



# What Courts Are (or are not) Doing to Improve Data

Diane Robinson, Erica Wood & Sally Hurme  
National Guardianship Association, October 2022

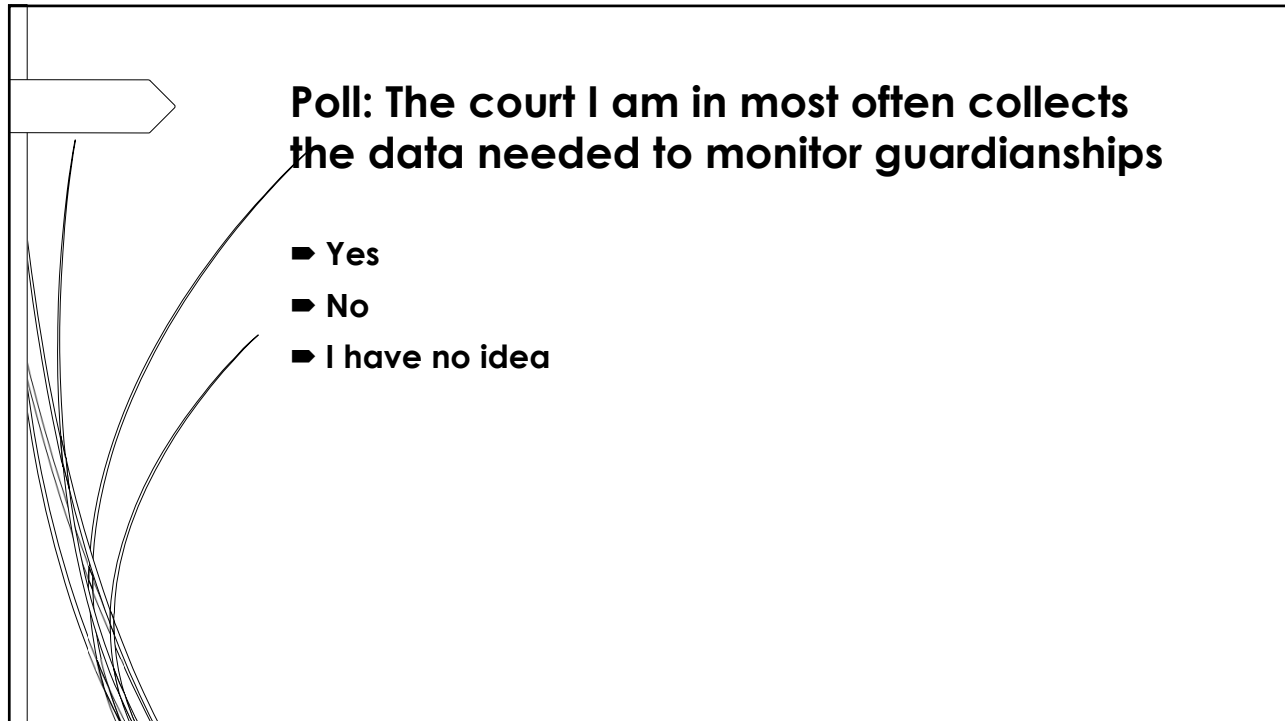
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## Objectives

- ▶ Participants will be apprised of the latest research on guardianship monitoring and know where to find guardianship data standards.
- ▶ Participants will learn how to make policy enhancements through use of good data.
- ▶ Participants will understand the barriers that restrict the collection of accurate data.

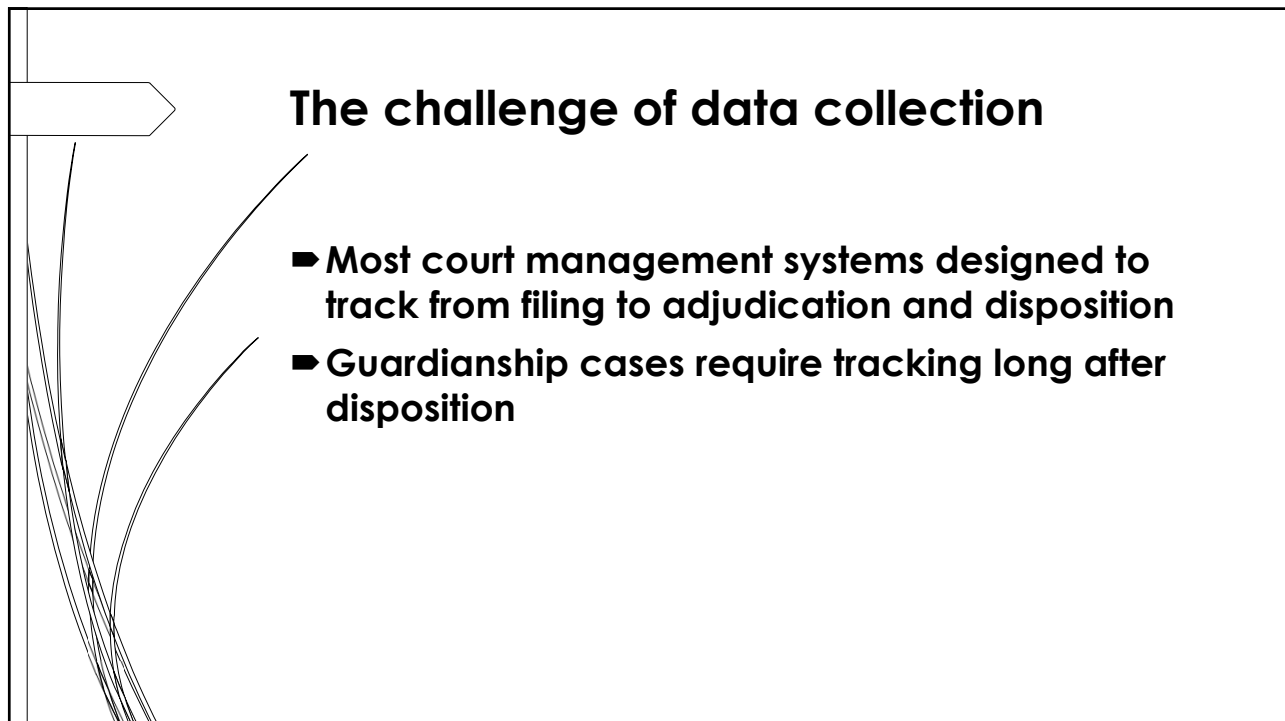
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**Poll: The court I am in most often collects the data needed to monitor guardianships**

- ▀ Yes
- ▀ No
- ▀ I have no idea

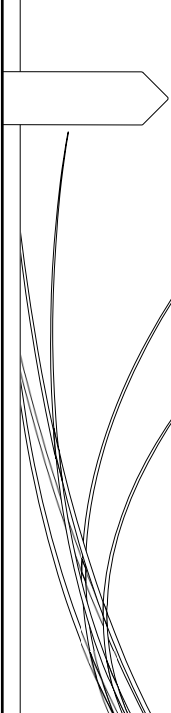
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**The challenge of data collection**

- ▀ Most court management systems designed to track from filing to adjudication and disposition
- ▀ Guardianship cases require tracking long after disposition

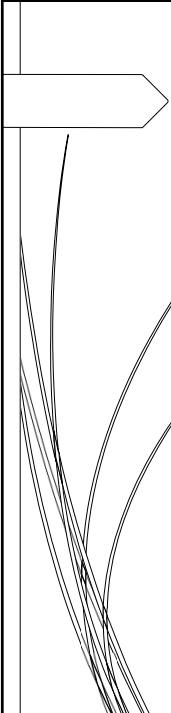
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## What works for tracking guardianships

- **Systems that**
  - provide accurate case status
  - provide reminders to guardians about reports due
  - flag cases out of compliance for court staff
  - Systems that track the type of guardianship and case closure reason
  - Allow for online filing of required documents

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## What Works for Tracking Guardianships

- **Courts that**
  - Track concerns
  - Track responses to concerns
  - Provide structured/plain language forms

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**National Open Court  
Data Standards**  
[www.ncsc.org/nods](http://www.ncsc.org/nods)

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**Guardianship/Conservatorship  
Monitoring**

**RECOMMENDED DATA ELEMENTS**

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## Case Status

Case Status	Definition
Open/Pending	Petition is pending before the court
Disposed/Set for Review	Case has had an initial entry of judgment and is awaiting regularly scheduled reviews
Disposed/Closed	Case would require a new petition to be filed for additional court action

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## Reminders – Contact Information

- ▶ Mailing address
- ▶ Cell phone number
- ▶ Opt-in to text notifications

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## Reminders - Baseline

- ▶ Inventory due date & filed date
- ▶ Total assets value at appointment *and* current
  - ▶ Financial assets
  - ▶ Personal property
  - ▶ Real property
- ▶ Qualification date

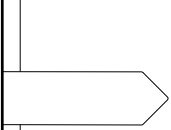
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## Reminders - Monitoring

- ▶ Well-being report due date & filed date
- ▶ Accounting due date & filed date
- ▶ Event reminder (date)
- ▶ Reminder type (e.g., well-being report, accounting)

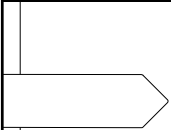
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## Type of Guardianship

- ▶ **Type: Guardianship, conservatorship, or both**
- ▶ **Age: Adult or juvenile**
- ▶ **Powers granted: Full or limited**



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## Case Closure Reason

- ▶ **Restoration of rights**
- ▶ **Reached age of majority**
- ▶ **Death**
- ▶ **Transfer**
- ▶ **Order Expired**
- ▶ **Dismissed**
- ▶ **Less restrictive alternative**

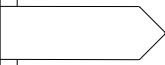

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## Tracking Concerns

- ▶ Pleading reason
  - ▶ Financial exploitation
  - ▶ Abuse
  - ▶ Neglect/abandonment
  - ▶ Substance abuse
- ▶ Concern activity date
- ▶ Complaint source
- ▶ On-site review
- ▶ Audit Due date & Filed date & Finding

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## It should help you do your job

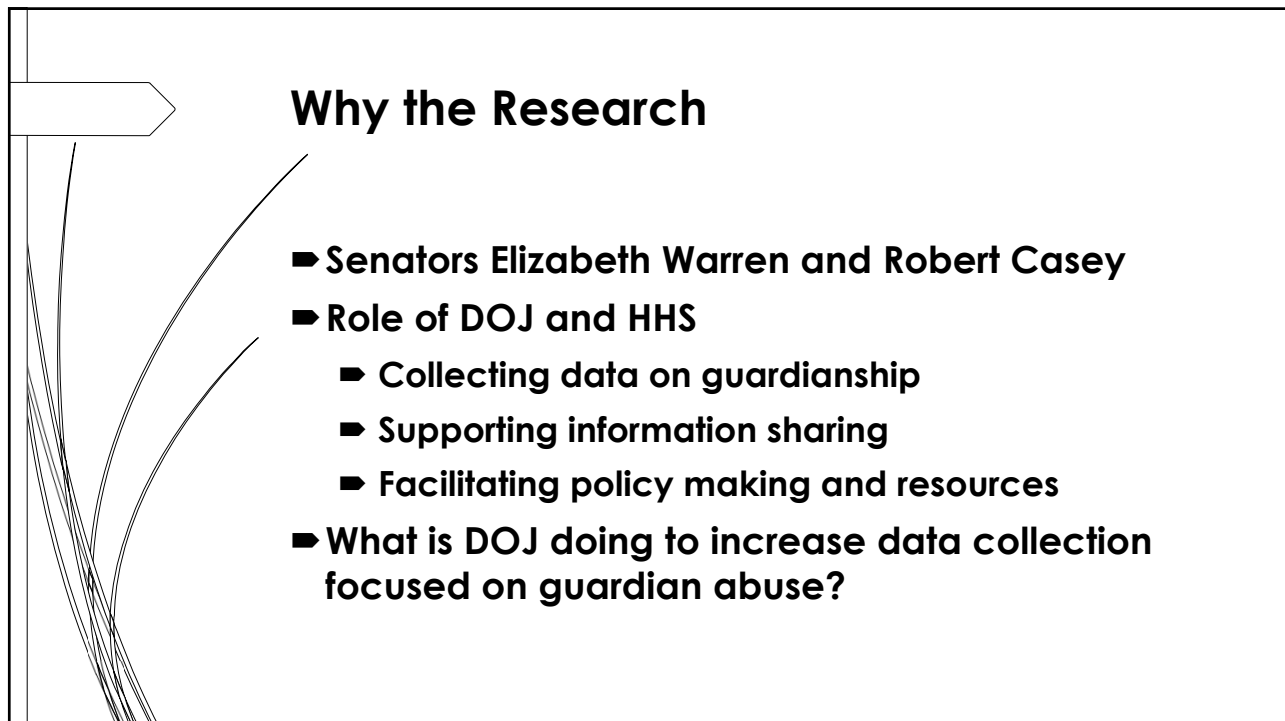
- ▶ Reminders
- ▶ On-line filing
- ▶ Plain language forms
- ▶ Clear expectations

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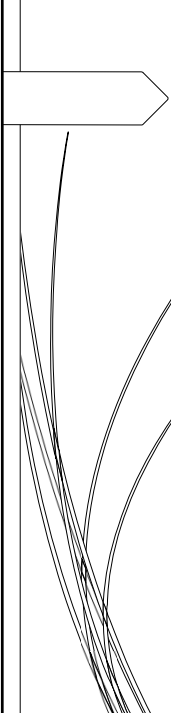




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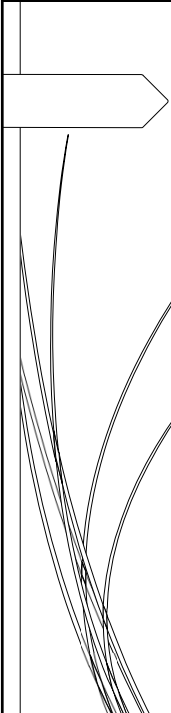
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## On-going Research

- ▶ National Institute of Justice
- ▶ Contractors
  - ▶ Pamela Teaster, Ph.D.
  - ▶ Erica Wood, J.D.
  - ▶ Sally Hurme, J.D.
  - ▶ Carlisle Shealy, Ph.D.
- ▶ Environmental scan
  - ▶ Court capacity to collect and analyze data on guardianship/conservatorship



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## Literature Review

- ▶ Summarized ALL the state and federal documentation
  - ▶ 7 Congressional hearings starting in 1992
  - ▶ 4 GAO reports starting in 2004
  - ▶ Media accounts starting in 1987
- ▶ State reports
  - ▶ Arizona, Michigan, Nevada, New Mexico, New York, Pennsylvania, Texas, Virginia

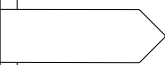
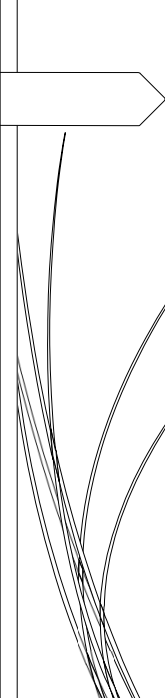
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## Gaps Identified

- ▶ **Many gaps in knowledge about abuse in general**
- ▶ **Even more gaps in knowledge about abuse by guardians**
- ▶ **Many gaps in court capacity to collect data**

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## Literature Summary

- ▶ **No reliable empirical information on nature or extent of guardian abuse**
  - ▶ **Federal inquiries unable to determine scope and prevalence**
  - ▶ **State reports unable to determine scope and prevalence**
  - ▶ **Press stories don't address scope and prevalence**

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## Nature of Guardian Abuse Summary

- Spectrum from noncompliance in failing to timely file reports to APS-type abuse to criminal conduct
- Media exposés
  - sensational cases of intra-family disputes carried out in guardianship courts
- Research on media stories
  - financial exploitation more likely to happen through POA misuse and by family members or caregivers
- Most guardians who commit financial abuse or neglect are family members

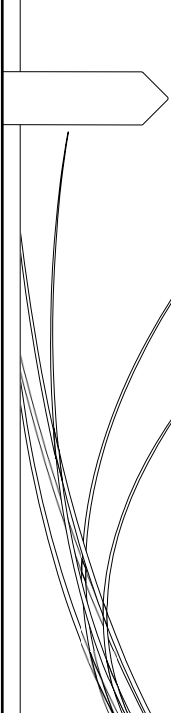
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## What Data Can Clarify

- Scope of abuse by guardians
- Prevalence of abuse by guardians
- Nature of abuse by various types of guardians
- Settings of abuse by various types of guardians
- Adults most affected as victims
- Effectiveness of various forms of intervention

“Dire lack of data impedes efforts to respond to abuse by guardians.”

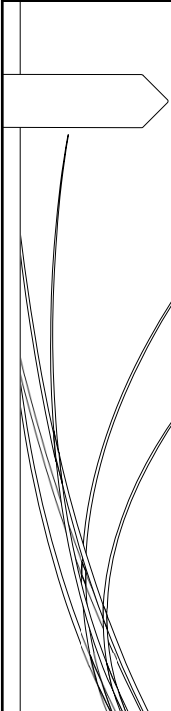
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## Interviews

- ▶ 20 interviews with those “on the ground” in courts
  - ▶ Case management systems
  - ▶ Monitors
  - ▶ Investigators
- ▶ Data landscape
  - ▶ What can collect
  - ▶ What wish were collecting
  - ▶ Barriers to data collection
  - ▶ How data is used

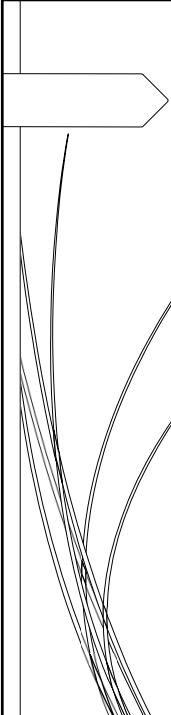
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## Survey

- ▶ State court administration guardianship contacts
  - ▶ What data elements can collect and aggregate at state level
  - ▶ What being collected at local level
  - ▶ What are most important data elements to collect to detect and address abuse by guardians
  - ▶ What are key barriers to enhanced data collection
  - ▶ Who are the champions for improving data collection

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## Final Steps

- Based on research
  - Focus on legal, policy and practice to address guardian abuse
  - Develop recommendations for resources and research