



Annual Report of the Guardianship Abuse, Fraud, and Exploitation Deterrence Program

FY 24





Table of Contents

04	Program Overview
05	Progress and Accomplishments
07	Technology Development
08	Initial Compliance Review Statistics
10	Upcoming Activities and Plans
11	Example Case Findings

Program Overview



THE MISSION OF THE GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION DETERRENCE PROGRAM IS TO ASSIST THE COURTS IN PROTECTING OUR MOST VULNERABLE CITIZENS AND THEIR ASSETS

The Guardianship Abuse, Fraud, and Exploitation Deterrence Program (the Program) was established on September 1, 2019, under SB 31 (Zaffirini) and HB 1286 (Smithee) during the 86th Legislative Regular Session.

Managed by the Office of Court Administration (OCA), the Program assists the courts by reviewing guardianship cases and providing each probate court with detailed reports. These reports identify deficiencies in guardianship annual reporting, raise concerns about the well-being of protected persons, and flag

any indications of potential abuse, fraud, or exploitation. The Program also conducts financial reviews of inventories and annual accountings submitted by guardians.

After the review, each court and its clerk receive a specialized initial compliance report. This report includes recommendations, highlights special cases, and offers best practices to help bring guardianship cases into compliance with the Texas Estates Code, while working to prevent abuse, fraud, and exploitation.

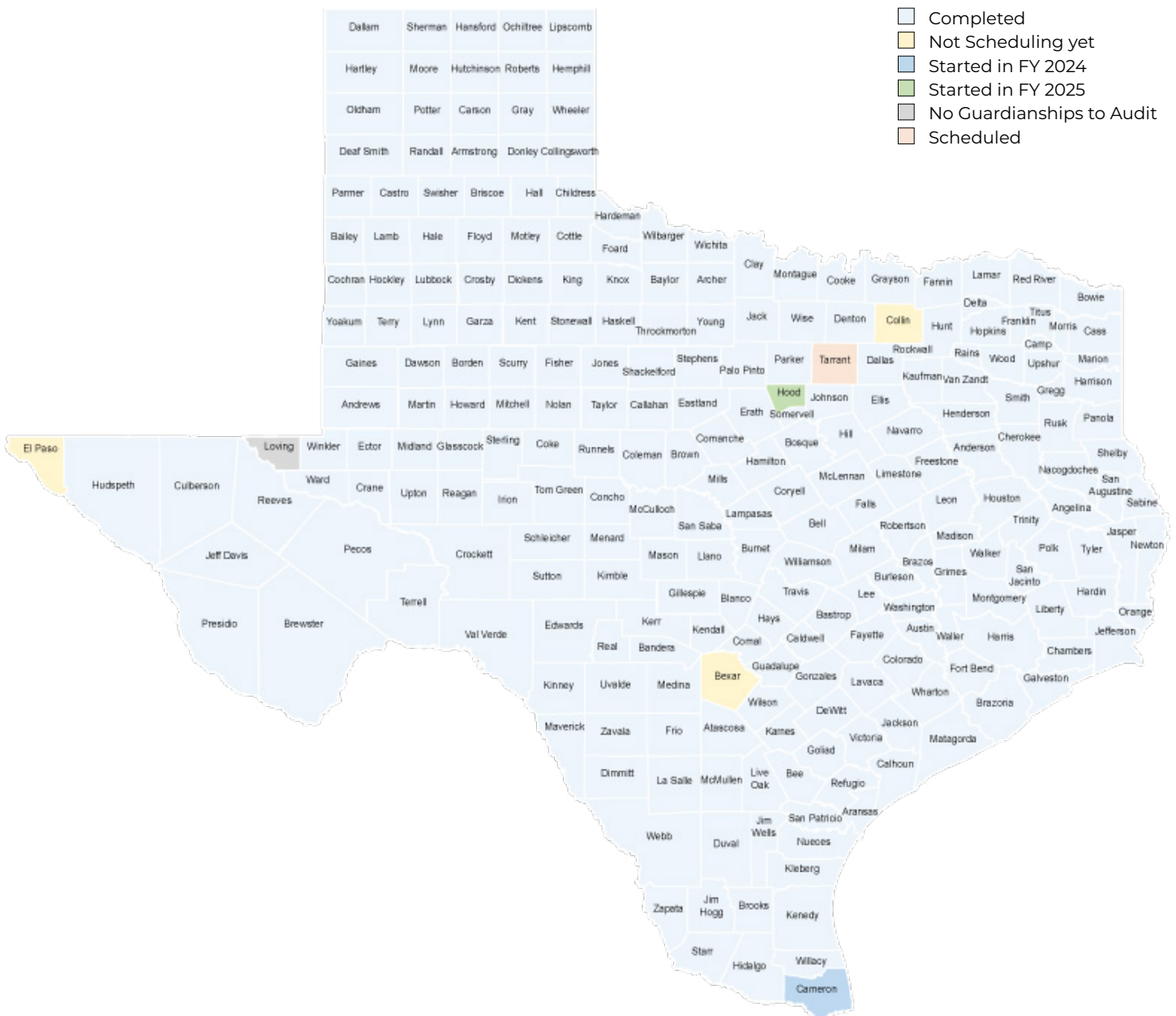
Additionally, the Program conducts reviews of guardian annual accountings to identify cases that may be ready for a full audit. This ensures that estates are being properly managed and that financial transactions are accurately tracked throughout the life of the estate. Recommendations from these reviews are also reported to the relevant court.

If a judge fails to act on concerns raised by the Program, the OCA Administrative Director may notify the Judicial Conduct Commission.

Progress and Accomplishments

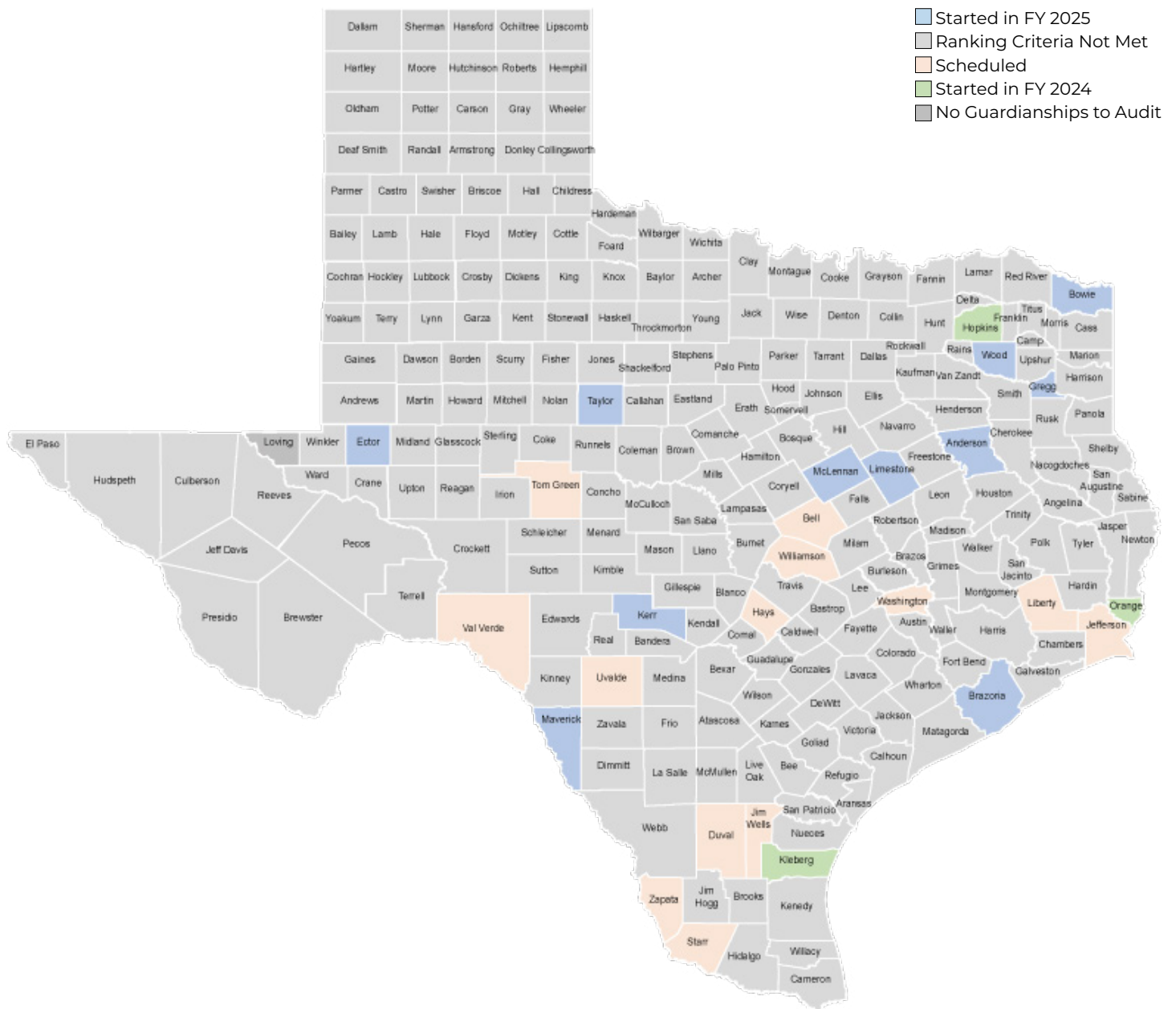
The Program has conducted baseline initial file review audits in 247 of the state's 254 counties since its creation which has enabled the program to identify counties that require additional support and follow-up. Initial file reviews consisted of a comprehensive review of every single guardianship in each of the counties audited.

Initial Case Review Counties



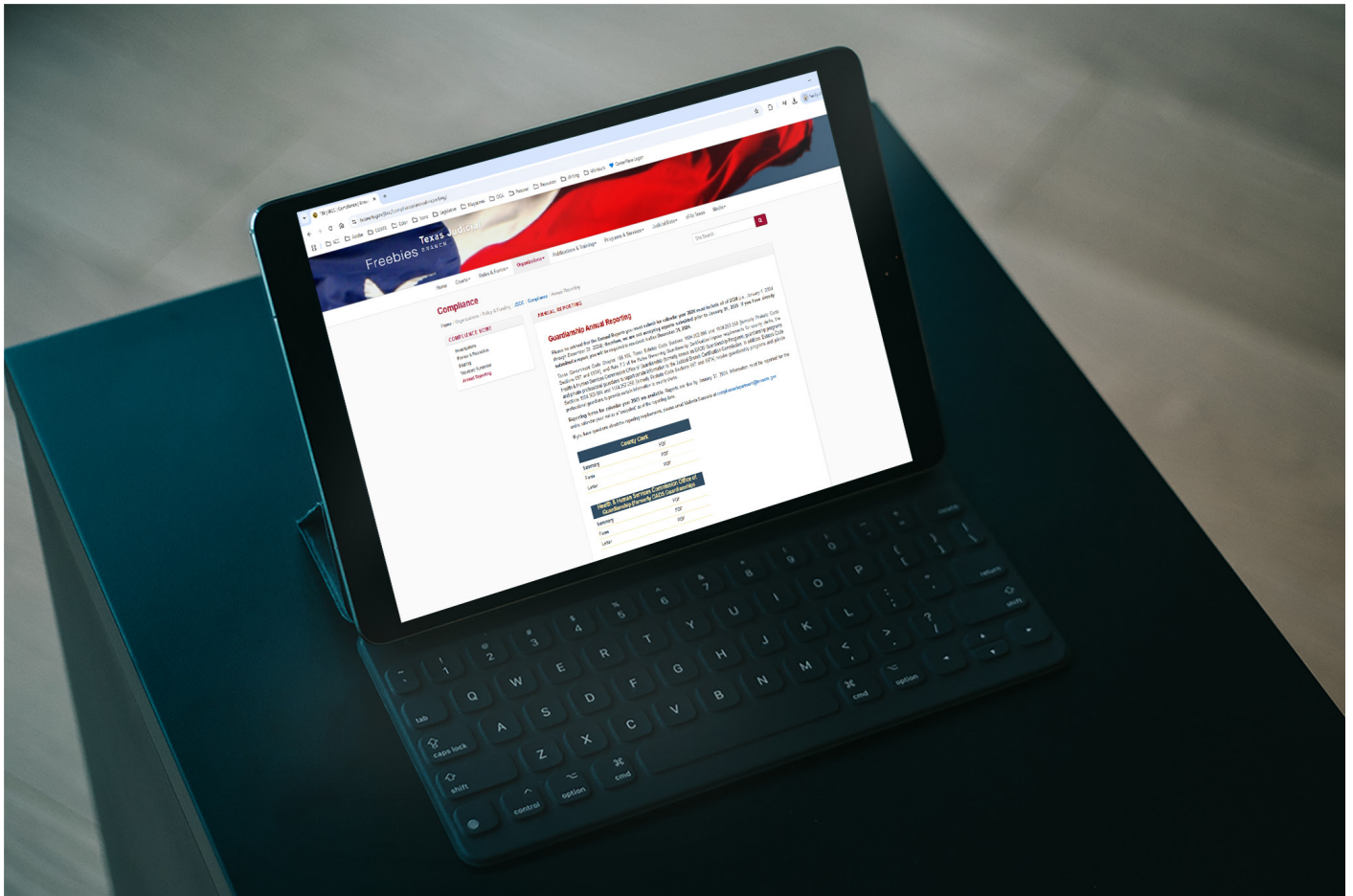
A review of counties based on performance metrics was used to prioritize counties for follow-up audits. The ranking criteria included the highest number of total cases recommended for immediate attention, followed by total special cases, and the percentage of cases that were out of compliance. Based on these rankings, the Program identified 27 counties and selected them for follow-up audits. In FY 2024, follow-up audits were initiated in three counties—Hopkins, Kleberg, and Orange. An additional 11 counties have started follow-up audits, with 13 more scheduled for FY 2025.

Follow-Up Case Review Counties



Technology Development

OCA continues to work to develop technology to assist in monitoring filings of guardian reports. The availability of the reports would greatly serve to advance the program’s mission by facilitating the information for audit. OCA is pursuing a vendor-based solution to implement this technology.



Initial Compliance Review Statistics

FY 2024 Completed County Compliance Review*

Total Counties	7
Total Courts	13
Total Cases Reviewed	6,038
Total Closure Recommendations	1,704
Total Active Cases Identified	4,334
% Cases Missing Annual Reports	12%
% Cases Missing Annual Accounts	29%
% Cases Missing Inventories	30%
% Cases Out of Compliance	16%
% Cases with Waived Bonds	6%
Total # of guardianships out of compliance	707
Deceased Wards Discovered	182

*Includes only data collected from all counties completed in FY 2024, including data from 2 counties (one Statutory Probate Court) that started in FY 2023 and concluded in FY 2024.

During FY 2024, the Program completed a guardianship file review in two Statutory Probate Courts which impacted the program's overall compliance findings. Statutory Probate Courts are required to employ support staff (court coordinator, administrative assistant, auditor, and investigator) per Gov't. Code §§ 25.0024 - 25.0025 to assist in the monitoring and administration of their guardianship caseloads.

As a result, Statutory Probate Courts reflect higher cases in compliance. There are solely 24 Statutory Probate Courts in 12 counties throughout the state. 242 counties in the state are comprised of County Courts and County Courts at Law and do not employ support staff.

FY 2024 County Courts Compliance Review*

Total Counties	5
Total Courts	10
% Cases Missing Annual Reports	19%
% Cases Missing Annual Accounts	36%
% Cases Missing Inventories	42%
% Cases Out of Compliance	28%
% Cases with Waived Bonds	15%

FY 2024 Statutory Probate Courts Compliance Review*

Total Counties	2
Total Courts	3
% Cases Missing Annual Reports	8%
% Cases Missing Annual Accounts	13%
% Cases Missing Inventories	6%
% Cases Out of Compliance	9%
% Cases with Waived Bonds	1%

**Includes only data collected from all counties completed in FY 2024, including data from 2 counties (one Statutory Probate Court) that started in FY 2023 and concluded in FY 2024*

FY 2024 Fraud, Abuse, and Exploitation*	
Well-Being Concerns	140
Fraud & Exploitation	11
Fraud & Exploitation Corroborated	1
Abuse	0
Abuse- Corroborated	0
Total	152

**Includes only data collected from all counties completed in FY 2024, including data from 2 counties (one Statutory Probate Court) that started in FY 2023 and concluded in FY 2024*

Upcoming Activities and Plans

The Program is managed by a Program Manager who currently oversees a 14-member statewide mobile team and is in the process of hiring for 7 additional positions. Once onboard, auditors will receive thorough training and will be assigned to conduct initial file reviews and follow-up audits.

Follow-up audits are a key focus of the program, which is also expanding data collection to enhance performance metrics for counties and the program itself.

Additionally, the program began conducting county financial audits this fiscal year, starting with Hays County. Led by a small team, these audits are comprehensive and involve a detailed examination of income and expenditures for designated estates within the county. The work is ongoing.

Example Case Findings



Guardian misused Protected Person's estate for personal expenses.

The Guardian spent funds on personal items such as a mortgage, insurance, dining, and retail. The Program recommended the removal of the Guardian and the appointment of a Guardian ad Litem.



Protected Person in unsafe living conditions and deteriorating mental health.

The Protected Person's living arrangements were reported

as being unsafe, they wander from home, and their mental health is deteriorating. The Program recommended the appointment of a Guardian ad Litem and review for a successor.



Guardian made unauthorized loans to co-guardians.

Guardian made over \$130,000 in loans to co-guardians from the Protected Person's estate without court approval. The Program recommended removal of the Guardian and the appointment of a Guardian ad Litem.

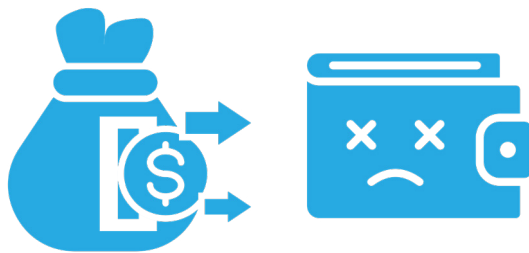
Guardian failed to pay assisted living facility charges timely.

The Protected Person is facing discharge from their living arrangement due to the Guardian's failure to make payments. The Program recommended the appointment of a Guardian ad Litem and the appointment of a successor.



Guardian spent in excess of Protected Person's income.

The Protected Person's expenditures have exceeded their income for two consecutive years. The Program recommended the court set a monthly expenditure allowance and conduct a review to ensure the Guardian's duties are being performed appropriately.



Guardian engaged in excessive spending and improper handling of funds.

The guardian spent over \$65,000 on multiple vehicle purchases, \$10,000 on property maintenance, and proceeds from property sales were not deposited into the court's registry. The Program recommended removal of the Guardian and the appointment of a Guardian ad Litem.



Guardian failed to account for Protected Person's funds.

The Guardian has not filed annual accounts since 2020. \$72,819.54 from settlement claim funds were unaccounted for. The Program recommended the Guardian's removal.



Protecting Our Most Vulnerable Citizens and Their Assets

GUARDIANSHIP ABUSE, FRAUD, AND EXPLOITATION DETERRENCE PROGRAM

<https://www.txcourts.gov/programs-services/guardianship-abuse-fraud-and-exploitation-deterrence-program-gafedp/>