



Health and Human Services

Statewide Interagency Aging Services Coordinating Council

September 3, 2025

This summary contains supplemental information from reliable sources where that information provides clarity to the issues being discussed. Power Point tables used in the presentations may also be used in this summary. Names of individuals may be misspelled but every attempt has been made to ensure accuracy. Tables and Text have been used from executive and legislative agencies and departments' presentations and publications.





[Statewide Interagency Aging Services Coordinating Council](#) ensures a strategic statewide interagency approach to aging services. The Statewide Interagency Aging Services Coordinating Council (SIASCC) was established to ensure a strategic statewide interagency approach to aging services. House Bill 728, 88th Legislature established SIASCC to coordinate aging services across state agencies. SIASCC is comprised of representatives of state agencies or institutions of higher education that receive state general revenue for aging services.

Core duties of the SIASCC include:

- Developing and monitoring the implementation of a recurring five-year statewide interagency aging services strategic plan.
- Developing biennial coordinated statewide interagency aging services expenditure proposal.
- Annually publishing an updated inventory of state-funded aging programs and services.

Members:

- | | |
|---|--|
| <ul style="list-style-type: none">• Chelsea Couch, Presiding Officer
Aging Texas Well Coordinator,
Office of Aging Services
Coordination
Texas Health and Human Services• Tamela D. Griffin
Budget and Policy Advisor, Office
of Budget and Policy
Office of the Texas Governor• James Lloyd
Deputy Attorney General of Civil
Litigation
Office of the Attorney General• Camille Payne
Deputy Associate Commissioner,
Adult Protective Services
Texas Department of Family and
Protective Services• Nimisha Bhakta
Director, Health Promotion and
Chronic Disease Prevention
Texas Department of State Health
Services | <ul style="list-style-type: none">• Dr. Jacqueline Angel
Director, Texas Aging and
Longevity Consortium (TALC)
The University of Texas at Austin• Dr. Marcia Ory
Director, Center for Population
Health and Aging
Texas A&M University System |
|---|--|

Ex Officio Members

- **Michelle Dionne-Vahalik**
Associate Commissioner, Long
Term Care Regulation
Texas Health and Human Services
- **Katlyn Le**
Director, Office of Area Agency on
Aging
Texas Health and Human Services
- **Keely Lee**
Director, Office of Aging and
Disability Resource Centers
Texas Health and Human Services
- **Christopher Adkins**
Director, Community Care



- **Trenton Engledow**
Director, State Office of Rural Health
Texas Department of Agriculture
- **Chip Osborne**
Director, Resource Management
Texas Veterans Commission
- **Matt Berend**
Program Manager, Older Individuals Who Are Blind (OIB)
Texas Workforce Commission
- **Dr. Elena Volpi**
Director, Barshop Institute for Longevity and Aging Studies
The University of Texas Health Science Center at San Antonio
- **Patty Ducayet**
Director, State Long-Term Care Ombudsman
Texas Health and Human Services
- **Denise Reeder**
Senior Policy Advisor for Medicaid and CHIP Services
Texas Health and Human Services

1. Welcome, opening remarks, and roll call. The meeting was convened by Ms. Chelsea Couch, presiding officer. A quorum was present.

2. Consideration of June 4, 2025, draft meeting minutes. The minutes were approved as drafted.

3. Special topic presentation – Texas Health and Human Services, Guardianship Services Program. The Guardianship Services Program (GSP) is designated to receive referrals from the Texas Department of Family & Protective Services (DFPS) and was legislatively separated from DFPS in 2005. DFPS refers adults who experienced abuse, neglect, or exploitation, or youth aging out of conservatorship, to HHSC, who they think need a guardian. In limited circumstances, the court can directly request HHSC to be a guardian. GSP does not receive referrals from the community or other state agencies.

In Texas, all guardianships are established under the requirements of the TEC, Title 3. Professional and family guardians alike must adhere to the Estates Code when establishing and administering a guardianship. Professional guardians also adhere to the Judicial Branch Certification Commission Code of Ethics, Standards of Practice, and Rules for guardianship certification. As a state agency, HHSC has further requirements and procedures outlined in statutory codes and internal policies.



Types of Guardianship Courts

- County Court (AKA constitutional county court)
- County Court-at-Law
- Statutory Probate Court
- District Court

Guardianship: A relationship established by a court of law between a person who needs help (ward) and a person or entity named to help the person in need (guardian).

“Guardian” means a person appointed as a:

1. guardian under Subchapter D, Chapter 1101;
2. successor guardian; or
3. temporary guardian.

Except as expressly provided otherwise, “guardian” includes:

1. the guardian of the estate of an incapacitated person; and
2. the guardian of the person of an incapacitated person.

Types

- Guardian of the person (GOP)
- Guardian of the estate (GOE)
- Guardian of person and estate (GOP&E)
- Limited or Full guardianship

Lengths

- Temporary
- Permanent

Incapacity Incapacitated Person

1. A minor;
2. An adult who, because of a physical or mental condition, is substantially unable to:
 - A. provide food, clothing, or shelter for himself or herself;
 - B. care for the person’s own physical health; or
 - C. manage the person’s own financial affairs; or
3. A person who must have a guardian appointed for the person to receive funds due the person from a governmental source. TEC Sec. 1002.017



Alternatives to Guardianship are considered before applying and include, but are not limited to;

- Power of Attorney
- Representative Payee or Fiduciary
- Community Services
- Supported Decision-Making Agreement
- Consent for Medical Treatment, THSC
- Advance Directives
- Management or Special Needs Trust

Obtaining Guardianship. An application is filed with the probate court where the alleged incapacitated person resides at the time of filing and medical evidence of incapacity is required. An attorney ad litem is appointed to represent the alleged incapacitated person and a hearing is held, and the judge decides to appoint a guardian or not, and who is appointed.

Court Initiated begins with an information letter or referral directly to the court. The judge may appoint an attorney or assign a court investigator. An application may be filed to appoint an interested party. A referral to a local program or private professional to apply is authorized. (Follows the normal process after the application is filed).

Guardians can be a person or an entity

- Family member
- Friend
- Private Professional Guardian
- Non-Profit or For-Profit Guardianship Program
- County program or state agency (e.g., Harris County Guardianship Program, HHSC GSP)

Someone is disqualified to serve as a guardian if they are:

1. A minor or other incapacitated person
2. A person who:
 - a. Because of inexperience, lack of education, or other good reason, is incapable of properly and prudently managing and controlling the person or estate.
 - b. Is a person, institution, or corporation found by the court to be unsuitable.
 - c. Is a party, or person whose parent is a party, to a lawsuit concerning or affecting the welfare of the person, unless otherwise ordered by the court.



- d. Is otherwise indebted to the person, which creates a conflict of interest, or asserts a claim adverse to the person or the person's property.
- e. Has notoriously bad conduct.
- f. Has been disqualified in a declaration of guardian.
- g. Is not a resident of Texas and has not designated a resident agent.
- h. Has been found to have committed family violence and is subject to protective order.

3. A guardianship program may not be appointed if they are not registered with the JBCC or the registration has expired or been revoked. (TEC Sections §1104.351-359 15 F)

During the court hearing, the judge must find by clear and convincing evidence:

- The person is partially or totally incapacitated.
- It is in the person's best interest to have a court-appointed guardian.
- The person's rights or property will be protected by the appointment of a guardian.
- The applicant is qualified to serve as guardian.
- Alternatives to guardianship and supports and services available to the person have been considered and determined not to be feasible. (TEC Section 1101.101)

Generally, when a guardian is appointed, the person under guardianship loses the right to:

- a) vote in a public election or any other matter.
- b) own, possesses, purchase, or use a firearm or ammunition.
- c) operate a motor vehicle or hold or obtain a license to operate a motor.
- d) consent to marriage.
- e) execute a will or make a codicil or amendment to any existing will.
- f) execute a trust or make an amendment to any existing trust.
- g) execute a power of attorney or make an amendment to any existing power of attorney.
- h) make decisions or give consent to medical or surgical treatment.
- i) choose his or her domicile or residence or make personal decisions regarding residence.
- j) personally seek employment, obtain government assistance or access government benefits or funds.

Once a guardian is appointed by the court, they:

- Take an oath or declaration.



- Pay a bond.
- Obtain Letters of Guardianship.
- Provide the person under guardianship with a copy of the Letters of Guardianship, Bill of Rights, and contact information for the guardian and other resources.
- Provide the Letters of Guardianship to the providers of services.

The duties and powers of a guardian of the person are specified in the court order. Unless specified otherwise, the guardian has “charge” of the person. A guardian of the person has the right to:

- Physical possession of the person.
- Establish residence.
- Consent to medical, psychiatric, and surgical treatment other than in-patient psychiatric commitment.
- Sign employment documents.

A guardian of the person has the statutory duty to:

- Protect the person.
- Provide care (includes food, clothing, medical care, and shelter) to the extent permitted by the person’s assts.
- Supervise the person under guardianship.

The guardian should involve the person under guardianship in the decision-making process to the extent they are able to participate. Areas include but not limited to are:

- Medical
- Residence
- Visitors
- Financial
- Property

The guardian is required to:

- Keep family members and the court informed of changes in residence or medical condition.
- Be available to providers of services, including residential and medical.
- Notify the court if the guardian admits or intends to admit someone to a more restrictive residential setting.

Annual Review At a minimum, guardianships are reviewed annually by the guardian and the court. Reviews include whether modification of rights is appropriate, if the person has sufficient capacity with supports and services, how the guardian is enabling



the person's maximum self-reliance, and if the guardianship should be continued or terminated.

The Annual Report of the Guardian of the Person is due every year no later than the 60th day after the anniversary of the date of qualification. The annual report shows the court that the guardian has fulfilled their duties during the reporting period and provides an opportunity to inform the court of what has occurred in the person's life during the last year.

Supports and services and efforts to maximize self-reliance are reported in the annual report.

Letters of guardianship are not renewed until the court receives and approves the annual report. Not filing the report timeline could result in a show cause by the court, possible penalties, or removal as guardian.

Court Review The court shall use reasonable diligence to determine whether a guardian is performing all of the duties required of the guardian that relate to the guardian's ward.

At least annually, the judge shall examine the well-being of each ward of the court and the solvency of the bond of the guardian of the ward's estate.

To determine whether a guardianship should be continued, modified, or terminated, the court shall review annually each guardianship in which the application to create the guardianship was filed. (TEC Sections §1201.051-52)

The court uses the annual report, at a minimum, to review the guardianship and compliance of the guardian. Depending on the type of court and resources a court investigator, guardian ad litem, or court visitor may be appointed to review the guardianship and visit the person under guardianship.

Failure of a Guardian to Perform Duties The court may take action, with notice or without notice, to remove the guardian. Reasons for removal may include:

- Failure to file required reports with the court or give bond.
- The guardian is a nonresident of this state who does not have a resident agent or whose whereabouts are unknown.



- Has engaged in conduct that would be considered to be abuse, neglect, or exploitation.
- Becomes incapacitated. • Is sentenced to the penitentiary.
- From any other cause, becomes incapable of properly performing the duties of the guardian's trust.

Myths & Misconceptions

- A guardian can force treatment or medication.
- Guardianship is a remedy for a mental health crisis or noncompliance with treatment or services.
- The opinion of the person under guardianship does not matter.
- Guardianship is a remedy for poor decision-making. • A guardian is needed for major medical decisions.
- Someone with an IDD diagnosis must have a guardian.
- Once someone has been declared incapacitated, they can never get their rights back.
- A guardian is financially and criminally responsible for a person's actions under guardianship.
- A guardian can prevent incarceration.

Resources:

[Guardianship | Texas Health and Human Services](#)

[Texas Constitution and Statutes - Home](#)

[ESTATES CODE CHAPTER 1102. COURT-INITIATED PROCEDURE TO APPOINT GUARDIAN](#)

[TJB | JBCC](#) (Judicial Branch Certification Commission)

[HEALTH AND SAFETY CODE CHAPTER 313. CONSENT TO MEDICAL TREATMENT ACT](#)

[Explore Alternatives to Guardianship - Learn More](#)

Discussion.

When you are talking about rights. Do they have the right to be in a research study without guardianship permission. HHSC stated that the guardian or authorized agent must make this decision. Those rights are typically removed.

Consent for medical treatment act. This includes hospitals and nursing facilities. How does that work in a nursing facility? HHSC stated medical treatment of other types inside a nursing facility. They stated they will follow-up on this issue.



Do people get reimbursed for guardianship? Do we keep track of how many older adults are under guardianship? HHSC stated private professional guardians do get paid. HHSC works with indigent cases and so there is no reimbursement. Management does keep track of the elder guardianship cases.

4. SIASCC Inventory Committee update. An email was sent requesting participating agencies provide an update of the aging services they provide that are state funded. This inventory is a requirement of the enabling legislation.

5. SIASCC member updates relevant to council focus.

HHSC—

- Multisector plans on aging and strategic plan is being finalized at HHSC.
- Planning for the 28 and 29 strategic plan is beginning
- No wrong door efforts at HHSC and 211 network, a grant was received to enhance access to LTSS.
- Family caregiving—partnership with UT data analysis provided two focus groups on family caregiving

Online seminar through UT Austin on the aging brain

TWC—commented on their positive legislative session and the OIB increased funding as did other programs (Austin Light House program).

Ombudsman—Website has been updated and the 89th legislature granted an additional FTE. The discharge rights ombudsman was discontinued.

ADRCs training is ongoing, and a new system is being implemented

Center for Community Health and Aging is hosting a symposium; Dementia pilot projects have been funded.

6. Public comment. No public comment was offered.

7. Action items and agenda items for next meeting.



Next meeting: December 10, 2025

Action and Agenda Items

- Recurring items
- In-home focused presentations for older adults

8. Adjourn. There being no further business, the meeting was adjourned.

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