



Office for Victims of Crime

OVC

Guardianship Review Protocol

Accounting Protocol

Accounting Protocol

Inventories and accountings are the mechanism for the courts to monitor the finances of a person under conservatorship. Filed by the conservator (also known as the guardian of the estate), inventories are typically due soon after appointment and accountings on a regular, usually yearly, basis. This review protocol is meant to act as a screening document, to assist reviewers in flagging reports that need further action.

Preparing for Review	
Review your state’s statutes and court rules for the requirements of conservatorship monitoring. Also review the original petition and court orders/appointment for the case-specific reporting requirements and to identify areas that may need special focus.	
Questions	Action Steps
How often are the reports required to be submitted and based on which date?	Initial Inventories are due: (days?) _____ after the (event). Periodic accountings are due every (year?) _____ and are required to be reviewed by the court _____ (within X days).
What forms, schedules, or components are conservators required to submit for inventories and accountings?	Complete reports may include standard forms or schedules of assets, liabilities, income and expenses; supplemental documentation (receipts/bank statements, proof of bond); required signatures; proof of service Complete inventories require: • _____ Complete accountings require: • _____ • _____
Are reminders sent? How far in advance?	Send reminders _____ (one month before due date/two weeks before due date, etc.), by _____ (mail/email/text).
What type of conservatorship is this?	<input type="checkbox"/> Full <input type="checkbox"/> Limited
Is there also a guardianship of the person?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Review: Inventory		
<p>For new cases, the inventory establishes the baseline for the case. It is critical for the inventory to be complete with sufficient documentation of all financial assets, income, and obligations/expenses. This review will cover inventory compliance, completeness, and concerns.</p>		
Questions	Action Steps	Guidance
Compliance With State and Local Requirements		
<p>Was the inventory filed on time?</p>	<p>When was the inventory due? _____</p> <p>When was the inventory filed? _____</p>	<p>Possible actions may include:</p> <ul style="list-style-type: none"> • Send reminder • Send notice of deficiency • Refer case to the judicial officer
<p>Is the inventory complete, with correct forms, lists, or schedules of:</p> <ul style="list-style-type: none"> • Assets • Income • Financial obligations/expenses • Bond, if applicable? 	<p>The inventory includes the following: _____ _____</p> <p>The inventory is missing: _____</p> <p><input type="checkbox"/> This is an amended inventory</p>	<p>Possible actions may include:</p> <ul style="list-style-type: none"> • Return for correction or amendment • Send notice of deficiency
<p>Does the inventory contain backup documentation, if applicable?</p>	<p>The inventory includes the following documentation:</p> <ul style="list-style-type: none"> • _____ <p>The inventory is missing:</p> <ul style="list-style-type: none"> • _____ 	<p>Examples:</p> <ul style="list-style-type: none"> • Bank statements • Receipts • Proof of bond • Proof of service
Assets		
<p>Are listed assets and total asset values consistent with the application or petition?</p>	<p>Review assets for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial assets (bank accounts, investments) <input type="checkbox"/> Real property (land, houses) <input type="checkbox"/> Personal property (vehicles, furniture, jewelry) 	<p>Possible red flags:</p> <ul style="list-style-type: none"> • Missing assets or financial accounts that were expected or included in petition • Assets listed solely in conservator’s name

Income		
Is income consistent with the application or petition?	Income sources may include: <ul style="list-style-type: none"> • Pension or retirement funds • Social Security • Public benefits • Rental income • _____ 	Possible red flags: <ul style="list-style-type: none"> • Missing income sources that were expected or included in petition
Obligations		
Are obligations consistent with the application or petition?	Review for financial obligations with descriptions, such as: <ul style="list-style-type: none"> • Mortgages • Loans • Credit cards 	Possible red flags: <ul style="list-style-type: none"> • Missing financial obligations that were expected or included in petition
Do the obligations match the person’s physical and living conditions, including medical and residential arrangements? <i>Note: Expenses may be included in the inventory, but would be more typically seen in a budget</i>	Review for expected obligations given: <ul style="list-style-type: none"> • Physical condition • Residential arrangement • Medical arrangement 	Possible Red Flags: <ul style="list-style-type: none"> • A mortgage if the person is not living in the home and not expected to return • A car payment if the person is unable to drive
Summary		
After reviewing the inventory, determine whether it is complete and whether there are additional action steps that must be taken to address concerns.		
Ensure that all assets and obligations are listed and correct. Ensure that net estate value at appointment is listed and is correct.	Check calculations. *Do not make changes to the inventory on your own.	If inventory is not complete or is mathematically inaccurate, return for amendment.
Are there areas of concern? Is the bond appropriate? Based on this report, should the conservator's appointment be reviewed by the judge?	What red flags were identified during review? <ul style="list-style-type: none"> • _____ • _____ • _____ 	Serious concerns should be reviewed by additional court personnel, depending on your state’s process. <i>*In the event you are unable to accomplish any of the above, please consult an individual with more expertise for assistance.</i>

Review: Accounting

For open cases, review the accounting for compliance, completeness, and concerns. When reviewing reports, it is helpful to have the most recent prior accounting or inventory available for year-to-year comparisons.

Questions	Action Steps	Guidance
Compliance		
Does the accounting cover the correct time period? Is the accounting late?	The accounting should cover: __/__/__ to __/__/__ <input type="checkbox"/> Late?	Possible actions may include: <ul style="list-style-type: none"> • Return for correction • Look for habitually late reporting
Is the accounting complete, with correct forms, lists, or schedules of: <ul style="list-style-type: none"> • Assets • Income • Financial obligations/expenses • Bond, if applicable? 	The accounting includes the following: <ul style="list-style-type: none"> • _____ The accounting is missing: <ul style="list-style-type: none"> • _____ 	Possible actions may include: <ul style="list-style-type: none"> • Return for correction • Send notice of deficiency
Does the accounting contain backup documentation, if applicable?	The accounting includes the following documentation: <ul style="list-style-type: none"> • _____ The accounting is missing: <ul style="list-style-type: none"> • _____ 	Examples: <ul style="list-style-type: none"> • Bank statements • Receipts • Proof of bond • Proof of service
Does beginning balance match end of prior year balance? Is the report identical to the previous year's report?	Prior end balance \$ _____ Current start balance \$ _____ The accounting is identical Yes <input type="checkbox"/> No <input type="checkbox"/>	Possible actions may include: <ul style="list-style-type: none"> • Return for correction

Assets		
Verify all previously reported assets are still reported; or sufficient explanation/documentation is provided.	Review assets for: <ul style="list-style-type: none"> • Financial assets (bank accounts, investments) • Real property (land, houses) • Personal property (vehicles, furniture, jewelry) 	Possible Red Flags: <ul style="list-style-type: none"> • Unexpected changes in the reporting of assets • Assets solely in conservator’s name • Transfer or sale of assets without court approval
Income		
Verify all previously reported sources of income are still reported; or sufficient explanation/documentation is provided.	Income sources may include: <ul style="list-style-type: none"> • Pension or retirement funds • Social Security • Public benefits • Rental income 	Possible red flags: <ul style="list-style-type: none"> • Unexpected changes in the reporting of income • Transferring funds to third party accounts without explanation
Obligations/Expenses		
Compare current expenses to past year(s), any unusual, unexpected, or missing expenses that are unexplained?	Unusual expenses: <ul style="list-style-type: none"> • _____ • _____ • _____ 	Possible red flags: <ul style="list-style-type: none"> • Lump sum transactions • Unexplained ATM use or checks made out to cash • Expenses not for the benefit of the person (e.g., meals for more than one person) • Large or unusual gifts • Lack of court approval for large expenses
Do the expenses match the person’s physical and living conditions, including medical and residential arrangements?	Review for expected expenses given: <ul style="list-style-type: none"> • Physical condition • Residential arrangement • Medical arrangement 	Possible red flags: <ul style="list-style-type: none"> • Rent or utility expenses for residence where person does not live • Missing medical bills
Review attorney & conservator fees/fiduciary commissions for reasonableness	Review for expected fees: <ul style="list-style-type: none"> • Attorney • Conservator • Personal care • Services 	Possible red flags: <ul style="list-style-type: none"> • Large checks written directly to conservator • Unusually high fees or number of hours billed

Summary		
Were there any issues identified in the previous accounting? Have they been corrected? Do they persist?	Ongoing issues: <ul style="list-style-type: none"> • _____ • _____ 	Possible red flags: <ul style="list-style-type: none"> • Incorrect balances • Missing assets, income, expenses
Ensure that current net estate value is listed and is correct. Based on the current net estate value, is the appropriate bond in place, if applicable?	Check calculation of balance <i>*Do not make changes to the accounting on your own.</i> <input type="checkbox"/> Bond is appropriate <input type="checkbox"/> Bond may need adjustment	If accounting does not balance or is mathematically inaccurate, return for amendment. If the bond is not appropriate based on the current estate value, refer for additional/higher level review.
Are there areas of concern? Are assets, income, and expenses being used to meet the needs of the person? Are assets and income sufficient to meet the person’s needs going forward?	What red flags were identified during review? <ul style="list-style-type: none"> • _____ • _____ 	Serious concerns should be reviewed by additional court personnel or community partners (such as an accountant or auditor) depending on your court’s process.
Is this conservatorship still appropriate?	<input type="checkbox"/> Yes <input type="checkbox"/> The person may no longer need this level of conservatorship.	<ul style="list-style-type: none"> • Are there less restrictive alternatives? • Are the only assets SSA or VA, covered by a rep payee or fiduciary?
Based on this report, what are the next steps needed?	<input type="checkbox"/> Review is complete <input type="checkbox"/> Needs correction by conservator <input type="checkbox"/> Needs additional/higher level review (such as by an accountant or auditor) <input type="checkbox"/> Needs judicial review	<ul style="list-style-type: none"> • Is conservator struggling or is there a larger concern? • Are the reporting requirements appropriate? • Does the order of conservatorship remain necessary, or does it need to be modified?

In the event you are unable to accomplish any of the above review, please consult an individual with more expertise for assistance.

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