# HB 2384 Performance Measures Report

# PROBATE & GUARDIANSHIP MENTAL HEALTH



November 2024

### Probate & Guardianship Estates Code



- It's all about the numbers!
  - ▶ For each CASE or ACTION reported, an eventual DISPOSITION is expected to be reported.
  - Each ACTION (Original or Subsequent) must be reported ONLY ONCE
    - Report an incoming internal transfer in the "Internal Transfers In" column, when a case is transferred to a Court of the same level in the same county. (Ex. CCL1 transfer to CCL2)
    - If transferring from Constitutional County Court to a CCL, the case would be Disposed for Constitutional Court and New Cases Filed for CCL. This would not be an Internal Transfer.
    - Subsequent application or motion filed in a guardianship that was previously ordered removed from the active docket should only be counted in the "Probate Cases Filed" column and not the "Probate Cases Reactivated" column.
  - Some Orders may DISPOSE of <u>multiple</u> actions
    - For example, in a contested case the court will often issue only one order disposing of all matters presented to the court by the original applicant and the contestant that order will need to be counted TWICE to dispose of both the original application and the adverse action that were reported, unless the court issues two separate orders and both are reported.

#### Probate & Guardianship Case Status



- Guardianship cases and many probate case types continue to be open and active after an order has been filed "disposing" of the original application and appointing a guardian, executor or administrator.
- Case Types that can be changed to "DISPOSED" status when the order is signed:
  - Muniment of Title (EST Chap. 257) Order Probating Will as Muniment of Title (wait 180 days to allow affidavit of fulfillment to be filed; may change to "Inactive" until then)
  - Small Estate Affidavit (EST Chap. 205) Order Approving Small Estate Affidavit (dispose when order signed)
  - Determination of Heirship (No Administration) (EST Chap. 202) Judgment Declaring Heirship (dispose when judgment signed)
  - Probate of Foreign Will (No Letters) (EST Chap. 501, 502) No Order required (dispose on date filed)

#### Probate & Guardianship Case Status



- Case Types that must remain <u>open</u> but can be changed to "INACTIVE" or "NON-PENDING" status when an order is signed appointing an executor, administrator, or guardian if no other action is pending:
  - Application for Probate of Will & Issuance of Letters Order Probating Will and Authorizing Issuance of Letters (Testamentary, Independent / Dependent Administration with Will Annexed)
  - Application for Temporary / Independent / Dependent Administration (No Will) Order Appointing Administrator
    - Separate applications for heirship and administration are filed index and report as TWO actions and TWO dispositions when judgment and order are signed.
    - Combined application for heirship and administration is filed:
      - ► Index and report as TWO actions and judgment and order as TWO dispositions; OR
      - Index and report as ONE action, but report only ONE disposition even if separate orders are issued.
    - Remember, *it's all about the numbers!* Reporting TWO Dispositions when only ONE action was reported will result in an incorrect number of Probate Active Pending End of Period.
  - Application for Temporary / Permanent Guardianship Order Appointing Guardian

#### Probate & Guardianship Case Status



- For cases in which an executor, administrator or guardian has been appointed, the clerk will need to consider subsequent applications and motions as well as the original application when determining what needs to be included in the HB 2384 Performance Measures Report.
- What is a "subsequent action"?
  - Any application or motion filed after case is initiated which requests relief not previously requested or addressed by a prior order of the court, if any, including but not limited to:
    - Contests / Adverse Actions
    - Application for Sale of Property (Real or Personal)
    - Application for Appointment of Successor Executor / Administrator / Guardian
  - Does NOT include standard filings that are required or expected of an executor, administrator, or guardian as part of the original ongoing proceeding, i.e., inventory, annual report, annual account, application for payment of attorney fees, etc., and in which the applicant is not asking for something new from the court.



Probate Actions Filed 3/1/2020 – 2/29/2024  Original applications/petitions; ancillary cases; incoming transfers; and subsequent actions, including all other matters, that were pending on 3/1/2024 (Line 1 and Line 2, Monthly Court Activity Report, 3/1/2020 – 2/29/2024)

Probate Actions Filed 3/1/2024 – 8/31/2024  New applications filed during reporting period, regardless if still pending; cases transferred in from another county or another court; subsequent actions including all other matters (Line 1 and Line 2, Monthly Court Activity Report, 3/1/2024 – 8/31/2024)

Probate Actions Pending 8/31/2024  Original applications/petitions; ancillary cases; incoming transfers; and subsequent actions, including all other matters, filed on or after 3/1/2020 that were still pending on 8/31/2024 (end of report period)



#### Active Pending Beginning of Period 3/1/2024

- OCA understands the challenges clerks are facing in trying to identify and count the number of probate court actions pending on 3/1/2024 for the initial HB 2384 Performance Measures Report. However, OCA also has a legislative mandate to annually collect and publish disaggregated performance measures statistics for each appellate and trial court in the state. In order to provide guidance for obtaining an estimated total until your case management system reporting tools and data can be updated, and those updates implemented, we are offering the following strategy ONLY as an interim solution for clerks who have not yet been able to identify the number of Active Pending applications (original and subsequent) that were pending on 3/1/2024:
  - 1. Calculate the combined total of New Cases Filed (Line 1) and Other Cases Added (Line 2.a. and b.) reported on your Monthly Court Activity Report from 3/1/2020 through 2/29/2024;
  - 2. Run case event reports for orders filed from 3/1/2020 through 2/29/2024; subtract orders NOT disposing of an "action" filed from 3/1/2020 through 2/29/2024 from the total number of orders on the report;
  - 3. Subtract the remaining number of orders from the total number of actions filed from 3/1/2020 through 2/29/2024 as calculated under #1 above;
  - 4. Use the resulting total as your "Active Pending Beginning of Period 3/1/2024" total on the report.



- 1. Go to the <u>Court Activity Reporting and Directory (CARD) webpage;</u>
- 2. Under "District & County Court" select "Run reports for September 2010 to present":

	THE TEXAS OFFI Court Activity	ICE OF COURT ADMINISTRATION Reporting and Directory System						
	Court Activity Data Run one of our standard reports or your own query from our court activity database.							
	If you are experiencing issues running reports or queries, please click the below button for browser instructions.							
	Browser Instructions							
	District & County Courts	Justice & Municipal Courts						
	Run reports for September 2010 to present Run reports for September 1992 to August 2010	Run reports for September 2011 to present Run reports for September 1992 to August 2011						

3. Select "Report Type" for required court type, i.e., Constitutional County Court; select applicable "Activity Detail Report" from "Report" drop-down:

Main > Report Selection		After selecting,
Report Type:	Constitutional County Courts	aliak "Continuo"
Report:	Constitutional County Court Activity Detail	CUCK CONUNUE



4. Select "From: Year "2020", Month "March", and "To: Year "2024", Month "February":

Do NOT check the Box for "Separate Monthly Report for each Month in Range"

Report Selection - New Data								
The Back button will send you to OCA's Publications and Information page. To return to the search page click on the link below.								
Main> Report Selection> Report Criteria								
Report: Statutory County Court Activity Detail From: To:								
Year Month Year Month 2020 V March V 2024 V February V Separate Monthly Report for each Month in Range (Aggregate Report if unchecked)								
County: Austin Court: All								
Format: Export to Acrobat Selecting the Acrobat version will provide a 'printer friendly' version.								

- 5. Select your county from the "County:" drop-down; it is not necessary to select "Court:" for a Constitutional County Court report.
- 6. Click on "Run Report" will generate a PDF of a report showing totals for the entire period selected.



7. Add together the totals in the Total Cases column for "New Cases, Applications or Contests Filed" and "Other Cases Added: *Ancillary Cases* and *All Other Matters*"::

PROBATE AND GUARDIANSHIP CASES							
Decedents' Estates		Guardianships					
Cases on Docket:	Independent Administration	Dependent Administration	All Other Estate Proceedings	Minor	Adult	All Other Cases	Total Cases
New Cases, Applications or Contests Filed	261	9	45	5	23	251	594
Other Cases Added:							_
Ancillary Cases	1	0	0	0	0	1	2
All Other Matters	2	1	0	4	4	3	14
Inventories Filed	263	10		0	10		283
Guardianship of Person Reports Filed				15	73		88

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NOTE: If your county has MULTIPLE statutory county courts you will instead need to rely on case management system generated reports produced for each court – this may require running reports for each month from 3/1/2020 through 2/29/2024 and adding the totals together, as your CMS may not allow you to set start and end dates that encompass more than one month.



- 8. Now run reports from your case management system for Order events filed from 3/1/2020 through 2/29/2024 – if possible, select ONLY Order events that relate to an ACTION filed, including *but not limited to*:
  - Order Probating Will (Muniment, Granting Letters)
  - Order Appointing Guardian (Temporary and Permanent)
  - Order Approving Small Estate Affidavit
  - Judgment Declaring Heirship
  - Order Appointing Successor Executor/Administrator/Guardian
  - Order Approving Sale of Real/Personal Property
  - Order Approving Family Allowance
  - Order Approving Partition & Distribution of Estate Property
  - Judgment (Ancillary suit)
- NOTE: If your county has MULTIPLE statutory county courts you will need to run separate event reports for each court.



- 9. Subtract any orders that do NOT relate to an "ACTION" filed from 3/1/2020 through 2/29/2024:
  - Order Approving Inventory
  - Order Approving Guardian's Annual Report
  - Order Approving Guardian's Annual Accounting
  - Order Approving Payment of Attorney Fees and Expenses
  - Order Approving Administrator's/Guardian's Commission
  - Order Approving Reimbursement of Expenses
  - Order Reducing/Increasing Bond (administration, guardianship)
- Once the orders that do NOT relate to an action are subtracted from the total number of orders shown on the report, subtract the resulting total from the total number of ACTIVE PENDING determined under #7 above (slide 10).
- Use this total as your PROBATE ACTIVE PENDING BEGINNING OF PERIOD total on the initial HB 2384 Performance Measures Report.
- This method may be used <u>only</u> for the initial report for 3/1/2024 8/31/2024. Clerks are strongly encouraged to keep working with your CMS vendors, configurations, and data to ensure that corrected data can be submitted at a later date to be determined by OCA, which may be on the FY 2025 report.



#### Probate Cases Filed

New original and subsequent actions filed during the reporting period, including ancillary cases and actions reported as "All Other Matters" on the Monthly Court Activity Report.

#### Internal Transfers In

- Incoming cases transferred from a court of the same type <u>in the same county</u>, i.e., County Court at Law 1 transfers case to County Court at Law 2; has the effect of a new case filed and <u>pending</u> in the court receiving the transfer, i.e., CCL2. In most cases there will be a pending application when transferred (original or subsequent), but *not always*.
  - IMPORTANT: If there is no pending application or motion at the time of transfer, do NOT report the incoming transfer, as it would create an Active Pending status; however, the next action filed in the case must be counted in the <u>new</u> court.
    - Example: Cases transferred from one court to another on docket reassignment or division of caseload when new court created, etc.
  - Incoming transfers MUST BE reported for the receiving court on Line 2.b. of the Monthly Court Activity Report ("All Other Matters"), and incoming guardianship transfers must also be reported on Line 6.d. ("Active"), whether or not there is a pending action.
  - See also "Internal Transfers Out"



- Probate Cases Reactivated
  - NOT the same as a subsequent application filed after "disposition" of the original application subsequent actions must be reported under "Probate Cases Filed".
  - This column should be used ONLY to report <u>guardianship</u> cases ordered reactivated following the previous issuance of an order removing the case from the court's active docket under Estates Code, § 1204.201(b) or (c).
  - ▶ No statutory provision in the Estates Code for the "deactivation" of a <u>probate</u> case.
  - Entry will create an "Active Pending" status that will require eventual disposition
    - If subsequent action filed but no Order restoring to active docket, report ONLY in "Probate Cases Filed", not in "Probate Cases Reactivated.
    - ► If the court issues an Order restoring to active docket and it is reported in this column, it will create an "active pending" status that must eventually be disposed.

# Probate & Guardianship Dispositions



Probate Cases Disposed 3/1/2024 – 8/31/2024  Orders granting or dismissing/denying original applications and subsequent actions which were filed on or after 3/1/2020 and still pending on 3/1/2024 or were filed during the reporting period.

Internal Transfers Out 3/1/2024 – 8/31/2024 • <u>Pending</u> cases transferred to a court of the same type in the same county, i.e., County Court at Law 1 transfers case to County Court at Law 2. *Report only if there is a pending reported action at the time of transfer*.

Placed on Inactive Status 3/1/2024 -8/31/2024 • <u>Guardianship</u> cases ordered removed from the court's active docket under Estates Code, § 1204.201(b) or (c). *Report only if there is a pending reported action at the time of removal.* 

# Probate & Guardianship Dispositions

#### Internal Transfers Out

- Pending cases transferred from a court of the same type in the same county, i.e., County Court at Law 1 transfers case to County Court at Law 2.
  - IMPORTANT: DO NOT REPORT IF NO PENDING APPLICATION OR MOTION AT TIME OF TRANSFER, as this would cause an incorrect number of Active Pending Cases End of Period (see "Internal Transfers In").
- An internal transfer out has the effect of CLOSING the case in the transferring court.
- Transferred active guardianships MUST be reported on Line 6 of the Monthly Court Activity Report ("Closed").
- Also see "Internal Transfers In"





### Probate & Guardianship Dispositions



- Probate Cases Placed on Inactive Status
  - Use ONLY for guardianship cases ordered removed from the court's active docket under Estates Code, § 1204.201(b) or (c).
  - DO NOT REPORT IF THERE IS NO REPORTED PENDING ACTION IN THE CASE, as reporting it would be counted as a "disposition," and would subtract from the total number of pending actions, resulting in an incorrect number of Active Pending Cases End of Period.
  - ► The purpose of the "**Placed on Inactive Status**" column is to subtract from the number of pending actions in the court and remove the expectation of a disposition of that action.
  - In most instances, there will be no pending application or motion in a guardianship case when the court orders it removed from the active docket – this is because of the time periods of inactivity required for removal from the active docket set out in Estates Code, § 1204.201.
  - Remember, it's all about the numbers!





#### How to Manage Case and Event Statuses

Different case management systems (CMS) have different configuration tools and settings, so the appropriate case status to use depends on what your system can do.

#### CASES WITH ACTIVE PENDING ACTIONS:

- A case that has a pending action may need to have a case status that reflects this if event status cannot be tracked separately from overall case status.
- A case that does NOT have a pending action but has an ongoing guardianship or administration must retain some type of "open" case status to allow filers to e-file documents into the case, as well as for accurate case status shown in the CMS and online indexes, including re:SearchTX following mandatory integration (see Texas Supreme Court Misc. Docket #24-9030 and related OCA memo with FAQ's issued 6/18/2024).



- It is okay to assign an "Inactive" status to these cases as long as it does not place the case in a CLOSED status that would prevent future e-filing.
- ▶ Be careful about assigning an "Inactive" status make sure there are no reportable actions pending, that case status is updated to "Active" when a subsequent action is filed, and that guardianship case statuses are accurately reported on Line 6 of the Monthly Court Activity Reports.



#### How to Manage Case and Event Statuses

- Consider using unique event / document codes configured to automatically add a "pending action" to your HB 2384 report. These codes would need to be "mapped" in the CMS to automatically be included in the system-generated report.
  - NOTE: Mapping requirements for the Monthly Court Activity Report may be different from the mapping requirements for the HB 2384 Performance Measures Report.
  - There are some fundamental differences between the Monthly Court Activity Report and the HB 2384 Performance Measures Report –
    - Certain filings are required to be reported on the Monthly Court Activity Report but are <u>NOT</u> reported on the HB 2384 Report because they are not considered "actions":
      - ► Inventories
      - Annual Accountings (guardianship)
      - Annual Reports (guardianship)



#### How to Manage Case and Event Statuses

- Additional differences between the Monthly Court Activity Report and the HB 2384 Performance Measures Report –
  - Cases are not separated by case category on the HB 2384 Report, but <u>are</u> categorized on the Monthly Court Activity Report (Independent Administration, Dependent Administration, All Other Estate Proceedings, Guardianship – Minor, Guardianship – Adult, All Other Cases).
  - An open guardianship in which a guardian was appointed must be reported as "Active" on the Monthly Court Activity Report, but may need to be designated as "Inactive" to avoid inclusion on the HB 2384 Report if there is nothing pending.
    - ► This is why "Pending" and "Inactive" status should be mapped using case EVENT STATUS rather than the overall CASE STATUS.
- Ideally, separate mapping options would be available for the Monthly Court Activity Report and the HB 2384 Performance Measures Report in the configuration settings for each event code (available in Tyler's HB 2384 package for Enterprise Justice CMS).



#### How to Manage Dispositions

- Consider using a unique event/document code or codes configured to automatically add a "disposition" to your HB 2384 report. These may be event codes or statistical closure codes. These codes would need to be properly "mapped" in the CMS to automatically be included in the systemgenerated report.
  - ► EVENT CODE EXAMPLES:
    - "Order Disposition (HB 2384)" (can be used for multiple types of applications / motions, but additional description notes are advisable when entering in a case for index accuracy)
    - "Order Probating Will Muniment" (configure to dispose application)
    - Order Probating Will Letters Granted" (mapped to Dispositions but case status remains open; if nothing else is pending, set case status to "Active Non-Pending," for example)
    - "Order Appointing Guardian" (mapped to Dispositions but case status remains open; if nothing else is pending, set case status to "Active – Non-Pending," for example)
- These are just examples think about how your case event and statistical closure codes need to be configured for proper mapping to the HB 2384 Report, and ask your software vendor for information and assistance.

- How to Manage Dispositions
  - You may also need event codes for Orders that are NOT mapped to the HB 2384 Report
    - ► EVENT CODE EXAMPLES:
      - "Order Granting Extension of Time to File Inventory," "Order Approving Inventory"
      - "Order Approving Attorney Fees and Expenses"
      - "Order Approving Annual Report" (guardianship)
      - "Order Approving Annual Accounting" (guardianship)
    - These are just examples think about how certain case events need to be configured to make sure they are <u>not</u> mapped to the HB 2384 Report.
  - NOTE: The only "dispositions" mapped to the Monthly Court Activity Report are for guardianship cases Line 6: "Dismissed or Denied," "Granted," "Closed," and "Active". It is very important that these event and statistical closure code mappings are preserved for the monthly report.

#### Mental Health Health & Safety Code, Chapters 573, 574



- For each CASE or ACTION reported, an eventual DISPOSITION is expected to be reported.
  - ▶ Application for Emergency Detention *HSC Chap.* 573 Order for Emergency Detention
  - ▶ Application for Court Ordered Mental Health Services HSC Chap. 574
    - NOTE: A Motion for Order of Protective Custody <u>MUST</u> be accompanied by an Application for Court Ordered Mental Health Services, and cannot be filed by itself. HSC § 574.021
    - If the Motion for Order of Protective Custody and Application for Court Ordered Mental Health Services are reported as TWO separate actions, whether combined or not, <u>both</u> will eventually need to be disposed by reporting TWO dispositions.
      - If your court does NOT issue Orders of Commitment for Mental Health Services, the court would need to issue an order TRANSFERRING the case to another county or an order DISMISSING the Application for Mental Health Services to remove it from the "Active Pending" case total.
  - Note that an <u>application</u> for an Order of Protective Custody is NOT reported as a separate application on the **Monthly Court Activity Report**, but the <u>Order</u> for Protective Custody is reported separately from an Order for Mental Health Services on that report.

### Mental Health



- Application for Court Ordered Mental Health Services (cont'd.)
  - If the Application for Court Ordered Mental Health Services is <u>combined</u> with the Motion for Order of Protective Custody –
    - If your court does NOT issue Orders of Commitment for Mental Health Services, you <u>may</u> report only ONE action filed, and ONE disposition when the Order for Protective Custody is issued, *however* if you report only one action and disposition, you should NOT report an Order transferring the case to another county or order of dismissal if one is issued.
    - If your court DOES issue Orders of Commitment for Mental Health Services, there should eventually be TWO orders issued, so the two actions should be indexed and reported separately under "Mental Health Cases Filed" even though only one combined application was filed –



- Motion for Protective Custody (and setting Probable Cause hearing) Order for Protective Custody & Setting Probable Cause Hearing <u>or</u> Order of Dismissal.
- Application for Mental Health Services Order of Commitment for Involuntary Mental Health Services <u>or</u> Order of Dismissal.

## Mental Health



#### ORIGINAL ACTION DISPOSITION:

- Application for Court Ordered Mental Health Services HSC Chap. 574
  - Order for Temporary/Extended Inpatient Mental Health Services HSC § 574.034, § 574.035
  - Order for Temporary/Extended Outpatient Mental Health Services HSC § 574.0345, § 574.0355
  - Order Denying/Dismissing

#### **SUBSEQUENT ACTION DISPOSITIONS:**

- Motion to Modify HSC § 574.061, § 574.062
  - Order of Modification of Order for Mental Health Services HSC § 574.061, § 574.062
  - Order of Modification of Order for Outpatient Mental Health Services HSC § 574.065
  - Renewal of Order for Extended Mental Health Services HSC § 574.066
  - Order Denying/Dismissing

### Mental Health



#### SUBSEQUENT ACTION DISPOSITIONS (cont'd.):

- Application for Order to Authorize Psychoactive Medication HSC Subchapter G, Chap. 574
  - Order Authorizing Psychoactive Medication HSC § 574.106
  - Order Denying/Dismissing
- ▶ Motion for Rehearing *HSC* § 574.067
  - Order to Set Aside Court-Ordered Mental Health Services and Granting Motion for Rehearing HSC § 574.067
  - Order Denying/Dismissing
- Case Management Configurations
  - The same case management strategies recommended for probate and guardianship reporting can be applied to mental health proceedings – the important thing to remember is that *it's all about the numbers!*

# HB 2384 Performance Measure Report Probate – Guardianship – Mental Health



- Make sure your software vendor knows exactly what you need your case management system to do to produce the data required for the report – communicate and ask questions, and *learn how your system configuration works* so that you will be prepared for any necessary changes and updates in the future. *Knowledge is power!*
- Refer to the <u>OCA District & County Court-Level Reporting</u> webpage for instructions, guidance and resources, including webinars, FAQ's, and report spreadsheet templates.
- Check out the new OCA "<u>Clerk Resources</u>" webpage found on the **Publications & Training** menu at <u>https://www.txcourts.gov/</u> !
- Please submit additional questions via email to judinfo@txcourts.gov.

