

2022 Judicial Partner Survey

**Office of Guardianship Services
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TEXAS
Health and Human
Services

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1. Executive Summary

The 2022 Judicial Partner Survey Report for January 1, 2023, provides the results of the judicial partner survey conducted by the Health and Human Services Commission (HHSC) Office of Guardianship Services (OGS) to evaluate the Guardianship Services Program's (GSP) relationship with courts responsible for probate and adult guardianship matters. The Judicial Partner Survey Report is published biennially before the Texas legislative session.

Judicial Partner Survey 2022 Highlights

- In 2022, 28.6 percent (12) of respondents worked for a statutory probate court. This represents an increase from the previous three surveys: 10.6 percent in 2020, 6.3 percent in 2018, and 3 percent in 2016.
- The response rate and percentage of courts represented increased in 2022.
- Perceptions of guardianship staff and their relationship to the judiciary were positive. Five statements with a corresponding rating scale provided feedback on the relationship. For every statement, a majority selected "Strongly Agree," or "Agree". See Table 2 and Figure 4.
- Throughout the survey, staff were commended on their professionalism and communication with the court.
- Judicial partners provided valuable feedback to maintain and improve the relationship between the Guardianship Services Program and the judiciary.

The 2022 Judicial Partner Survey (JPS) questions and response rates are in Tables 3 and 5 of the appendix.

2. Introduction and Purpose

The HHSC GSP provides guardianship services, either directly or through contracts, to persons who are found to lack decision-making capacity and guardianship is deemed appropriate by a court with probate jurisdiction. Individuals are referred by the Adult Protective Services (APS) and Child Protective Services (CPS) divisions of the Texas Department of Family and Protective Services (DFPS). Courts may make direct referrals to the program in certain limited circumstances, as outlined in statute. When appropriate, the program seeks an appointment as guardian of the person, guardian of the estate, or both by applying for guardianship in probate jurisdiction courts.

As the guardian, HHSC GSP assumes responsibility for arranging services and placement for individuals, 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 GSP is working cooperatively with clients, service providers, and other stakeholders, including the judiciary to provide quality and effective services to promote and enhance the individual's well-being, safety, and dignity.

The Judicial Partner Survey (JSP) was developed as a measure of performance and to obtain feedback from courts. The purpose is to maintain positive, responsive, and open relationships with the courts by welcoming their comments and involvement. HHSC GSP leadership and Legal Services Division updated survey questions to reflect the changing environment and relationship with the judiciary. Additionally, HHSC GSP targeted the survey population to the courts with probate jurisdiction and responsibility for guardianship of adults and with whom HHSC GSP interacted between 2020 and 2022. Previously, any court with probate jurisdiction and responsibility for guardianship of adults received the survey. The survey has been carried out biennially since 2010. The updated survey questions and associated results are not fully comparable to previous surveys; thus, historical results are not included in the appendix.

3. Methodology

In preparation for the 2022 JSP, the HHSC GSP staff identified courts with probate jurisdiction and responsibility for guardianship of adults that interacted with HHSC GSP staff between 2020 and 2022. The identification included using internal records and verification by HHSC regional attorneys. Interaction by HHSC GSP includes contacting the court regarding a guardianship referral, filing an application, and the maintenance, transfer, modification, or closing of a guardianship. Next, HHSC GSP staff verified and updated data from the Office of Court Administration's Court Directory using the 2020 list of judicial partners and online resources. This verification included names, court types, and email addresses for the identified court personnel.

The survey was sent to 203 unique email addresses representing 138 courts in Texas. Individuals 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 138 courts. Reporting is based on the 203 individual surveys distributed.

Judges and court personnel from 38 different courts (9 Probate Courts and 29 non-statutory probate courts) responded to the survey. The final analysis included 42 individual survey responses. Two survey participants partially completed the survey and were included in the analysis as they provided information beyond contact and demographic information. Four individuals responded twice. Of those cases, three partially completed one response; thus, only their completed attempt is included. The fourth individual provided two completed responses with one question difference; the variance was reconciled through a phone call. The individual response rate was 20.7 percent of the survey population and a 27.5 percent response for the number of courts surveyed. The survey was administered online via a web-based survey application from July 11, 2022 through August 1, 2022. Judges and court personnel received an e-mail message with instructions on how to access and complete the survey. This information was sent three more times to encourage participation. The survey included 16 questions which encompassed the following:

- Demographic information about the court and survey respondent:
 - ▶ Respondent's name, contact information, county served, and current position (questions 1-3)

- ▶ Court preference for in-person or virtual hearings (question 4)
- ▶ Number of individuals who had their rights restored and reason for incapacity (question 5-6)
- ▶ Whether or not the survey respondent interacted with HHSC GSP (question 7)
- Perceptions of the court regarding the capability, effectiveness, professionalism, preparedness, timely response, and protection and advocacy of those under guardianship by HHSC GSP staff:
 - ▶ Court specific pleadings and orders (forms) (question 8)
 - ▶ Likert Scale questions (questions 9-13)
 - ▶ Open-ended questions (questions 14-16)

The following questions contained conditional logic to filter content based on the respondent's answer:

- Question 5: "During the past year, approximately how many individuals had their rights restored by your court?"
 - ▶ An answer of one or above routed respondent to question 6
 - ▶ An answer of zero or unsure routed respondent to question 7
- Question 7: "Between 2020 and now, have you interacted with HHSC Guardianship?"
 - ▶ An answer of "yes" routed respondent to section about their opinions when working with HHSC GSP. Questions 8-15
 - ▶ An answer of "no" routed respondent to question 16

Full survey questions and response rates are in Tables 3 and 5 of the appendix.

4. Survey Results

Insights of the 2022 Judicial Survey

- 42 individuals responded to the survey.
- 96 percent of respondents strongly agree or agree that the services provided to persons under the guardianship of HHSC meet the expectations of the court (Table 2 and Figure 4).
- Over half (52 percent) of respondents indicated their current position as a Judge or Associate Judge.

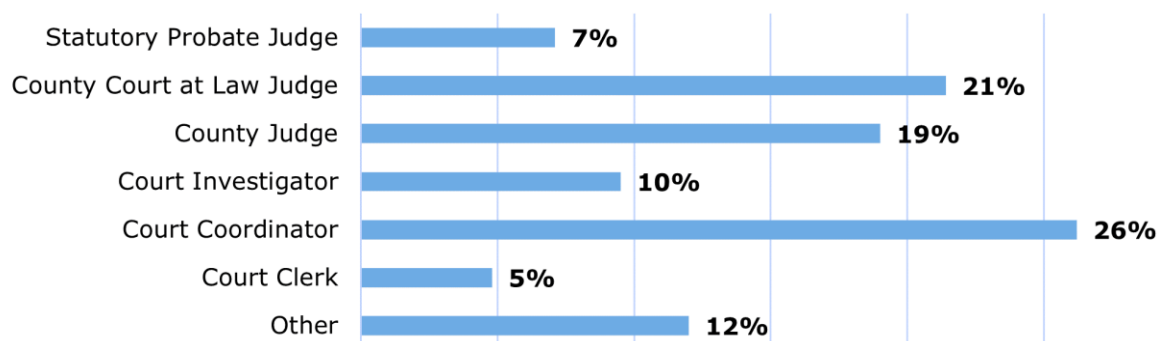
Survey Results

Current Position of the Respondent

Court Coordinator was the most common position at 26 percent (11), followed by County Court at Law Judge at 21 percent (9) and County Judge at 19 percent (8). Additional categories include Court Investigator 10 percent, Statutory Probate Judge at 7 percent, and Court Clerk (5 percent). Five respondents (12 percent) wrote in their current positions: two Statutory Probate Associate Judges, an Assistant Court Manager and Auditor, a Court Manager and Guardianship Coordinator, and a Court Visitor Coordinator.¹ Figure 1 below shows current position by percentage.

¹ Write in answers were combined if the position match another write in answer.

Figure 1 Current Position of Respondent



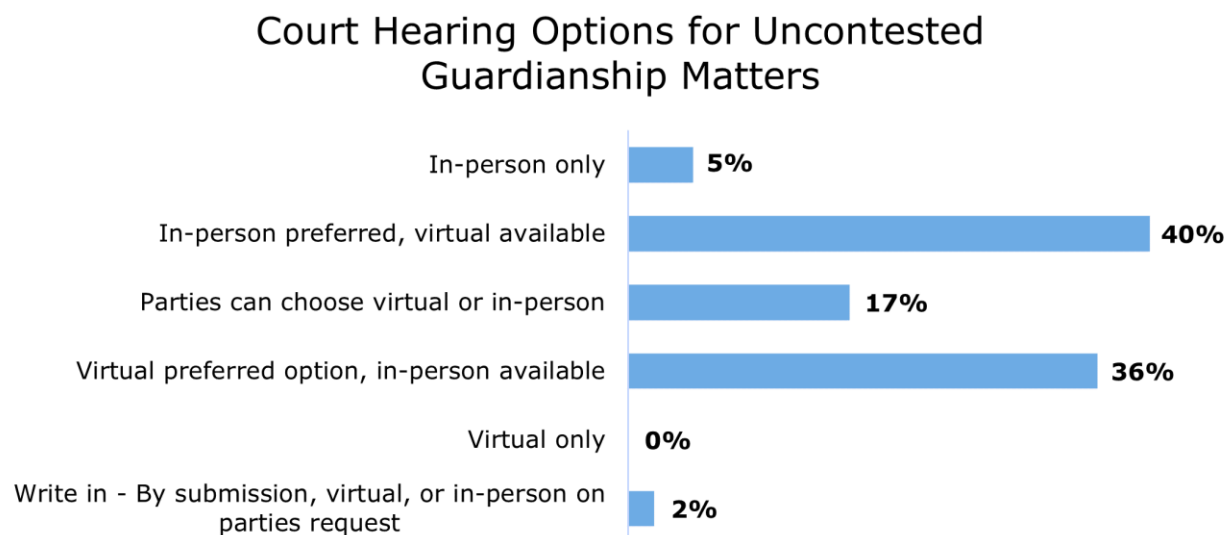
Responses from the Probate Courts

There are 18 statutory probate courts in Texas. Twelve responses, or 28.6 percent, were from statutory probate court personnel. This is an increase from our 2020 Judicial Survey (7 responses, or 10.6 percent).

Hearing Options

During the COVID-19 pandemic, many courts in Texas held hearings by video conferencing (e.g. Zoom). We asked courts their plan looking forward for uncontested guardianship hearings. Just under half of respondents or 45 percent indicate in-person hearings are their preference or the only option for uncontested guardianships. The next largest preference expressed is for virtual hearings with an in-person option at 36 percent followed by a neutral preference at 17 percent. No responding court is looking at virtual hearings as the only option moving forward.

Figure 2- Court Hearing Options for Uncontested Guardianship Matters



Restoration of Rights

We asked respondents to approximate how many individuals had their rights restored in the past year. Fifty-two percent (22) of respondents indicated between one and five individuals had a restoration of rights by their court. Forty-three percent (18) indicated there have been no restorations of rights in the past year and 5 percent (2) were unsure.

For respondents who indicated their court granted at least one restoration of rights during the past year, we asked a follow up question to indicate which groups of individuals, based on original reason for incapacity, were most likely to have their rights restored in their court. Ranked from most common to least common, the overall rankings are shown in Table 1. Figure 3 shows the number of times each condition was marked as the most likely group of individuals to have their rights restored by their court.

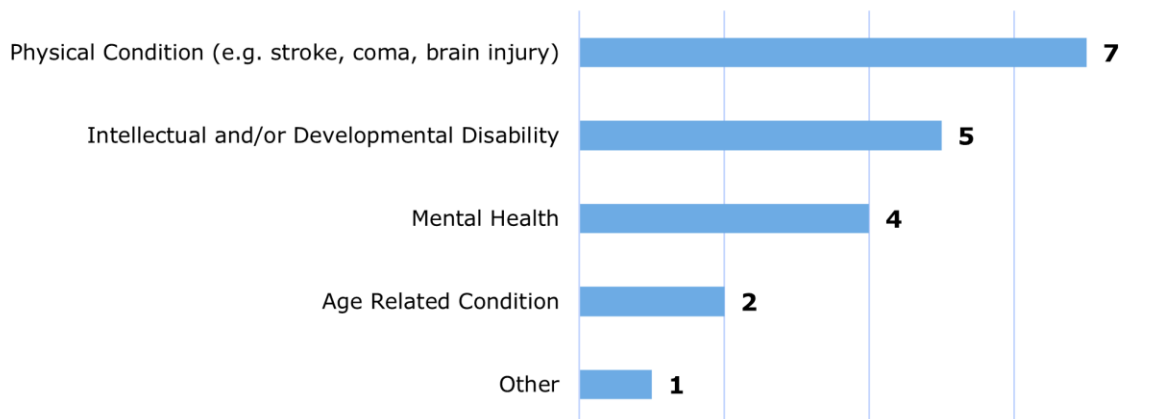
Table 1 Reasons for Incapacity and Likelihood of Having Rights Restored

Overall Rank	Original Reason for Incapacity
1	Physical Condition (e.g. stroke, coma, brain injury)

Overall Rank	Original Reason for Incapacity
2	Mental Health
3	Intellectual and/or Developmental Disability
4	Age Related Condition
5	Other

Figure 3 Reasons for Incapacity and Likelihood of Having Rights Restored

Reason for Incapacity Ranked as the Most Common Group to Have Their Rights Restored



Relationship with the Judiciary

To gauge the perception of the HHSC GSP and the relationship with the Judiciary, we asked respondents if they interacted with HHSC GSP between 2020 and now. Sixty-seven percent (28) respondents indicated they had interacted with HHSC GSP, 33 percent (14) indicated they had not. This question contained logic to filter 'yes' answers to the set of questions about their perceptions gauged through Likert scale questions and two write in questions.

Twenty-seven respondents answered the Likert scale questions. The statements and corresponding responses are depicted in Figure 4. Total percent of agreement

to statements is shown in Table 2. By excluding the 'not applicable' replies to isolate responses between strongly disagree and strongly agree, the following was calculated:

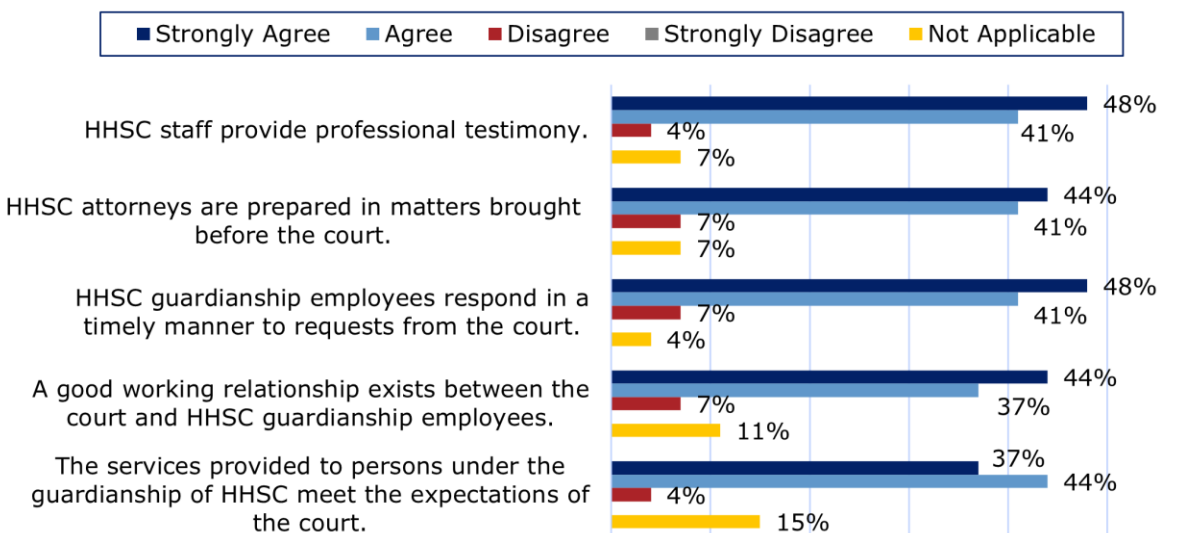
- On average, 94 percent of respondents indicated agreement with each statement.
- On average, 6 percent of respondents indicated "disagree" to each statement.
- No respondent indicated "Strongly Disagree" to the survey statements.

Table 2 HHSC GSP Relationship with the Judiciary

Statement	Average Percent in Agreement
HHSC staff provide professional testimony.	96%
HHSC attorneys are prepared in matters brought before the court.	92%
HHSC guardianship employees respond in a timely manner to requests from the court.	92%
A good working relationship exists between the court and HHSC guardianship employees.	91%
The services provided to persons under the guardianship of HHSC meet the expectations of the court.	96%

Figure 4 HHSC GSP Relationship with the Judiciary

Note, Table 5 of the appendix shows statements with corresponding response rate for each option.



Respondents also provided information about how to enhance the relationship with the judiciary through two open-ended questions. Twenty-eight respondents had the opportunity to provide their opinion about specific activities, perceptions, or procedures. The number of respondents was limited due to the conditional logic of question 7. Each statement presents the opinion of the individual who responded and may reflect a specific problem in their individual court or county, or a concern outside of the 2-year time frame targeted by the survey.

Question 14: How can HHSC further enhance its working relationship with your court?

Twenty-six respondents wrote in information, 35 percent (9) provided no feedback. No feedback means the respondent answered “n/a”, “unsure”, “nothing in particular”, or “can’t think of anything”. The remaining 65 percent provided feedback.

Commendations

- “The Guardianship Specialist assigned to [our region] is excellent. [They] are timely and responsive to all requests.”

- “I believe HHSC is doing a great job communicating and working with our Court.”
- “Everything that is filed with our office is always professionally done and meets standard filing requirements.”
- “Keep up the great job [you’re] doing.”

Recommended Improvements

- “[Have] filings timely prepared for Court review prior to hearing date.”
- Working more closely with the court and the court investigator to staff successor guardianship of the person cases prior to naming and suggesting a successor guardian.
- Other comments indicate there could be an improvement in making the courts aware of the HHSC GSP program and services provided due to lack of opportunity to interact with HHSC GSP.

Question 15: Are there any specific issues you would like to address regarding HHSC?

Twenty-seven respondents wrote in information, 70 percent (19) provided no feedback. No feedback means the respondent answered “no”, “none”, “n/a”, “none at this time”, or “not at this time”. The remaining 30 percent provided feedback and is summarized as follows:

- Three individuals are concerned about the parameters under which HHSC GSP takes referrals from the court.
- One person indicated concerns with available placement options for people with intellectual and developmental disabilities, however, they stated HHSC GSP places individuals in appropriate and safe placements.
- Other concerns relate to following court instructions to improve the standard legal forms used by HHSC GSP and ensuring citations are received by the correct individual.

Contacting HHSC

Closing out the survey for all respondents, we asked “Do you know how to contact local HHSC staff?”. Of the 42 respondents, 57 percent (24) answered ‘yes’, 38 percent (16) answered ‘no’, and 5 percent (2) did not answer the question.

Respondents who do not know how to contact local staff have now been contacted by the regional attorney and supervisor assigned to their court.

5. Office of Guardianships Services Response and Action

The HHSC GSP management team reviewed responses and findings of the survey.

The following actions were taken by the HHSC GSP.

- The individual surveys for each region were shared with the regional attorneys and supervisors to address regionally based concerns.
- Regional guardianship supervisors and/or attorneys have reached out to the individuals who expressed concerns to improve the working relationship.
- Continue ongoing education to our staff and stakeholders about the statutory authority of the program.
- The 2022 JPS report is published on the Health and Human Services Guardianship webpage.
- In preparation for the 2024 judicial survey, the GSP will review the process, survey content, and outcomes to improve the next survey.

6. Conclusion

The 2022 JPS results reinforce previous findings of continuous positive relationships between the courts, their staff, and the HHSC GSP staff. The GSP staff continue to receive positive feedback for their professionalism, timeliness in court filings, and a positive relationship with the Texas courts. There remains an opportunity for the program to increase visibility with the courts by providing information about the program, the statutory limitations, and the processes followed by both HHSC GSP and DFPS. It should be noted some feedback relates to court expectations, which exceed the statutory authority of GSP. The HHSC GSP management team values all comments and reviews them for further action, improvement, and program development.

Appendix

Table 3 2022 Judicial Partner Survey and Responses

Note, totals are slightly off from 100 due to rounding.

Question	Response Count	Response Percent
1. Contact Information	42	100%
a. Name		
1. Contact Information	42	100%
b. Email Address		
1. Contact Information	42	100%
c. Phone Number		
2. What County/Countries is/are served by your court?	42	100%
3. What is your current position?	42	100%
<ul style="list-style-type: none"> • Statutory Probate Judge • County Judge • County Court at Law Judge • Court Investigator • Court Coordinator • Staff Attorney • Court Clerk • Other – write in box 		
4. During the COVID-19 Pandemic, many courts in Texas held hearings by video conferencing (e.g. Zoom). Looking forward, what is your court considering for uncontested guardianships hearings?	42	100%
<ul style="list-style-type: none"> • In-person as the only option • In-person as the court’s preferred option; however, parties can request a virtual hearing • Parties can choose virtual or in-person, court has no preference • Virtual as the court’s preferred option; however, parties can request an in-person hearing • Virtual as the only option • Other-write in 		

Question	Response Count	Response Percent
5. During the past year, approximately how many individuals had their rights restored by your court?^b <ul style="list-style-type: none"> • 0 • 1-5 • 6-10 • 11 or more • Unsure 	Total Answered: 42 0: 18 0-5: 22 Unsure: 2	100%
6. Of all the reasons for incapacity, which groups of individuals are most likely to have their rights restored in your court. Rank in order from most common to least common.^c <ul style="list-style-type: none"> • Intellectual and/or Developmental Disability • Mental Health • Age related condition • Physical Condition (e.g. stroke, coma, brain injury) • Other 	Total Answered: 19	86%
7. Between 2020 and now, have you interacted with HHSC Guardianship?^d	Total Answered:42 Yes:28 No:14	Total Answered:100% Yes:68% No: 33%
8. HHSC has standard pleadings and orders meeting Estates Code requirements to establish, administer, and close guardianship cases. Does your Court accept these forms or does your Court have and require specific forms and orders? <ul style="list-style-type: none"> • Accepts HHSC forms • Only accepts Court specific forms and orders • Accepts HHSC forms and Court specific forms 	27	96%
9. HHSC staff provide professional testimony. Likert Scale.	27	96%
10. HHSC attorneys are prepared in matters brought before the court. Likert Scale.	27	96%

^b This question contained logic, answers of zero or unsure were directed to question 7 and answers 1 and above directed to question 6.

^c This question was limited to those who answered 1 and above in question 5.

^d This question contained logic, answers of no directed to question 16. However, one respondent answered "no" and provided responses to questions 8-15.

Question	Response Count	Response Percent
11. HHSC guardianship employees respond in a timely manner to requests from the court. Likert Scale.	27	96%
12. A good working relationship exists between the court and HHSC guardianship employees. Likert Scale.	27	96%
13. The services provided to persons under the guardianship of HHSC meet the expectations of the court. Likert Scale.	27	96%
14. How can HHSC further enhance its working relationship with your court?	26	93%
15. Are there any specific issues you would like to address regarding HHSC?	27	96%
16. Do you know how to contact local HHSC staff?	40	95%

Table 4 Survey Question and the Corresponding Report Figure

Survey Question	Corresponding Figure or Table
Question 3. What is your current position?	Figure 1
Question 4. During the COVID-19 Pandemic, many courts in Texas held hearings by video conferencing (e.g. Zoom). Looking forward, what is your court considering for uncontested guardianships hearings?	Figure 2
Question 6. Of all the reasons for incapacity, which groups of individuals are most likely to have their rights restored in your court. Rank in order from most common to least common.	Table 1 and Figure 3
Questions 9-13. Various statements and corresponding Likert scale	Table 2 and Figure 4

Table 5 Likert Scale Questions and Responses

Question 9-13 were questions about HHSC's relationship with the court and participants used a Likert scale to answer. Note, totals are slightly off from 100 due to rounding.

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable	Total
9. HHSC staff provide professional testimony. Likert Scale.	13 (48%)	11 (41%)	1 (4%)	0 (0%)	2 (7%)	27

Question	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable	Total
10. HHSC attorneys are prepared in matters brought before the court. Likert Scale.	12 (44%)	11 (41%)	2 (7%)	0 (0%)	2 (7%)	27
11. HHSC guardianship employees respond in a timely manner to requests from the court. Likert Scale.	13 (48%)	11 (41%)	2 (7%)	0 (0%)	1 (4%)	27
12. A good working relationship exists between the court and HHSC guardianship employees. Likert Scale.	12 (44%)	10 (37%)	2 (7%)	0 (0%)	3 (11%)	27
13. The services provided to persons under the guardianship of HHSC meet the expectations of the court. Likert Scale.	10 (37%)	12 (44%)	1 (4%)	0 (0%)	4 (15%)	27