



2020 Judicial Partner Survey

Office of Guardianship Services

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TEXAS
Health and Human
Services

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1. Executive Summary

The *2020 Judicial Partner Survey Report* for January 1, 2021 provides the results of the judicial partner survey which is conducted by the Health and Human Services Commission (HHSC) Office of Guardianship Services to evaluate the effectiveness of the Guardianship Services Program's (GSP) relationship with courts responsible for probate and adult guardianship matters. The survey is completed biennially and published prior to the start of the Texas legislative session.

Judicial Partner Survey 2020 Highlights

- In 2020, 10.6 percent of respondents worked for a statutory probate court. This represents an increase from the previous two surveys: 3 percent of respondents in 2016 and 6.3 percent of respondents in 2018.
- Perceptions of guardianship staff and their relationship to the judiciary were overall positive. The survey contained 11 statements with a corresponding rating scale from "Strongly Agree" to "Strongly Disagree." For every statement, a majority selected "Strongly Agree," "Agree," and "Slightly Agree." See Table 1 for the five highest rated statements and Figure 3 for the eleven statements and corresponding answers.
- Throughout the survey, staff were commended on their professionalism in court and timeliness with court matters.
- Judicial partners provided valuable feedback to maintain and improve the relationship between the Guardianship Services Program and the judiciary.
- Eleven individuals requested a meeting with a local guardianship manager and attorney.

The 2020 Judicial Partner Survey (JPS) questions and response rates are in Tables 2 and 4 of the appendix. Comparison of responses since 2010 are in Table 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 for whom it is determined guardianship is appropriate by a court with probate jurisdiction, and who 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 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 JPS was developed as a measure of performance and to obtain feedback directly from courts. The purpose is to maintain positive, responsive, and open relationships with the courts by welcoming their comments and involvement. The Judicial Partner Survey was updated in 2020 with recommendations from the HHSC GSP leadership and the Legal Services Division. The survey was sent to courts with probate jurisdiction and responsibility for guardianship of adults, as they are most likely to interact with the program during guardianship proceedings. The survey has been carried out biennially since 2010.

3. Methodology

In preparation for the 2020 JPS, the HHSC GSP staff verified and updated data from the Office of Court Administration Court Directory and the 2018 list of judicial partners. This verification included names, court type, and email addresses for the identified court personnel. After verification, the 2020 survey was sent to approximately 444 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 of 291. Statistical reporting is based on the overall 444 individual surveys distributed. Selected responses are extrapolated and reported separately.

Judges and court personnel from 62 different courts responded to the survey. Final analysis included 66 individual survey responses. The web-based software used to administer the survey labeled 55 responses as "complete." Survey responses labeled "partial" that provided information beyond contact and demographic information were included in analysis, representing 11 additional responses. The individual response rate was 14.9 percent of the overall survey population and a 21.3 percent response for the number of courts surveyed.

The survey was administered on-line via a web-based survey application from July 1, 2020 through July 31, 2020. 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 to encourage participation. The survey included a total of 19 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)
 - ▶ Number of guardianship cases heard by respondent, types of guardianships, and other legal proceedings (questions 4-6)
 - ▶ HHSC GSP legal representation before the court (question 7)
 - ▶ Court specific pleadings and orders (forms) (questions 8-10)
- Perceptions of the court regarding the capability, effectiveness, professionalism, preparedness, timely response, and protection and advocacy of wards by HHSC GSP staff:
 - ▶ Likert Scale statements (question 11; statements a-k)
 - ▶ Open-ended questions (questions 12-19)

The following two questions contained logic settings to change the content based on the participant's answer:

- Question 4: "Approximately how many guardianship cases does your court hear annually?"
 - ▶ An answer of one or above routed respondent to question 5
 - ▶ An answer of zero routed respondent to the open-ended questions 13-19
- Question 8: "Does your court have its own pleadings and orders (forms) for guardianship?"
 - ▶ An answer of "No" routed respondent to question 11
 - ▶ An answer of "Yes" routed respondent to questions 9 and 10, questions specifically about the court forms.

Full survey questions and response rates are in Table 2 and 3 of the appendix.

4. Survey Results

Insights of the 2020 Judiciary Survey

- 66 individuals responded to the survey.
- 64 individuals completed the Likert Scale statements. An average of 35 percent of respondents selected “unsure.” Due to the structure of the survey, respondents who indicated they heard one or more guardianship cases a year (question 4) were directed to complete the entire survey, regardless of their answer to how many HHSC guardianship cases they hear (question 5). See Figure 3 for the response breakdown.
- Interactions with the HHSC GSP staff were found agreeable when appearing before the court (Table 1 and Figure 3).
- Respondents agree that HHSC GSP staff and attorneys filed reports due to the court within established Texas Estates Code and court timeframes. (see Figure 3).
- On average, 71 percent of respondents provided written information to open-ended questions.

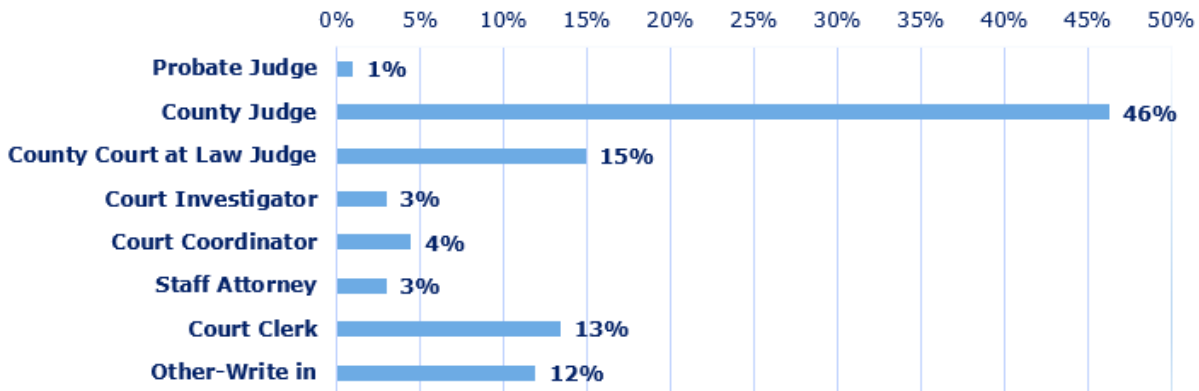
Survey Results

Current Position of the Respondent

County Judge was the most common position at 46% (31) followed by County Court-at-Law Judge 15% (10). Additional categories include Statutory Probate Judge (1%), Court Investigator (3%), Court Coordinator (4%), Staff Attorney (3%), Court Clerk (13%), and a write-in option (12%). Eight respondents wrote in their current position; there were three Probate Auditors, two Guardianship Coordinators, two Statutory Probate Associate Judges, and one County Chief Deputy Clerk.¹ Figure 1 below shows current position by percentage.

¹ Write in answers were combined if the position matched or was the same as another write-in answer.

Figure 1-Current Position of Respondent



Responses from the Probate Courts

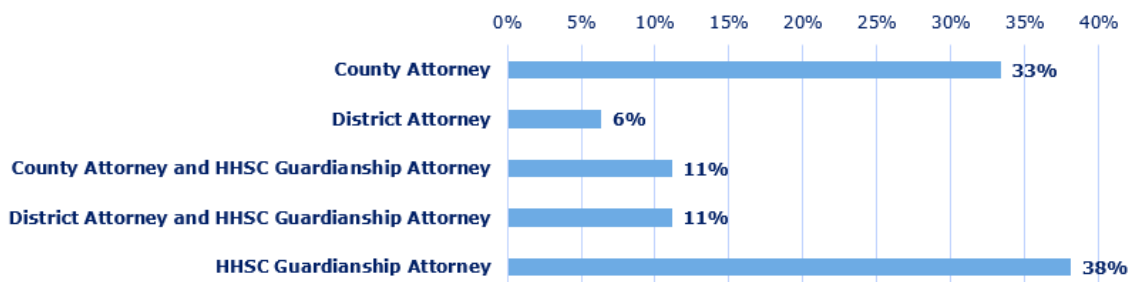
There are 18 statutory probate courts in Texas. This survey received seven responses, or 10.6 percent, from statutory probate court personnel. This is an increase from our 2018 Judicial Survey (five responses, or 6.3 percent).

Other Findings

Guardianship cases heard annually ranged from a low of zero to a high of 510, and HHSC GSP cases heard annually ranged from a low of zero to a high of 50. These numbers are self-reported from the respondents. Internal records indicate discrepancies between self-reported numbers and actual HHSC cases. For example, one respondent indicated they have zero HHSC GSP cases; however, internal records show 54 active HHSC guardianship cases as of August 2020.

Legal representation in the HHSC GSP cases brought before the court is shown in Figure 2. Percentage is based on 62 individual responses.

Figure 2- HHSC GSP Legal Representation



Relationship with the Judiciary

To gauge the perception of the HHSC GSP and the relationship with the judiciary, respondents were presented a Likert Scale with 11 statements. A total of 64, or 97 percent, individuals completed question 11. The statements and corresponding responses are depicted in Figure 3. Top strengths of the HHSC GSP are shown in

Table 1. Unsure responses, 35 percent on average, appear related to the number of courts reporting zero HHSC guardianship cases. By excluding the unsure replies to isolate responses between strongly disagree and strongly agree, the following was calculated:

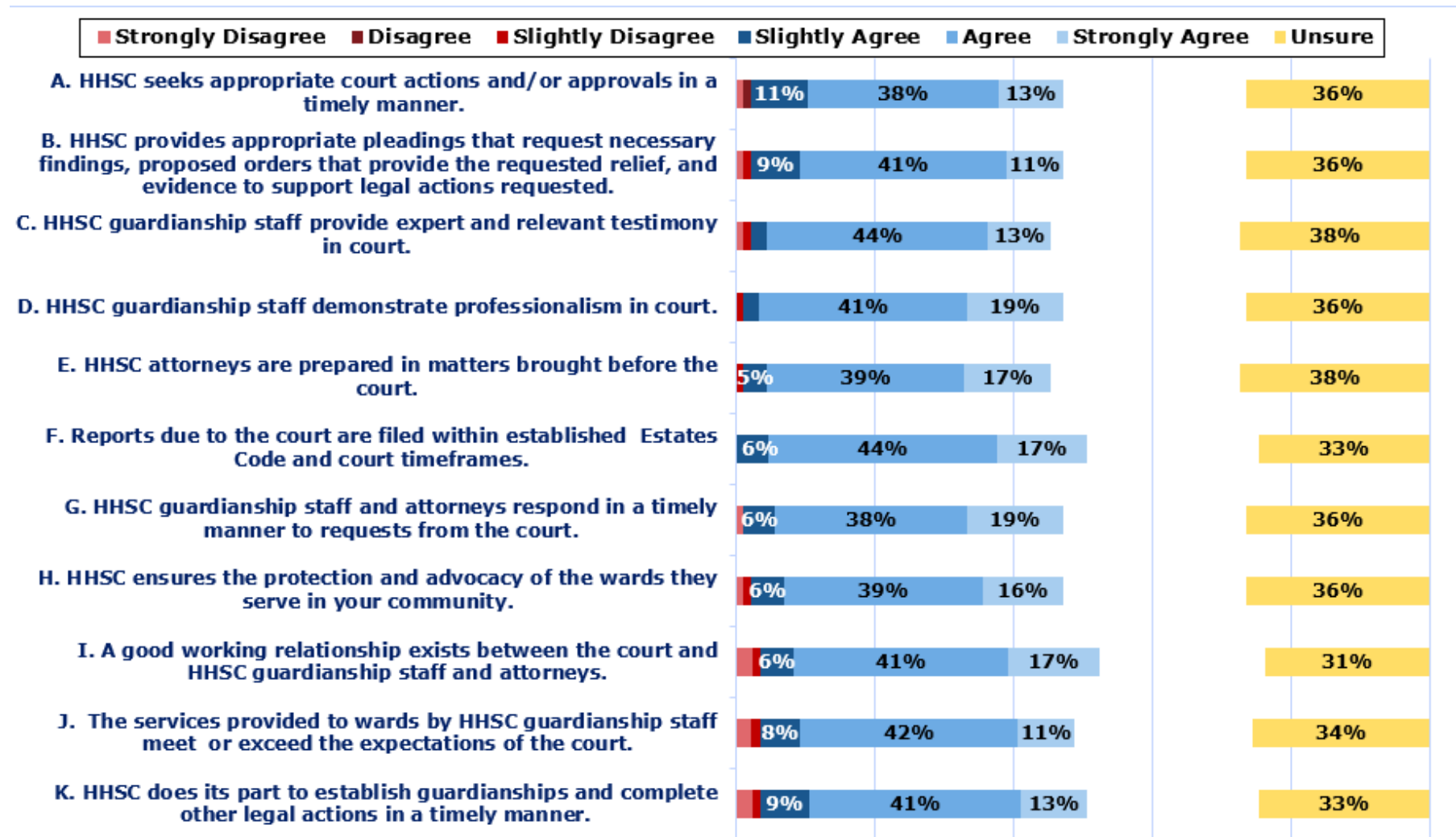
- On average, 95.6 percent of respondents indicated agreement with each statement.
- On average, 4.3 percent respondents answered between slightly disagree and strongly disagree.

Table 1- Top 5 Perceived Strengths of The HHSC GSP

	Statement	Average Percent in Agreement
F.	Reports due to the court are filed within established Estates Code and court timeframes.	67%
I.	A good working relationship exist between the court and HHSC guardianship staff and attorneys.	64%
D.	HHSC guardianship staff demonstrate professionalism in court.	63%
G.	HHSC guardianship staff and attorneys respond in a timely manner to request from the court.	63%
K.	HHSC does its part to establish guardianships and complete other legal actions in a timely manner.	63%

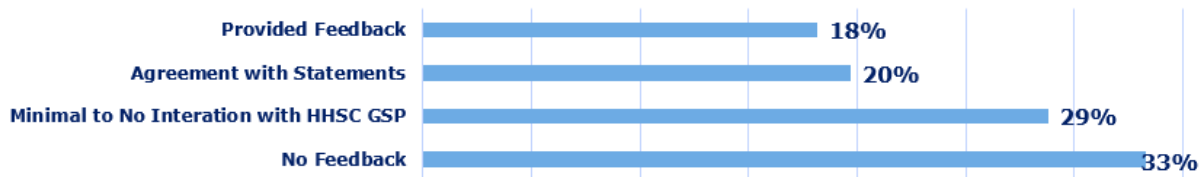
Figure 3- HHSC GSP Relationship with the Judiciary

Note: Responses with less than four percent of the total are only indicated by color. Table 4 of the appendix shows statements with corresponding response rate for each option.



After completing the Likert Scale, respondents were asked to provide specific information related to the statements to better serve their court. Open-ended responses were categorized as: 1) No Feedback; 2) Minimal to No Interaction with HHSC GSP; 3) Agreement with Statements; or 4) Provided Feedback. Figure 4 depicts the responses based on the total of 66 individual surveys.

Figure 4-Feedback Regarding Likert Statements



The feedback comments are opinions of the individual who responded and are not generalized to the overall perception and relationship of the HHSC GSP and the judiciary. Each opinion expressed provides valuable feedback on how to continue positive relations and improve relations with the judiciary.

Commendations:

- "I am hopeful that present HHSC Counsel will continue to work to improve these relations."
- "Staff and/or attorneys are always very professional and courteous with all Court matters."
- "The staff who appear in HHSC Cases are always professional."

Recommended Improvements:

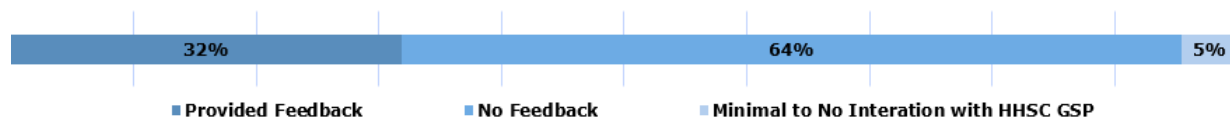
- "The Agency has not taken a proactive approach to filing for guardianship."
- "They [filings] are sometimes filed after the required time period."
- "At times, the court has requested assistance with wards, there appears to be a lack of intervention or reluctance to intervene."

Expanding Relationship with HHSC Office of Guardianship Services

The final section of the survey contains seven questions: two closed-ended questions and five open-ended questions. Less than half of individuals provided their opinions related to specific activities, perceptions, or procedures questioned. Each statement presents the opinion only of the individual who responded and may reflect a specific problem in their individual court or county. For each open-ended question, responses were categorized into three groups: 1) Provided Feedback; 2) Minimal to No Interaction with HHSC GSP; or 3) No Feedback. No Feedback included responses with blanks, n/a, unsure, or unknown. All percentages, unless otherwise noted, are based on the total of 66 responses to the survey.

Question 13: How can HHSC further improve the quality of protection and advocacy for wards they serve through your court?

Figure 5-Feedback on Protection & Advocacy for Wards



Commendations:

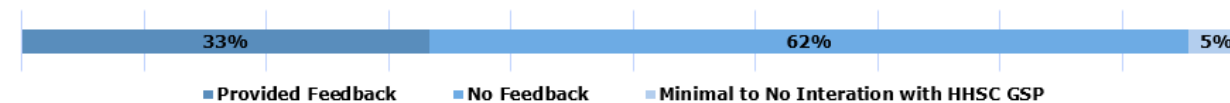
- "They are doing an excellent job un our court."
- "Keep up the good work."
- "Everything is done well."

Recommended Improvements:

- Two comments to improve communication with the court.
- "More staff-more lawyers. More capacity."
- One person requested a visit to their office.
- "File an application for guardianship if needed without delay."

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

Figure 6- Feedback on Enhancing Relationship with Court



Commendations:

- "I believe we have a good relationship with HHSC."
- "They already communicate effectively with our court."
- "Continue to ensure timely response to request from the court."
- "It's fine now-we respect HHSC employees and the job they do."

Recommended Improvements:

- "Develop and maintain a relationship with the court."
- "Make phone contact and visit."
- "Make an effort to meet with the office."

Question 15: When HHSC applies for guardianship, as a result of an APS referral, Adult Protective Services and the HHSC Guardianship Program coordinate effectively and timely in your Court? Agree or Disagree, with comment.

Most respondents (70%) indicated Adult Protective Services and the HHSC GSP coordinate effectively. The remaining answered with N/A (22%) and Disagree (7%). A total of 54 surveys were counted, one was disqualified for answering with agree and disagree and noting "See above" to both comment sections, and 11 respondents skipped this question.

Select Comments:

- "They communicate well."
- "There is ongoing conflict and confusion between HHSC and APS..."

Court Requirements for Restoration of Rights and Alternatives to Guardianship

Two questions were added to the 2020 judicial survey to gather information on restorations of rights and least restrictive alternatives to guardianship.

Question 16: When a ward of your court makes a request for a restoration of their rights is there evidence of specific skills or abilities, other than a CME, your court looks for prior to granting a restoration?

A total of 41 respondents provided comments followed by 19 blanks and six "n/a" responses.

- "The capacity to make independent decisions regarding their overall care and well-being. Restoration is assessed on a case by case depending on the wards' needs."
- Testimony from case managers, provider staff, attorney ad litem, or other persons with personal knowledge of the ward.
- 3 "no" responses.
- 7, or 15%, respondents indicated they have never experienced a restoration request.
- Restorations are looked at on a case-by-case basis.
- Any evidence to indicate capacity or skills and abilities is taken into consideration.

Question 17: Does your court have any specific requirements for a guardianship to be terminated for supports and services as a least restrictive alternative to guardianship?

A total of 43 respondents provided comments followed by 19 blanks and four “n/a” responses.

- “The individual must be able to identify someone who can assist with supports and services and accept that person's help. The court will assess whether that individual will in fact be available to assist the ward.”
- “The court completes a visit and annual determination report to address possible LRA. Additionally, a GAL [guardian ad litem] may be appointed.”
- 14 respondents indicated there is no specific requirements in their county.

Specific Issues and Requested Contact

The final two questions asked respondents if they had any specific issues to address with the HHSC staff and if they would like a local guardianship manager/attorney to contact them. Five individuals, or 7.6%, provided concerns and specific issues they want to address with the HHSC GSP; of these individuals, four requested further contact from HHSC GSP. In total, 11 individuals, or 16.7%, requested contact from a local guardianship manager and attorney.

5. Office of Guardianship Services Response and Action

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

The following outlines actions taken by the HHSC GSP.

- The individual surveys for each region will be shared with the attorneys and supervisors so regionally-based concerns can be addressed.
- Local guardianship supervisors and attorneys will attempt contact with the 11 individuals requesting a meeting with guardianship staff by December 31, 2020.
- To continue our open relationship with the DFPS, the survey report will be communicated to the Interagency Steering Committee regarding the relationship between HHSC and DFPS.
- The 2020 JPS report is located publicly on the Health and Human Services Guardianship webpage. All probate courts will be notified of the published survey report and provided a link to the guardianship brochure.
- In preparation for the 2022 judicial survey, the GSP will review the process, survey content, and outcomes to improve the next survey.

6. Conclusions

The 2020 JPS results reinforce previous findings of a continuing positive relationship 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 the 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 and improvement.

Appendix

Table 2: 2020 Judicial Partner Survey and Responses

Question	Response Count (Percent)	Response Percent
1. Contact Information a. Name	65	98%
1. Contact Information b. Email Address	65	98%
1. Contact Information c. Phone Number	65	98%
2. What County/Counties is served by your court	66	100%
3. What is your position?	66	100%
4. Approximately how many guardianship cases does your court hear annually?²	66	100%
5. Of these cases, how many are HHSC guardianship-initiated cases?	64	97%
6. Indicate the type(s) of legal proceedings that your court hears (please select all that apply): <ul style="list-style-type: none"> • Temporary Guardianship • Permanent Guardianship • Emergency Detention under the Mental Health Code • Protective Custody under the Mental Health Code • Court Ordered Mental Health Services under the Mental Health Code 	64	97%

² This question contained logic; answers of 'zero' were directed to Question 13. Two respondents answered with "zero."

Question	Response Count (Percent)	Response Percent
<p>7. Indicate who typically represents HHSC GSP in your court for guardianship proceedings.</p> <ul style="list-style-type: none"> • County Attorney • District Attorney • County Attorney and HHSC GSP guardianship attorney • District Attorney and HHSC GSP guardianship attorney 	62	94%
<p>8. Does your court have its own pleadings and orders (forms) for guardianship?³</p>	Total Answered: 64 Yes: 12 No: 52	Total Answered: 97% Yes: 19% No: 81%
<p>9. If yes, does your court require those forms?</p>	Total Answered: 12 Yes: 5 No: 7	Total Answered: 100% Yes: 41.6% No: 58.3%
<p>10. Does your court also accept HHSC forms?</p>	Total Answered: 12 (100%) Yes: 12 (100%) No: 0 (0%)	Total Answered: 100% Yes: 100% No: 0%
<p>11. In section below, please place a check in the column that best reflects your views of current HHSC and judicial relations in your community. (Please select only one response per item)</p>	64	97%
<p>12. If you answer Slightly Agree, Slightly Disagree, Disagree or Strongly Disagree to statements A through K, please provide specific information for each one, if possible, so we can identify how to better serve the Court, within Agency guidelines and authority. This will provide our staff and attorneys who provide guardianship services in the Regions valuable information to better serve our guardianship courts across the State of Texas.</p>	61	94%

³ This question contained logic; answers of "no" were directed to Question 11.

Question	Response Count (Percent)	Response Percent
13. How can HHSC further improve the quality of protection and advocacy for wards they serve through your court?	46	70%
14. How can HHSC further enhance its working relationship with your court?	45	68%
15. When HHSC applies for guardianship, as a result of an APS referral, Adult Protective Services and the HHSC Guardianship Program coordinate effectively and timely in your court?	Total Answered: 54 Agree: 38 Disagree: 4 N/A: 12	Total Answered: 82% Agree: 70.4% Disagree: 7.4% N/A: 22.2%
16. When a ward of your court makes a request for a restoration of their rights is there evidence of specific skills or abilities, other than a CME, your court looks for prior to granting a restoration?	47	71%
17. Does your court have any specific requirements for a guardianship to be terminated for supports and services as a least restrictive alternative to guardianship?	47	71%
18. Are there any specific issues you would like to address with HHSC Staff?	42	64%
19. Would you like a local HHSC guardianship manager/attorney to contact you to provide information about HHSC or to address any individual concerns?	55	83%

Table 3: Survey Question and the Corresponding Report Figure

Survey Question	Corresponding Figure or Table
Question 3. What is your position?	Figure 1
Question 7. Indicate who typically represents HHSC GSP in your court for guardianship proceedings.	Figure 2
Question 11. In section below, please place a check in the column that best reflects your views of current HHSC and judicial relations in your community. (Please select only one response per item).	Table 1, Figure 3, Figure 4, and Table 4
Question 13. How can HHSC further improve the quality of protection and advocacy for wards they serve through your court?	Figure 5
Question 14. How can HHSC further enhance its working relationship with your court?	Figure 6

Table 4: Likert Scale and Responses

Question 11 In section below, please place a check in the column that best reflects your views of current HHSC and judicial relations in your community. (Please select only one response per item) Note, totals are slightly off from 100 due to rounding.

Statements	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree	Unsure	Total
<i>A. HHSC seeks appropriate court actions and/or approvals in a timely manner.</i>	13%	38%	11%	0%	2%	2%	36%	64
<i>B. HHSC provides appropriate pleadings that request necessary findings, proposed orders that provide the requested relief, and evidence to support legal actions requested.</i>	11%	41%	9%	2%	0%	2%	36%	64
<i>C. HHSC guardianship staff provide expert and relevant testimony in court.</i>	13%	44%	3%	2%	0%	2%	38%	64
<i>D. HHSC guardianship staff demonstrate professionalism in court.</i>	19%	41%	3%	2%	0%	0%	36%	64

Statements	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree	Unsure	Total
<i>E. HHSC attorneys are prepared in matters brought before the court.</i>	17%	39%	5%	2%	0%	0%	38%	64
<i>F. Reports due to the court are filed within established Estates Code and court timeframes.</i>	17%	44%	6%	0%	0%	0%	33%	64
<i>G. HHSC guardianship staff and attorneys respond in a timely manner to requests from the court.</i>	19%	38%	6%	0%	0%	2%	36%	64
<i>H. HHSC ensures the protection and advocacy of the wards they serve in your community.</i>	16%	39%	6%	2%	0%	2%	36%	64
<i>I. A good working relationship exists between the court and HHSC guardianship staff and attorneys.</i>	17%	41%	6%	2%	0%	3%	31%	64
<i>J. The services provided to wards by HHSC guardianship staff meet or exceed the expectations of the court.</i>	11%	42%	8%	2%	0%	3%	34%	64

Statements	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree	Unsure	Total
<i>K. HHSC does its part to establish guardianships and complete other legal actions in a timely manner.</i>	13%	41%	9%	2%	0%	3%	33%	64

Table 5: Comparative Survey Results 2010-2020

Individual Statements	2020 % Agree	2020 N	2018 % Agree	2018 N	2016 % Agree	2016 N	2014 % Agree	2014 N	2012 % Agree	2012 N	2010 % Agree	2010 N
A. HHSC GSP seeks appropriate court actions and/or approval.	50%	32	54.8%	22	83%	34	74.4%	38	75.4%	49	80.4%	45
B. HHSC provides appropriate pleadings that request necessary findings, proposed orders that provide the requested relief, and evidence to support legal actions requested.ⁱ	51.6%	33	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.	56.3%	36	50%	19	78%	32	78.4%	40	70.8%	46	75%	42
D. HHSC GSP guardianship staff demonstrate professionalism in court.	59.4%	38	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.	56.3%	36	54.1%	21	73%	30	80.4%	41	72.3%	37	73.2%	41

Individual Statements	2020 % Agree	2020 N	2018 % Agree	2018 N	2016 % Agree	2016 N	2014 % Agree	2014 N	2012 % Agree	2012 N	2010 % Agree	2010 N
F. Reports due to the court are filed within established Estates Code and court timeframes.	60.9%	39	59%	25	83%	34	80.3%	41	75.4%	49	79.6%ii	43
G. HHSC GSP guardianship staff and attorneys respond in a timely manner to requests from the court.	56.3%	36	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.	54.7%	35	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 HHSC GSP guardianship staff and attorneys.	57.8%	37	55.7%	21	83%	34	76.4%	39	79.7%	51	78.6%	44
J. The services provided to the wards by HHSC GSP guardianship staff meet or exceed the expectations of the court.	53.1%	34	51.6%	19	75.6%	31	72.4%	37	78.5%	51	75%	42

Individual Statements	2020 % Agree	2020 N	2018 % Agree	2018 N	2016 % Agree	2016 N	2014 % Agree	2014 N	2012 % Agree	2012 N	2010 % Agree	2010 N
K. HHSC does its part to establish guardianships and complete other legal actions in a timely manner.ⁱⁱⁱ	53.1%	34	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

% Agree = responses of either "Strongly Agree" or "Agree".

N = total responses of "Strongly Agree" or "Agree".

ⁱ Language was expanded and updated in 2020; however, the content mirrors the previous surveys.

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

ⁱⁱⁱ Statement K was added to the Judicial Survey in 2020.