

Conservatorship Accountability Project (CAP)
Modernizing Conservatorship Processes and Improving the Protection of Assets

ABSTRACT

The National Center for State Courts (NCSC) is requesting a Strategic Initiative Grant to modernize conservatorship accounting and improve the court's ability to protect assets. The project goals are to (1) develop and test expert-informed tools to identify problematic cases and direct critical resources to these cases, and (2) disseminate, adapt and pilot conservatorship accounting software and processes in three states. NCSC will work closely with staff from the Minnesota Judicial Branch's Conservator Account Auditing Program, which oversees the nation's only conservatorship software program, MyMNConservator (MMC).

Developing and Testing "Red Flags." The full realization of automated conservatorship processes is currently limited by the lack of empirical studies that definitively identify "red flags" that courts can use to detect specific cases that would benefit from greater court oversight. In fact, the current list of "flags" in MMC, which were developed using anecdotal and arbitrary criteria, have served no value in the review of accountings. NCSC proposes to develop evidence-based conservatorship review practices through the following activities.

- NCSC will convene a panel of experts representing the fields of forensic accounting, fraud, conservatorship, and representative payee systems to identify and operationalize "red flags" that can be incorporated into software for the purpose of alerting court staff to financial irregularities and possible exploitation.
- NCSC staff will test the validity of the "flags" using data from Minnesota and pilot sites, as it becomes available.
- Using data provided by the sites, NCSC will develop standardized alerts/reports and judicial response protocols.

Dissemination and Adaptation of Software. Initial efforts will focus on sharing MMC source code, with later efforts devoted to the addition of validated "red flags," standardized reports, and response protocols. Specific activities include the following.

- NCSC will assist Minnesota staff in disseminating MMC software and implementation experiences at a Workshop held in conjunction with the September 2015 Court Technology Conference.
- NCSC staff will be trained on the MMC for the purpose of providing technical assistance to three state courts on adapting the software to meet local laws and forms, integrating software into current case management systems, and developing implementation plans.
- NCSC will create a Conservatorship Accountability Project (CAP) Network to encourage states to share information and refine processes.

This project will bring court conservatorship processes into the modern era and enable the courts to actively monitor cases and better protect the assets of conservatees. Furthermore, this approach has the potential to improve collaboration between state courts and federal agencies that share similar concerns—the Social Security Administration, the Department of Veterans Affairs, and the Consumer Financial Protection Bureau have shown an interest in the project. It advances recommendations put forward at the 2011 Third National Guardianship Summit and has the support of the CCJ/COSCA Joint Committee on Elders and the Courts.