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Health and Human Services

GUARDIANSHIP SERVICES PROGRAM

2018 Judicial Partner Survey

December 2018

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EXECUTIVE SUMMARY

The Guardianship Services Program (GSP), a Department in the Health and Human Services Commission (HHSC) developed the Judicial Partner Survey (JPS) in 2009 when guardianship was under The Department of Aging and Disability Services (DADS) for the purpose of evaluating the effectiveness of the program's relationship with courts responsible for probate and guardianship matters. The survey is completed biennially and published prior to the start of the Texas legislative session.

Significant findings of the 2018 survey include:

- A fourteen percent higher overall respondent rate to the survey than two years ago.
- Higher Likert scale responses than in the previous judicial survey, in which GSP staff is commended by many courts for their professionalism, preparation, expertise and timely responses before the courts.
- A majority (53.3%) of respondents felt the services provided to wards by HHSC guardianship staff meets or exceeds the expectations of the court. 38.3% did not know how to answer the question, with only 8.3% not in agreement.

This report contains the findings of the survey completed for fiscal years (FY) 2018. A chart comparing past survey responses is located in the Appendix.

I. INTRODUCTION AND PURPOSE

The Health And Human Services Commission, Guardianship Services program (HHSC GSP) 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 guardianship is appropriate. Courts may also make direct referrals to the program in certain limited circumstances outlined in statute. When appropriate, the program seeks appointment as guardian of the person, guardian of the estate, or both by filing an application for guardianship in probate jurisdiction courts.

As 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 to work in cooperation with clients, 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 GSP developed the judicial partner survey as a measure of performance and to obtain feedback directly from courts. 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. The purpose of the survey is also to maintain positive, responsive, and open relationships with mutual stakeholders by welcoming their comments and involvement.

II. METHODOLOGY

In preparation for the 2018 JPS, the HHSC GSP staff verified and updated data from the 2016 list of probate jurisdiction courts. This verification included names, addresses, telephone numbers, and email addresses for the identified courts. After the list was verified, the 2018 survey was sent to approximately 446 individuals representing 291 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 court count (291). Statistics represented within this report are presented on the overall 446 individual surveys distributed. Selected responses from these survey responses are extrapolated and reported separately. Judges and court personnel from 79 different courts responded to the survey. There were 81 actual survey responses received, however two duplicate responses were not reflected in the final analysis. This represents a 17.75% response rate of the overall survey population and a 27.25% response for the number of courts surveyed.

The survey was administered on-line via a web-based survey application from July 11, 2018 through August 15, 2018. Judges and court personnel initially received an e-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 25 questions which encompassed the following:

- Demographic information about the court and survey respondent:
 - Respondent's name, county and court they serve, contact information, and current position (questions 1-5)
 - Number of guardianship cases heard by respondent, types of guardianships, and other legal proceedings (question 6-8)
 - Health and Human Services Commission, Guardianship Services Program (HHSC GSP) legal representation before the court (question 9)
- Perceptions of the court regarding the capability, effectiveness, professionalism, preparedness, timely response, and protection and advocacy of wards by HHSC GSP staff:
 - Combination of Likert scale statements (questions 10-19)
 - Open-ended questions (questions 20-25)

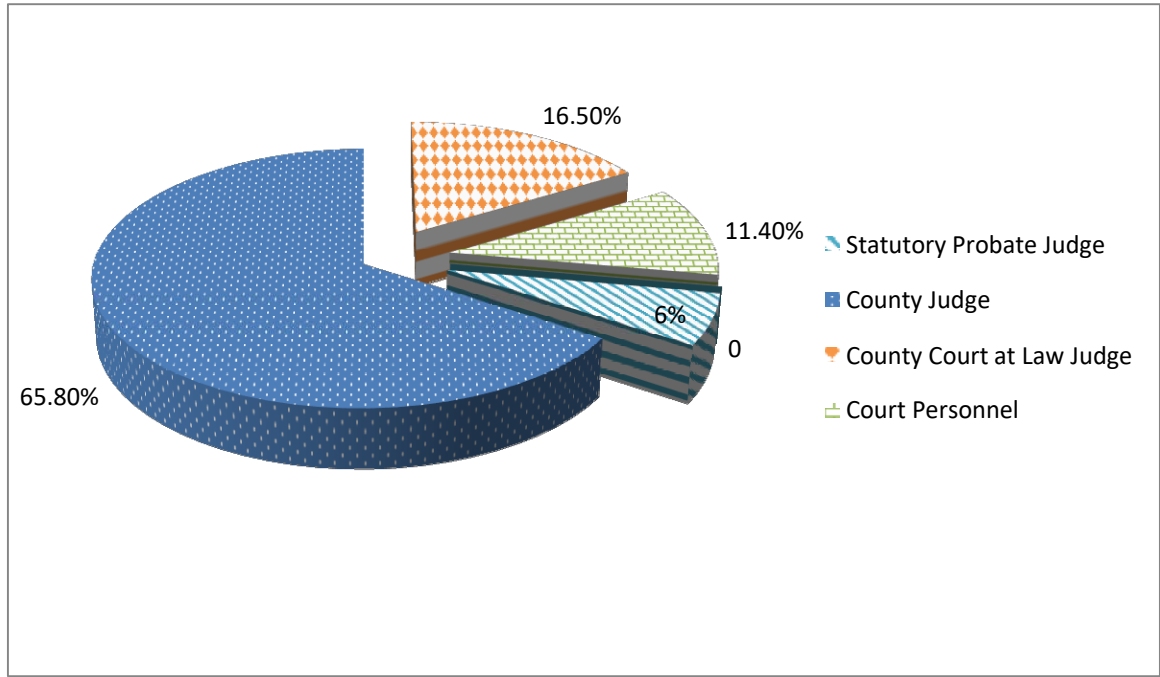
III. SURVEY RESULTS

Actual responses to the 2018 survey are displayed in the Appendix. A few key items of significance include:

- The total number of respondents was 79. The average number of respondents who answered the ten Likert questions was 39. The average number of respondents who skipped the Likert questions was 20. The average percentage of respondents who did not know how to answer the Likert questions was 36.09%. The high number of respondents not knowing how to answer may be related to one of three factors: 1) Lack of program name recognition since the guardianship program was moved by the legislature from The Department of Aging and Disability Services (DADS) to The Health And Human Services Commission (HHSC) as a result of the 85th legislative session, and many courts have not yet grasped that change; or 2) their newness to their position, or 3) judges lack of court experience with HHSC GSP guardianships in general.
- Court perceptions of interactions with the HHSC GSP and staff were found to be agreeable in cases when HHSC GSP staff appeared before the court (see Figure 3).
- HHSC GSP staff and attorneys respond timely to court requests and are prepared for court. Only two respondents indicated a disagreement regarding the timely response to court requests and the preparedness of HHSC GSP staff and attorneys.
- A rating of 5.70 on a Likert scale of 6.0 was the highest received in similar surveys for gauging the relationship between the courts and HHSC GSP staff. This rating indicates a positive relationship. The lowest rating was 4.80 and the overall average Likert rating was 5.09. This is a significant improvement over the results from the 2016 survey.
- The highest Likert rating of 5.7 was in regard to the statement: "The services provided to wards by HHSC guardianship staff meets or exceeds the expectations of the court."
- Twenty-two judges or 27.8% of respondents, indicated a desire for an HHSC manager/attorney contact them about HHSC guardianship or an individual concern.

Respondents to the survey by category include statutory probate judges, county court at law judges, county judges, and court personnel. The percentage of respondents break down as follows: (see Figure 1)

Figure 1 (2018) - Respondents to the Survey



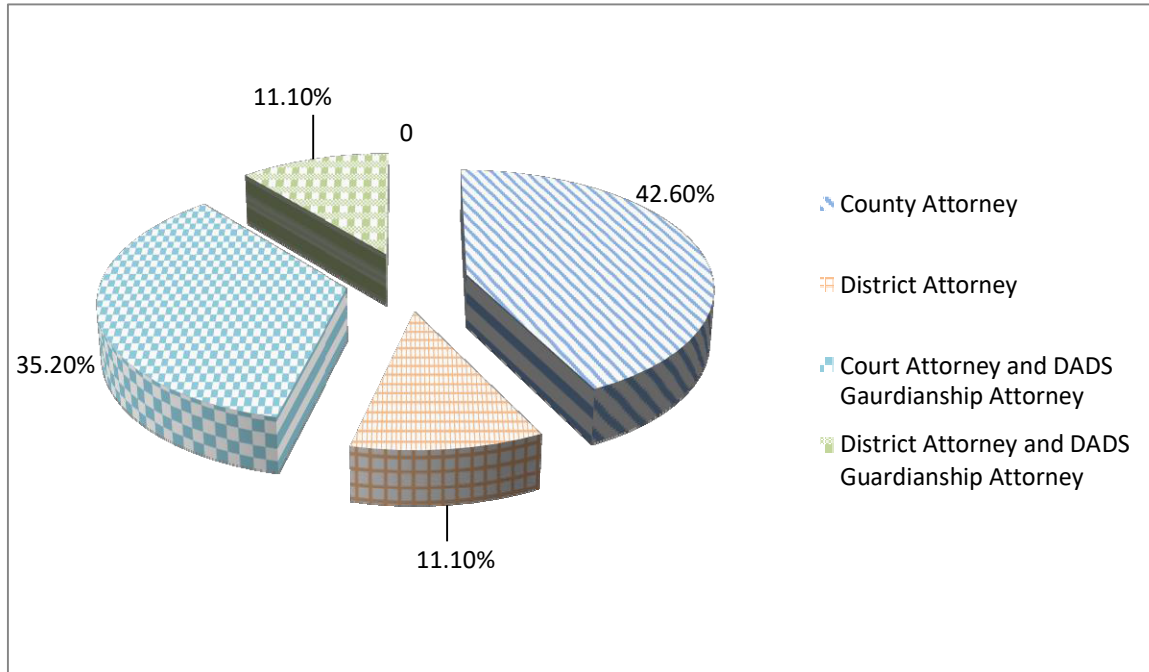
Respondents by Probate Courts

There are 18 statutory probate courts in Texas. This survey received 5 responses or 6.3% from statutory probate courts of the total judicial responses.

Other Findings

The number of guardianship cases heard annually by the respondent ranged from a low of zero to a high of 300. The number of HHSC GSP cases heard annually by respondents ranged from a low of zero to a high of 100 or up to 33% of all cases heard in an individual court. (Note: the next highest number of HHSC GSP guardianships cases heard annually by respondents was 45). HHSC GSP legal representation in respondent courts is indicated in Figure 2:

Figure 2 (2018) – HHSC GSP Legal Representation



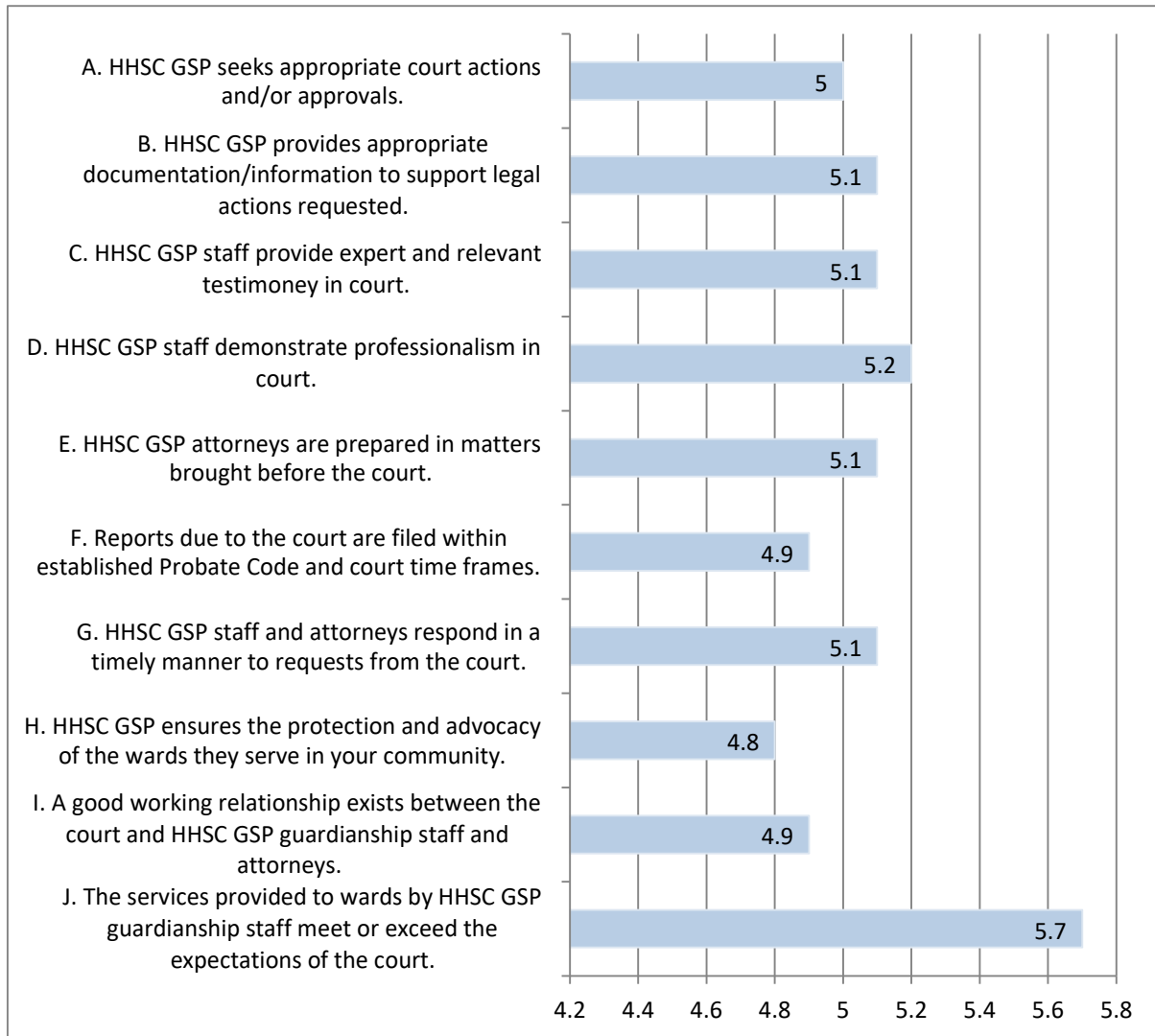
The responses of judicial partners to Likert scale statements in question 10 are displayed in the Appendix. Figure 3 represents a rating average for the statements which judges responded to on a scale from “strongly agree” to “don’t know.” Judges were asked to identify their level of agreement with each statement in the survey.

In computing the rating average for each statement, weighted values were given to each rating scale choice as follows:

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

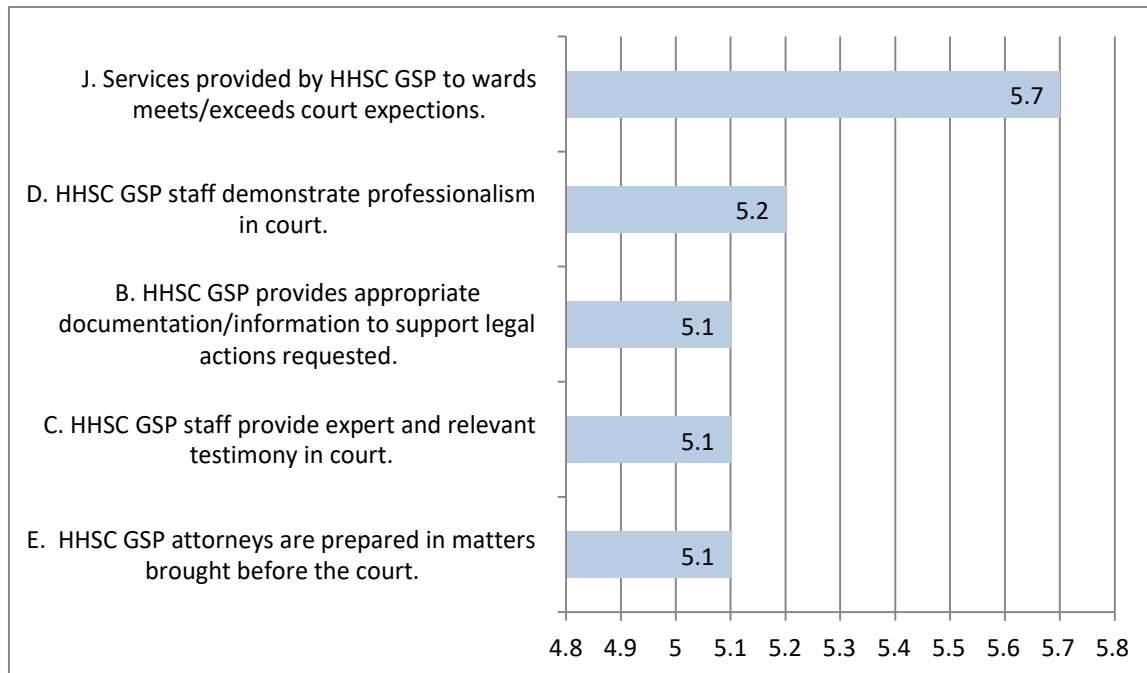
A higher rate scale choice is indicative of increased agreement by the respondent with the statement. For this survey, rate scale choices fell predominantly between “strongly agree” and “agree” choices. Analysis of survey data also indicates the view of the HHSC GSP relationship with the judiciary community is positive.

Figure 3 (2018) – HHSC GSP Relationship with the Judiciary



Analysis of survey data identified 5 top perceived strengths of the HHSC GSP relationship with the judiciary community. The top five strengths indicate HHSC GSP offers services to its' wards that meet or exceed the expectation of the court, demonstrates professionalism, provides appropriate documentation and expert testimony at court, timely response to requests of the court, and is prepared for court once the application is filed. These strengths are shown in Figure 4.

Figure 4 (2018) - Top Five Perceived Strengths



IV. QUALITATIVE SURVEY RESPONSES

A small number of individuals remarked on various aspects of the relationship and interaction between the HHSC GSP and their court. Their comments 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 GSP staff performed on the issues identified. The opinion expressed more accurately reflects a specific problem or issue, which may have occurred in a particular court.

Forty-eight percent of the total respondents, excluding “don’t know” answers, provided comments to survey question 11 which asks how HHSC GSP can improve the quality of protection and advocacy for wards served through the courts. The survey comments were generally positive and included such statements as:

“Everything satisfactory.”

“Everyone I work with is always nice and very understanding.”

“Have not had any issues.”

“Everything is fine”

“Keep doing what you’re doing.”

“Continue offering the services that you were hired to perform.”

“None (issues) that I know of.”

There were only five comments recommending improvements, namely:

“Come into the office and meet with me.”

“Be available to become guardian for wards who need a guardian, but don’t have viable guardian options.”

“Weekly communication regarding a ward that is on a “waiting list” for a bed.”

“There are issues surrounding transfers of guardianship cases.”

“Agree to take more cases from Houston County.”

There were ten additional responses that were noted by the respondent as non-applicable, don’t know, or unknown.

Ten of the 50 respondents offered comments on how HHSC GSP and Department of Family and Protective Services (DFPS) coordinate effectively and timely in their court.¹ Excluding responses like “unknown, not sure, and no dealings with,” there were four responses, 8% of total respondents, that had the following comments:

“I have not really ever heard from HHSC. I have at least one case where DADS was a guardian in one of my guardianships cases, but I have never seen HHSC involved in any guardianship cases in my county.”

“No follow through after initial hearing.”

“DFPS generally does not coordinate effectively and timely with the court administration.”²

“I can’t say at this point, the 1 PC filed in my court from APS.”

One of the survey questions was, ‘Would you like a local HHSC Office of Guardianship manager/attorney to contact you and provide information about HHSC guardianship or an individual concern?’ Twenty-two or 27.8% of the 79 respondents indicated a desire for further contact with local HHSC GSP staff to obtain more information about the program, agency, or to address individual concerns.

¹ The structure of the survey questions used the broad department title of Department of Family and Protective Services (DFPS) and does not differentiate between Adult Protective Services (APS) or Child Protective Services (CPS).

² HHSC is unable to determine which program under DFPS this comment refers to; therefore, this comment could be related to APS, CPS, or reflective of both programs.

V. MANAGEMENT RESPONSE

The GSP management team reviewed responses and findings of this survey. GSP supervisors and regional attorneys (as appropriate) were asked to contact and provide follow-up with the 22 (or 27.8%) of judges who indicated a desire for further information. All outreach efforts will be completed by December 1, 2018.

Individuals responded on various aspects of agency operations and the guardianship program in particular. The individual comments included both satisfied and dissatisfied responses and concerns with program policies and procedures. It should be noted that some unfavorable comments relate to court expectations, which exceed the statutory authority of the GSP.

VI. ACTION ITEMS

HHSC GSP management will review survey findings at the executive, state, and local level. Local supervisors and attorneys will contact respondent courts who requested meetings. To continue our open relationship with DFPS the survey results will be communicated to the Interagency Steering Committee regarding the relationship between DFPS and HHSC. The results of the study will be used to continue and enhance participation in on-going discussions with APS and CPS to address processing referrals, locating less restrictive alternatives, and completing assessments.

The final 2018 judicial survey report will be posted on HHSC website – December 2018. All of the probate courts will be notified of the online availability of the survey report and include a link to the guardianship brochure. In preparation for the 2020 judicial survey GSP will review the process and outcomes of the survey to improve the next survey.

VII. CONCLUSION

The results of the survey reinforce previous findings that there continues to be a positive relationship between the courts, their staff, and the HHSC GSP staff. The GSP staff continues to receive positive feedback for their professionalism, appropriate documentation, and the work they do in the courts. The high number of respondents not knowing how to answer the Likert questions may be related to courts not knowing that the guardianship program is no longer under The Department of Aging and Disability Services (DADS), but rather under The Health And Human Services Commission (HHSC), or it could be due to their newness in office, or they may lack court experience with HHSC guardianships in general. A number of the judges surveyed indicated they did not have experience with HHSC Office of Guardianship Services. 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 DFPS and HHSC GSP. It must be noted that some of the issues, albeit a small number, raised by a few of the respondents are outside the control of HHSC GSP or cannot be resolved without additional funding and legislative action. The HHSC GSP management team values all comments and reviews them for further action and improvement.

VIII. APPENDIX

Survey Questions and 2018 Judicial Survey Responses*

Question	Response Count (Percent)	Response(s)
1. Name	79 (100%)	
2. County / Counties your court serves	79 (100%)	
3. E-mail address	79 (100%)	
4. Telephone number	79 (100%)	
5. What is your position?	79 (100%)	
6. Approximately how many guardianship cases do you hear annually?	79 (100%)	
7. Of these cases, how many are HHSC GSP guardianship cases?	79 (100%)	
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	62 (78.5%)	
9. Indicate who typically represents HHSC GSP in your court for guardianship proceedings. <input type="checkbox"/> County Attorney <input type="checkbox"/> District Attorney <input type="checkbox"/> County Attorney and HHSC GSP guardianship attorney <input type="checkbox"/> District Attorney and HHSC GSP guardianship attorney	55 (70%)	See Figure 2
10. How can HHSC GSP further improve the quality of protection and advocacy for wards they serve through your court?	25 (32%)	See Questions and Survey Results section
11. How can HHSC GSP further enhance its working relationship with your office?	29 (37%)	See Questions and Survey Results section
12. Would you like a local HHSC Office of Guardianship manager/attorney to contact you to provide information about HHSC guardianship or an individual concerns?	79 (100%)	
13. DFPS and the HHSC Office of Guardianship coordinate effectively and timely in your court?	79 (100%) 80% Agreed 20% Disagreed	
14. Is there a specific issue you would like to address with HHSC Office of Guardianship?	31 (39%)	

Question 10 - 2018

10. In the section below, please place a check in the column that best reflects your views of current HHSC GSP 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. HHSC GSP seeks appropriate court actions and/or approvals.	17.7%	37.10%	6.5%	1.6%	3.2%	0.0%	33.9%	5.00	41
B. HHSC GSP provides appropriate documentation/information to support legal actions requested.	18.0%	42.6%	1.6%	1.6%	1.6%	0.0%	34.4%	5.10	40
C. HHSC GSP guardianship staff provide expert and relevant testimony in court.	20.0%	30.0%	6.7%	0.0%	3.3%	0.0% (0)	40.0%	5.10	36
D. HHSC GSP guardianship staff demonstrate professionalism in court.	19.7%	42.6%	1.6%	1.6%	0.0%	0.0%	34.4%	5.20	40
E. HHSC GSP attorneys are prepared in matters brought before the court.	18.0%	36.1%	4.9%	0.0%	3.3%	0.0%	37.7%	5.10	38
F. Reports due to the court are filed within established Probate Code and court timeframes.	16.4%	42.6%	3.3%	1.6%	1.6%	3.3%	31.1%	4.90	42
G. HHSC GSP guardianship staff and attorneys respond in a timely manner to requests from the court.	18.0%	41.0%	3.3%	0.0%	1.6%	1.6%	34.4%	5.10	40
H. HHSC GSP ensures the protection and advocacy of the wards they serve in your community.	16.4%	29.5%	8.2%	1.6%	3.3%	1.6%	39.3%	4.80	37
I. A good working relationship exists between the court and HHSC GSP guardianship staff and attorneys.	18.0%	37.7%	0.0%	1.6%	1.6%	3.3%	37.7%	4.9	38
J. The services provided to wards by HHSC guardianship staff meets or exceeds the expectations of the court.	13.3%	38.3%	1.7%	0.0%	5.0%	3.3%	38.3%	5.7	37
*Total slightly off 100 due to rounding.						Average # of respondents who answered question 10 in 2018			39
						Average # of respondents who skipped question 10 in 2018			20

Comparative Results of Judicial Survey Responses

Individual Items	2018		2016		2014		2012		2010	
	% Agreement	N	% Agreement	N	% Agreement	N	% Agreement	N	% Agreement	N
A. HHSC GSP seeks appropriate court actions and/or approval.	54.8%	22	83%	34	74.4%	38	75.4%	49	80.4%	45
B. HHSC GSP provides appropriate documentation/information to support legal actions requested.	60.6%	24	83%	34	76.4%	39	77%	50	80.4%	45
C. HHSC GSP guardianship staff provide expert and relevant testimony in court.	50%	19	78%	32	78.4%	40	70.8%	46	75%	42
D. HHSC GSP guardianship staff demonstrate professionalism in court.	62.3%	25	83%	34	84%	42	72.3%	37	73.2%	41
E. HHSC GSP attorneys are prepared in matters brought before the court.	54.1%	21	73%	30	80.4%	41	72.3%	37	73.2%	41
F. Reports due to the court are filed within established Estates/Probate Code and court timeframes.	59%	25	83%	34	80.3%	41	75.4%	49	79.6%	43
G. HHSC GSP guardianship staff and attorneys respond in a timely manner to requests from the court.	59%	24	70.7%	29	74.7%	38	70.7%	46	76.8%	43
H. HHSC GSP ensures the protection and advocacy of the wards they serve in your community.	45.9%	17	80.4%	33	78.4%	40	75.4%	49	71.4%	40
I. A good working relationship exists between the court and	55.7%	21	83%	34	76.4%	39	79.7%	51	78.6%	44

Individual Items	2018		2016		2014		2012		2010	
HHSC GSP guardianship staff and attorneys.										
J. The services provided to the wards by HHSC GSP guardianship staff meet or exceed the expectations of the court.	51.6%	19	75.6%	31	72.4%	37	78.5%	51	75%	42

% Agreement = responses of either “Strongly Agree” or “Agree”.

N = total responses of “Strongly Agree” or “Agree”.

¹For 2010, percentage for Item F calculated based on 54 total responses. All other percentages calculated based on 56 total responses.