

GUARDIANSHIP COMPLIANCE PROJECT

The goal of this project is to help the courts protect our most vulnerable citizens and their assets.



Guardianship Compliance Specialists

Kim Bennink, October 19, 2015

Ms. Bennink comes to the OCA from the Texas Department of Criminal Justice where she was employed as an Auditor III-Field Services.

Rebecca Doolittle, October 21, 2015

Ms. Doolittle comes to the OCA from the Office of the Attorney General where she was employed as a Child Support Officer IV, Enforcement Officer-Financial Specialist.

David Paniagua, December 7, 2015

Mr. Paniagua comes to the OCA from the Texas Lottery Commission. David is retired from the Texas Comptrollers Office.



What is Guardianship?

- Guardianship is a legal process designed to protect vulnerable persons from abuse, neglect, and exploitation.
- Guardianship provides for the person's care and management of their money while preserving, to the largest extent possible, that person's independence and right to make decisions affecting their life.



Types of Guardianships

- Guardian of the Person is appointed by the court to take care of the physical well-being of a ward.
- Guardian of Estate is appointed to care for a ward's property and estate.
- The Guardian of Person and a Guardian of Estate can be the same person.



Why are Guardianships Created?

- Guardianships are created for a variety of different reasons. People become incapacitated due to aging, disease, injury, or developmental disability.



Guardianship Compliance Project

- Guardianship Compliance Specialists will provide additional resources to courts handling guardianship cases.
 - Review guardianship cases to identify reporting deficiencies by the guardian.
 - Audit annual accountings and report findings back to the court.
 - Work with courts to develop best practices in managing guardianship cases.
- Assistance is available to counties without a statutory probate court that have a significant number of guardianship cases reported, at no cost to the county.
- OCA will also develop on-line electronic software to monitor guardianship filings of initial inventory and annual accountings.
- Working with Hays, Guadalupe, Webb, and Comal Counties on this project.



Report to the Legislature

The Office of Court Administration will report on the performance of the Guardianship Compliance Project in a study to the Legislature no later than January 1, 2017. The report shall include at least the following:

- The number of courts involved in the guardianship compliance project.
- The number of guardianship cases reviewed by the guardianship compliance project.
- The number of reviewed guardianship cases found to be out of compliance with statutorily required reporting.
- The number of cases reported to the court for ward well-being or financial exploitation concerns.
- The status of technology developed to monitor guardianship filings



Statewide On-line Auditing

- The Guardianship Compliance Project will be modeled after the Minnesota's Conservator Account Auditing Program (CAAP).
- The mission of the Conservator Account Auditing Program (CAAP) is to safeguard the assets of protected persons through the oversight of conservators by conducting professional compliance audits.
- Minnesota uses an online conservator account reporting application called MyMNConservator (MMC).
 - Allows conservators to file their inventory and annual accountings electronically.



Conservatorship Accountability Project (CAP)

- The OCA applied, through the National Center for State Courts (NCSC), to participate in the Conservatorship Accountability Project (CAP) project. Texas has received an implementation award to receive technical assistance to implement the Conservatorship Accountability Project (CAP).
- This project will use the extensive expertise and experience of the NCSC to support our work in adapting the Minnesota’s “MyMNConservator” software to meet state laws, integrating the software with our statewide electronic filing system, and developing an implementation plan.



Participating Counties

- Hays County
 - Met with Hays County Clerk, Judges, and court staff to make arrangements to begin the project in Hays on November 9, 2015.
 - Conduct Initial Assessment and Preliminary Program Survey
 - Conduct Programmatic Audit and File Review for overall compliance
 - Conduct Financial Audit of estate using Initial Inventory and Annual Accountings
 - Recommend Best Practices for the Courts and Clerks
 - Received on-line access to Odyssey and starting the auditing process.
 - Recommending closure of cases to the court
 - Reviewing files for missing inventories and accountings
 - Developed notice to send relating to documents



Participating Counties

- Guadalupe County
 - Met with Judge and court staff, and Guadalupe County Clerk
 - January 22, 2016, auditors began work with the Clerk and Courts in Guadalupe County.
 - Conduct Initial Assessment and Preliminary Program Survey
 - Conduct Programmatic Audit and File Review for overall compliance
 - Conduct Financial Audit of estate using Initial Inventory and Annual Accountings
 - Recommend Best Practices for the Courts and Clerks
 - Developed a survey to send to the counties for info on their guardianship processes and procedures.
 - Developed a project webpage under OCA services



Additional Information on Project

- <http://www.txcourts.gov/programs-services/guardianship-compliance-project.aspx>

Jeffery L. Rinard

Director

Judicial Branch Certification Commission (JBCC)

Office of Court Administration

(512) 463-9750

Jeff.rinard@txcourts.gov

<http://www.txcourts.gov/jbcc>

