories **	19%
% Cases Out of Compliance **	9%
% Cases with Waived Bonds **	2%

Fraud, Abuse, and Exploitation

FY 2023 - 40 COUNTIES **	
Well-Being Concerns	154
Fraud & Exploitation	14
Abuse- Corroborated	2
Abuse	1
Fraud & Exploitation Corroborated	0
Total	171

*Includes guardianships reviewed only in FY 2023

**Includes all data collected from all counties that started in FY 2022 and concluded in FY 2023

EXAMPLE CASE FINDINGS



ANNUAL REPORT ALLEGES FINANCIAL EXPLOITATION OF THE PROTECTED PERSON BY A THIRD PARTY. THE PROGRAM RECOMMENDED THE COURT APPOINT A GUARDIAN AD LITEM TO INVESTIGATE THE MATTER.



PROPERTY SOLD WITH NO REPORT OF SALE FILED OR DECREE CONFIRMING SALE. ANNUAL ACCOUNT FILED DOES NOT ACCOUNT FOR PROPERTY SOLD. THE PROGRAM RECOMMENDED THE COURT APPOINT A GUARDIAN AD LITEM TO IMMEDIATELY MANAGE THE PROTECTED PERSON'S ASSETS.



THIRD PARTY LETTER FILED ALLEGING FINANCIAL EXPLOITATION OF THE PROTECTED PERSON INDICATING PROPERTY/FUNDS NOT BEING HANDLED PROPERLY. THE PROGRAM BROUGHT THE CONCERN BACK TO THE COURT'S ATTENTION AND RECOMMENDED THE APPOINTMENT OF A GUARDIAN AD LITEM TO MANAGE THE ASSETS PROPERLY.



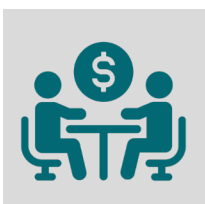
PROTECTED PERSON'S RIGHT TO VOTE AND DETERMINE RESIDENCE NOT RESTORED DESPITE GUARDIAN AD LITEM REPORT IN 2015 AND COURT INVESTIGATOR REPORT IN 2018. THE PROGRAM RECOMMENDED THE COURT SET A HEARING AND MODIFY GUARDIANSHIP.



GUARDIAN FAILED TO TAKE ACTION AGAINST PROTECTED PERSON'S MOTHER AFTER SHE MISAPPROPRIATED THE PROTECTED PERSON'S GOVERNMENT BENEFITS AND WITHDRAWING \$26,000.00 FROM THE PROTECTED PERSON'S BANK ACCOUNT. THE PROGRAM NOTIFIED AND MADE RECOMMENDATION TO THE COURT.



PROTECTED PERSON IS HOMELESS AND REPORTED BY THE GUARDIAN TO SUFFER FROM FROSTBITE DUE TO GUARDIAN'S INABILITY TO PROVIDE PROPER PLACEMENT. THE PROGRAM MADE RECOMMENDATIONS TO THE COURT AND ASSISTED IN LOCATING SERVICES.



PROTECTED PERSON'S SON (GUARDIAN OF PERSON) MISAPPROPRIATED OVER \$371,000.00 OF THE PROTECTED PERSON'S FUNDS AND SUBSEQUENTLY ENTERED INTO A SETTLEMENT AGREEMENT TO REPAY SOLELY \$204,000.00 AFTER DECLARING BANKRUPTCY. THE PROGRAM RECOMMENDED THE COURT INCREASE BOND AMOUNT.



Protecting Our Most Vulnerable Citizens and Their Assets

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/>