

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Elders Committee Recommendations

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the population of Texans over 65 years of age is estimated at 3.2 million individuals¹ and is expected to more than double in the next 15 years²; and

WHEREAS, over 750,000 Texans have an intellectual disability, many of whom are individuals with a guardian³; and

WHEREAS, an increasing number of persons, both young and old, with diminished capacity require the protection of the courts; and

WHEREAS, in June 2013 this Council formed the Elders Committee to “assess the ways in which the Texas courts interact with the elderly, including guardianship, probate, elder abuse and other proceedings, and identify judicial policies or initiatives that could be enacted to protect the quality of life” for the elderly and individuals with intellectual disabilities; and

WHEREAS, the Council’s 2013 Elders Committee recommendations were adopted by this Council and most were approved by the Legislature, and those recommendations have received praise statewide and nationwide; and

WHEREAS, the only recommendation of the 2013 Elders Committee that was not enacted by the 84th Legislature was the recommendation for the creation of a statewide public guardianship office, a recommendation made consistently by various groups who have studied guardianship in Texas since at least 1992; and

WHEREAS, the Council has worked in conjunction with the Texas Working Interdisciplinary Network of Guardianship Stakeholders, composed of judges, advocacy group representatives, and state agencies representatives, and has made recommendations for legislative, rules and policy changes that will further protect our most vulnerable citizens; and

¹ *Quick Facts: Texas*. United States Census Bureau. Last accessed at <http://www.census.gov/quickfacts/table/PST045215/48> on October 14, 2016.

² *Aging in Texas: Introduction*. Texas Demographic Center. (2016)

³ *Know the Facts on Intellectual and Developmental Disabilities in Texas*. The Arc of Texas. (2013)

WHEREAS, the Council believes that the legislative changes will result in meaningful change in protecting and improving the quality of life for the elderly and incapacitated;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests that the Legislature:

- 1) Expand the Office of Court Administration Guardianship Compliance Pilot Project statewide;
- 2) Mandate that all guardians not currently required to be certified to register with the Judicial Branch Certification Commission;
- 3) Expand the Judicial Branch Certification Commission's authority to regulate guardianship programs;
- 4) Authorize the creation of a statewide guardianship registry that is available for query by certain individuals, including law enforcement;
- 5) Establish a statewide public guardianship office; and
- 6) Establish regional specialized guardianship courts.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

Contact: David Slayton
Executive Director, Texas Judicial Council
512-463-1625