

*Guardianship Abuse, Fraud, and Exploitation
Deterrence Program (GAFEDP)*

JBCC Guardianship Registration and Training

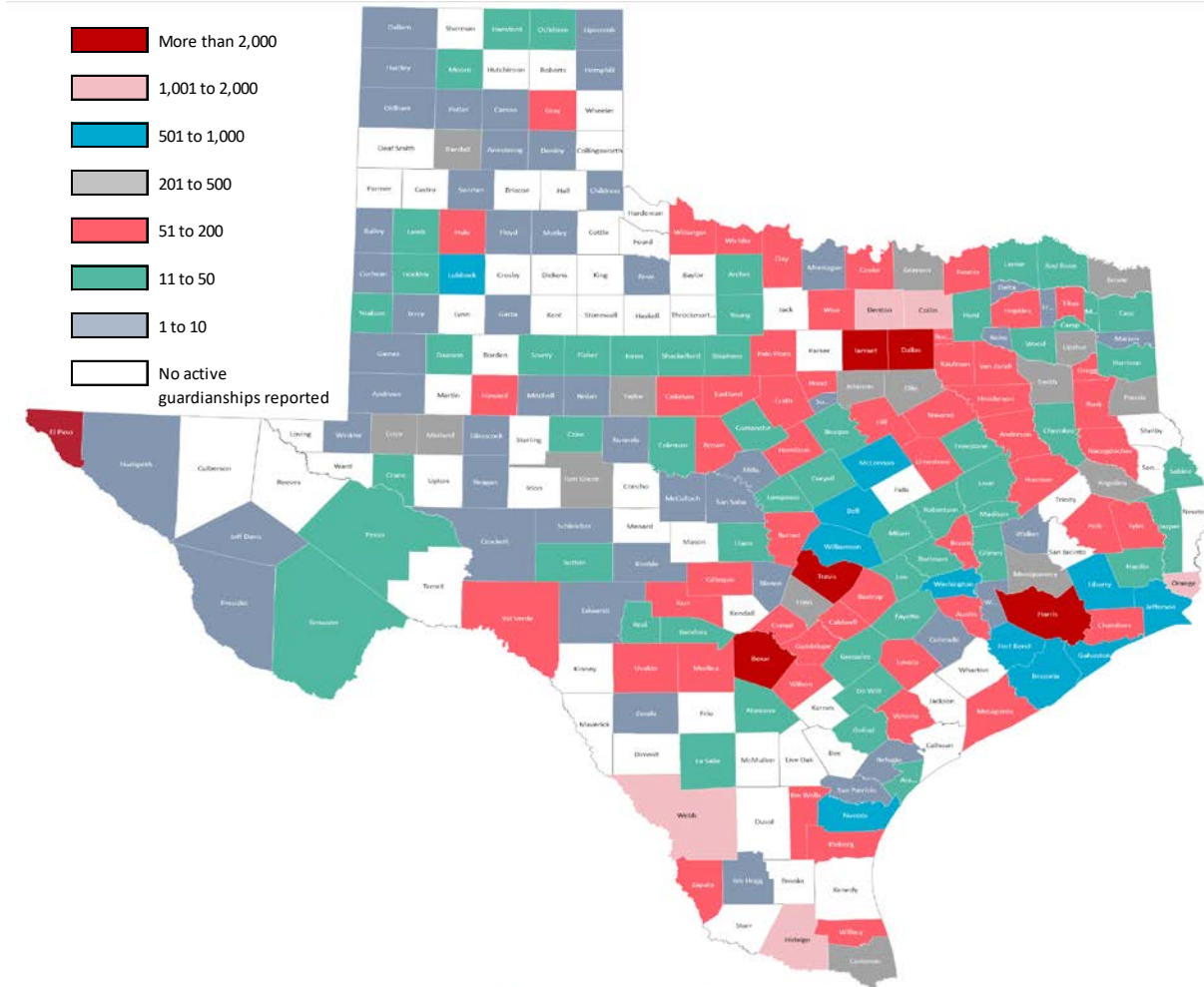
*Assisting the courts in protecting our most vulnerable
citizens and their assets.*

OCA-JBCC-GAFEDP Overview

- ❖ OCA Project Overview
- ❖ JBCC Profession and Organization
- ❖ Implementation Guardianship Abuse, Fraud and Exploitation Deterrence Program GAFEDP (SB 31, Senator Zaffirini)
- ❖ Registrations of Guardianships, Training and Criminal History (SB 1096, June 1, 2018)
- ❖ Registrations of Guardianship Programs (SB 36, September 1, 2018)



50,000 (+) Active Guardianships



Total 254 Counties in Texas

- 10 Counties
- 18 Statutory Probate Courts
- Specialized staff, auditors and investigators

244 Counties

- County Judge
- County Court at Law Judges
- Lack personnel and resources
- Types: Family Members, Friends, Attorneys, Certified Guardians



GUARDIANSHIP ABUSE FRAUD AND EXPLOITATION DETERRENCE PROGRAM (GAFEDP)


Senate Bill 31 – Senator Zaffirini (HB 1286 – Representative Smithee)


- Since November 1, 2015, the Office of Court Administration (OCA) has managed the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases.
- On September 1, 2019, the Office of Court Administration (OCA) initiated our Guardianship Abuse, Fraud, and Exploitation Deterrence Program (GAFEDP).
- Our guardianship compliance specialists assist in reviewing guardianship files to identify reporting deficiencies by guardians; auditing annual accountings and report their findings back to the Judge; and report to the courts any concerns of potential abuse, fraud or financial exploitation being committed against a ward under guardianship. The program is offered at no expense to the county.
- OCA will also maintain an electronic database to monitor filings of inventories, guardian of the person reports, and annual accountings.
- Courts are required to participate in the program if selected. Courts may apply to OCA to participate.
- The OCA director may notify the Judicial Conduct Commission of any concerns with judges who fail to act upon concerns raised by compliance specialists.
- OCA will file annual reports on January 1 of each year including number of courts involved, number of guardianships reviewed, number of cases out of statutory compliance, number of cases reported to courts concerning potential issues, and status of technology developed to monitor guardianship cases.





GCP-GAFEDP Overall Findings


 62 Courts


 45 Total Counties


 35,110 Total Cases Reviewed


 33% Missing Inventories


 9% Cases with Waived Bonds


 46% Missing Annual Accounts


 40% Out of Compliance in One or More Report Requirement

 4,747 Out of Compliance in One or More Report Requirement

 34% Missing Annual Reports of the Person

 18,713 Cases Recommended for Closure

 15,423 Active Guardianships Identified

 3,654 Deceased Protected Persons Identified



Basic Guardianship Event Monitoring

1. Qualification (20-day due date)
2. Notice to Creditors
3. Annual Report Due
4. Annual Account Due
5. Inventory Due
6. Monthly Allowance Due
7. Investment Plan Due
8. Final Account Due
9. Close and Discharge Due
10. Final Report Due
11. Trust Accounting Due
12. JBCC Registration Due
13. JBCC Training Certificate Due



Best Practice Recommendations

1. Annual bond review (EST §1201.002)
2. Annual review for continuation, modification or termination (EST §1201.052)
3. Annual reminder notices for both annual reports and annual accountings
4. Delinquency notices for delinquent reports
5. 90th day transfer review hearing (EST §1023.010)
6. Court Investigator report due
7. Ad Litem report due
8. Court Monitor appointment due
9. Court Monitor Report due
10. Minor turns 18
11. Temporary guardianship expires
12. Review for dismissal (timeframe required if no activity)
13. Qualification date (create note)



IMPLEMENTATION OF THE GUARDIANSHIP ABUSE FRAUD AND EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

1. Guardian Compliance Monitoring

- On-going case review, active closures, compliance, well being concerns, registration, training and criminal history

2. Audit Annual Accounting

- On-going collection and review of court documents, audit annual accountings, collect back up data (statements, invoices and receipts)
- Type of Audits: New first-time accounting audit, routine-periodic, risk based, referral by the court
- Report to the court, collect data on compliance, abuse, fraud and exploitation concerns, restorations, APS reports, registration, criminal history and training

3. Service

- Training, Questions, Compliance Dockets



IMPLEMENTATION OF THE GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

- Hire Management Staff
- Hire Guardianship Compliance Specialists
- Developing the GAFEDP organizational chart
- Developing to GAFEDP work flow process chart
- Developing GAFEDP procedures, process and training
- Continuing to develop the GAFEDP guardianship online reporting system



IMPLEMENTATION OF THE GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION DETERRENCE PROGRAM (GAFEDP)

- Selection of Courts to Participate
- Application by Courts to who want to participate in the GAFEDP
- Questions over Process?



GAFEDP Compliance Specialist Training



New
Hire

Training

Four-day group training at the OCA in Austin which includes new hire orientation, travel training, program overview, auditor expectations and interactive spreadsheet exercises.



Phase I

Self-paced beginners guardianship training, OCA online guardian training, JBCC guardian registration, GCP historical information and protocols, and expanded GAFEDP procedures manual protocols.



Phase II

Self-paced specific data - collection protocol review, spreadsheet exercises, and quiz.



Phase III

Team case review assignment inclusive of data-collection and assessment skills development.

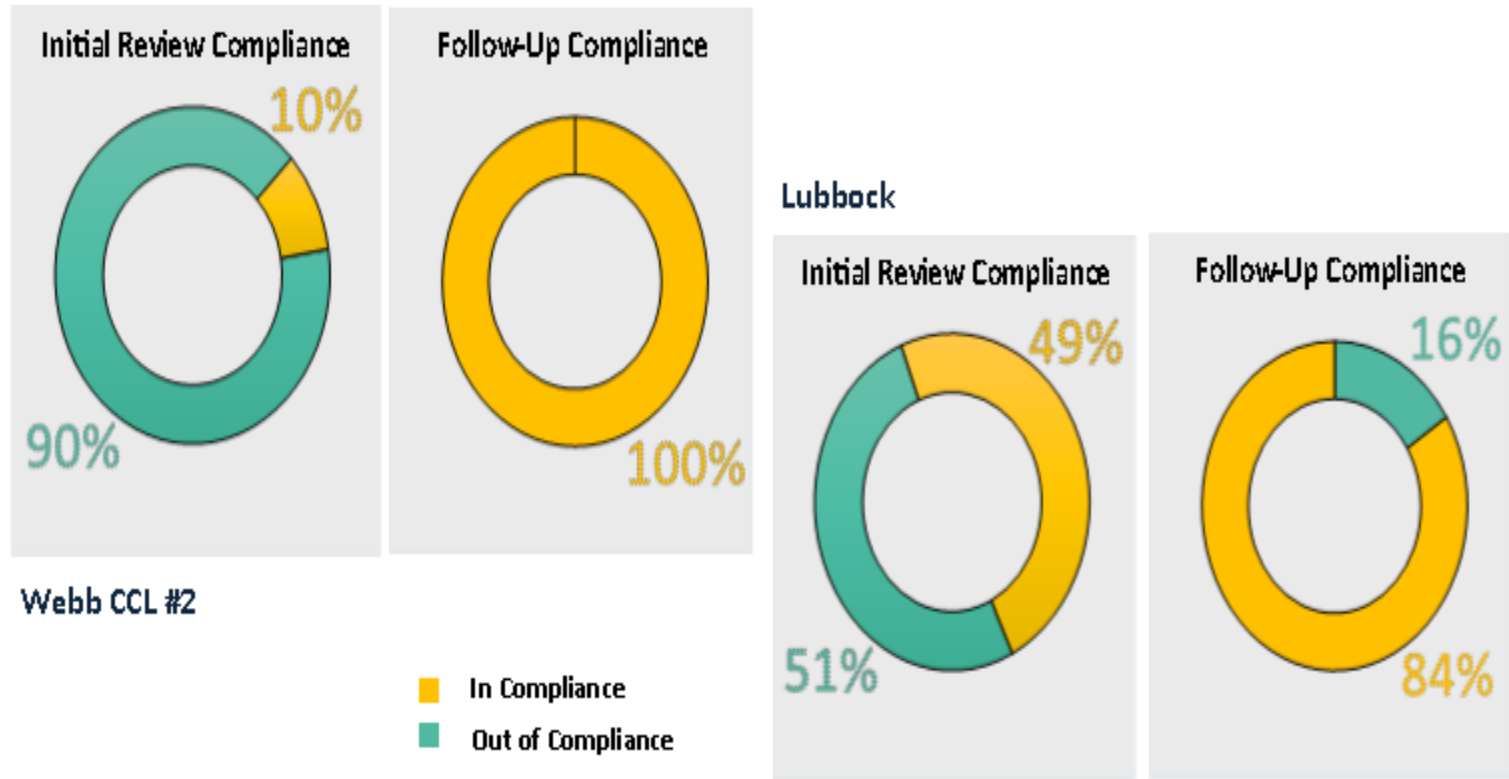


Phase IV

On-site county guardianship compliance casefile review training.



Impact



Senate Bill 1096-85th Session

- ❖ S.B. 1096 implements recommendations from the Texas Judicial Council (TJC):
 - ❖ Prior to Appointment:
 - ❖ All guardianships registered with the JBCC (Existing and Pre-existing)
 - ❖ JBCC to ensure that these guardians obtain proper training and criminal history checks.
 - ❖ Registry available for query by law enforcement.
 - ❖ SCOT Rules adopted
 - ❖ No fee for the registration or training
 - ❖ Effective June 1, 2018



JBCC Guardianship Registration, Training and Criminal History



38,683 GUARDIANSHIP REGISTRATIONS TOTAL
34,494 Adults 1,587 Minors 2602 Minor Becoming Adult



13,741 GUARDIANSHIP TRAINING TOTAL LEARNERS
13,384 English Learner 357 Spanish Learners



6,706 CRIMINAL HISTORY BACKGROUND CHECKS
CONDUCTED





Guardian Training- Victor



Course Roadmap

- Understanding Why Guardianship May Be Necessary
- Overview of Alternatives to Guardianship
- Types of Guardianship
- Procedures to Establish a Guardianship
- Duties of the Guardian
- Reporting Requirements of the Guardian
- Modifying, Terminating, or Closing a Guardianship

Judicial Branch Certification Commission

This certification is awarded to

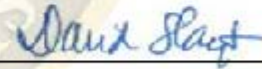
Nitu Gill

For successfully completing the course

Texas Guardianship Training

04/09/2018

Issued Date



David Slayton, Administrative Director



TEXAS OFFICE OF COURT ADMINISTRATION

GUARDIANSHIP TRAINING

OFFICE *of* COURT ADMINISTRATION



Guardianship Abuse, Fraud, and Exploitation Deterrence Program

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