



CONSERVATORSHIP MANAGEMENT

Fall 2021 Tennessee Judicial Conference

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Office of Conservatorship Management**



**THE METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY, TENNESSEE**

**OFFICE OF CONSERVATORSHIP
MANAGEMENT**

OFFICE OF CONSERVATORSHIP MANAGEMENT

In 2014, an independent group of professionals reviewed the Guardianship and Conservatorship processes and procedures in Davidson County and found different areas that could be improved upon. After reviewing over 2,000 cases, the Task Force acknowledged various recommendations for the Conservatorship process. They found additional support was needed for the State Trial Courts in order to provide assistance to the judges in their role as Super Fiduciary.

These recommendations paired with the approval of the of former Metropolitan Mayor Karl Dean, the Metropolitan Council and the Metropolitan Government of Nashville and Davidson County, Tennessee led to the creation of the Office of Conservatorship Management, or “OCM”.

Though independent from the State Trial Court Judges, the OCM supports the courts in their conservatorship oversight function. The independent and neutral nature of the OCM case review function is similar to the support provided to the court by a Guardian Ad Litem.

Some of the paramount goals of this Office, as the needs were identified by the Volunteer Task Force, are to

- 1. Review the care and management provided by conservators to help provide for the health, safety, and welfare of individuals under a conservatorship;**
- 2. Add an additional layer of review of the management of the assets by conservators;**
- 3. Help provide or direct to resources that are available to promote successful conservatorships; and**
- 4. Educate conservators and the general public about conservatorships in Davidson County.**

These goals are pursued through an active staff working in concert with other Metro departments, organizations and agencies, knowledgeable professionals, and organized volunteers.

Through these efforts, the Office of Conservatorship Management helps to encourage the responsible, ethical, and appropriate management and treatment of individuals under a conservatorship within Davidson County.

OCM AUTHORITY

**Blanket
Order of
Authority**

**Case
Specific
Order**

OCM FUNCTIONS

**Welfare
Review**

**Financial
Review**

Education

Resources

WELFARE REVIEW

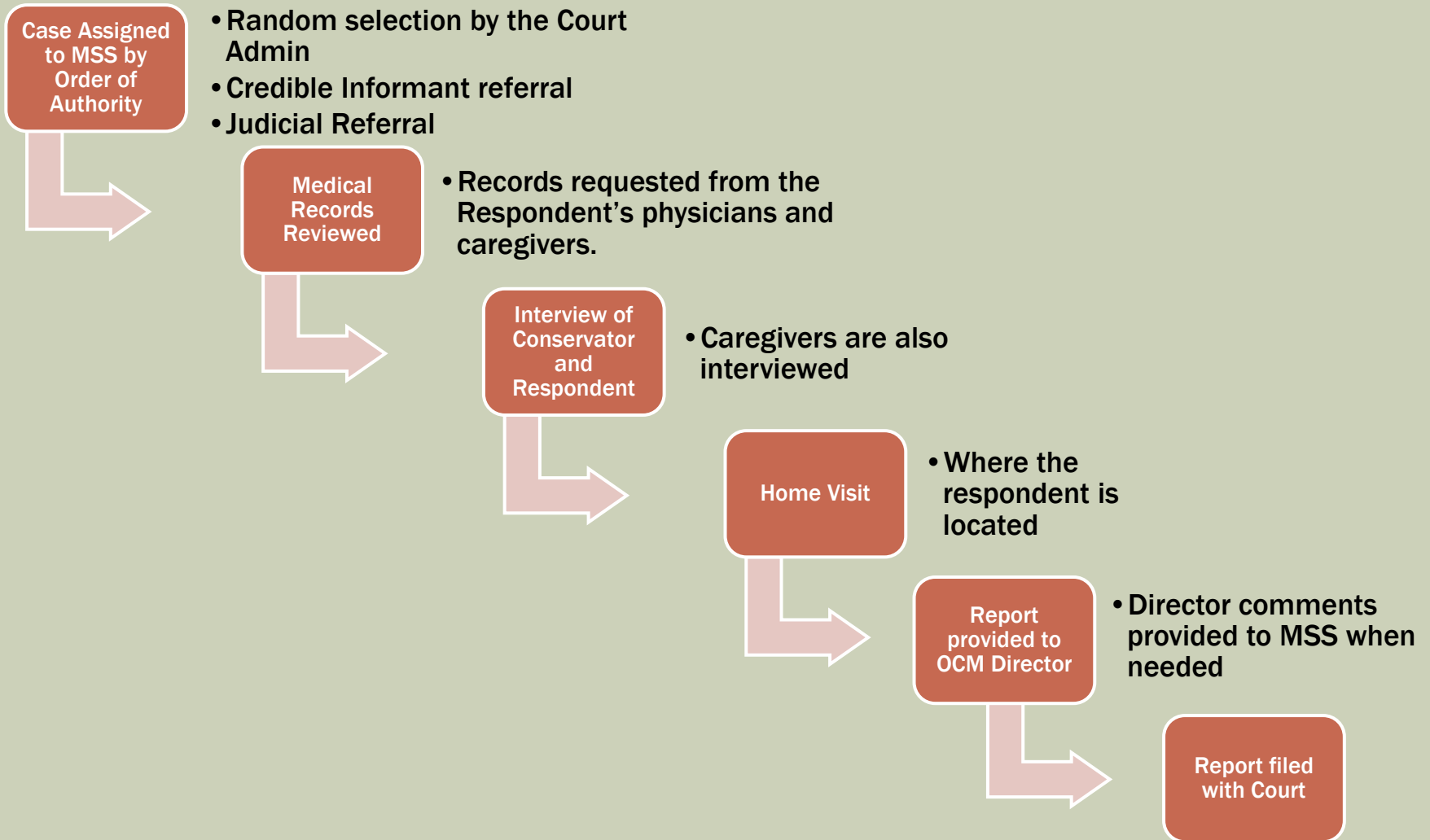
Conservator
of the
Person

WELFARE REVIEW

Metro Social Services and the OCM entered into a Memorandum of Understanding.

- Review court file;
- Request documents from the source;
- Walkthrough respondent's residence;
- Interview relevant parties;
- Verify information given to court and its compliance with Orders and law; and
- Analyze whether decisions made by the conservator are in the best interest of the respondent.

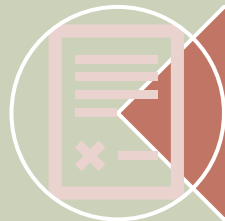
WELFARE REVIEW



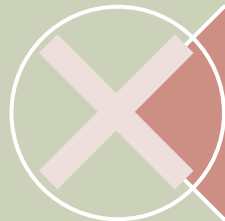
Through partnership with Metro Social Services (“MSS”), the OCM:



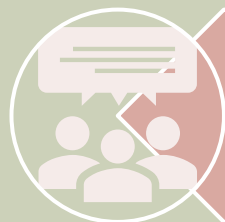
Conducted approximately 700 home visits.



Discovered lack of sufficient care in 9 cases.



14 conservators were removed due to breach of duties or issues identified by MSS/OCM.



Worked closely with appropriate agencies, such as Adult Protective Services and the District Attorney’s Office.

FINANCIAL REVIEW

Conservator
of the
Property

FINANCIAL REVIEW

The OCM supports the courts in their conservatorship oversight function.

FINANCIAL REVIEW

Review

Audit

CASE SELECTION



Random selection



Motion Docket Review



Judicial Referral



Credible Informant



Red Flags

CASE SELECTION

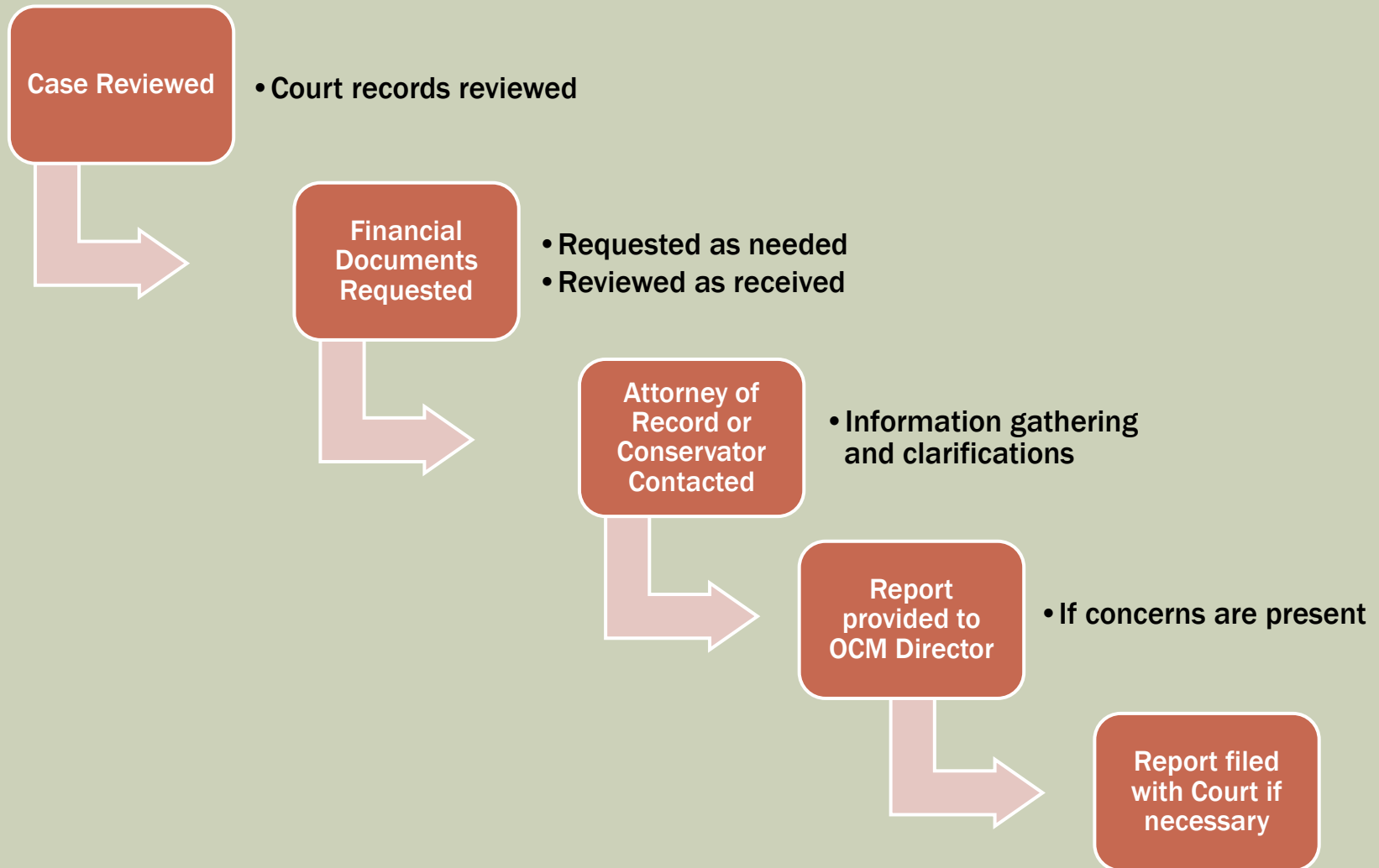
■ Motion Docket Review

- Occur each Friday
- Docket requested 2 weeks prior
- All conservatorship cases reviewed
- Report of the OCM provided to the court if concerns are present

■ Judicial Referral

- Order to send to OCM for failure to file a status report & other matters
- OCM Report presents findings & makes recommendations
 - Default remedied or not
 - Successor Conservator, transfer, termination or status quo.

FINANCIAL CASE REVIEW



FINANCIAL AUDITS



3 Year Look Back Period



Review Entire Court File



Request & Examine All Financial Records



In Person Inspection of Realty and High Valued Personality



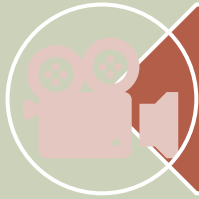
Conduct Interviews of Relevant Persons



Verify information given to court and its compliance with orders and law

**INDEPENDENT
CONSERVATOR PANEL**

HOW IT WORKS



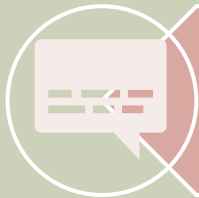
**Training Required /Expectations
and Information Provided**



**Spreadsheet on a shared drive
with judges**



Monthly Conservatorship Counts

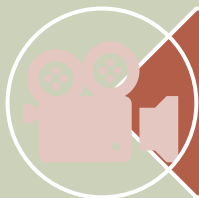


**Emails to panel when a
conservator is needed**

EDUCATION

**Conservator
& Public**

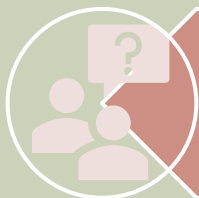
EDUCATION



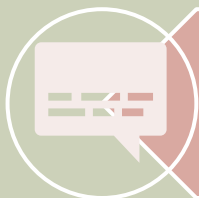
Educational Videos



Educational Documents



Frequently Asked Questions
***available in Spanish and Mandarin**



Spanish Resource Page

CONSERVATORSHIP SCHOOL

- This program is designed to provide basic information about the conservators fiduciary duties under TN laws. Trainings are offered at no cost to the participant and a certificate of completion will be provided upon successful completion of each quiz. This information is not a substitute for legal counsel and is not legal advice.
- Free and available to anyone with internet access
- <https://officeofconservatorshipmanagement.nashville.gov/ocm-conservatorship-school/>

MANAGING SOMEONE ELSE MONEY

- The Office of Conservatorship Management prepared this guide to assist conservators in Tennessee with the important task of making decisions about managing the money of someone under conservatorship. Conservators have a statutory responsibility to make decisions in the best interest of the person with a disability. This guide will assist in that endeavor.
- <https://officeofconservatorshipmanagement.nashville.gov/managing-someone-elses-money-help-for-court-appointed-conservators-intennessee/>

MANDATORY TRAINING OPTIONS

- Conservatorship Association of Tennessee is working to get mandatory training statute passed in the state legislature
- Local Rule to include mandatory training for conservators

RESOURCES

Conservator
& Public

RESOURCES

Local Court
Information

General
Fiduciary
Questions
Answer

Legal Assistance
Referrals

Reporting Abuse

Government
Support

Housing &
Transportation

Mental Health

Addiction

Aging

ATTORNEY RESOURCE

**Guardian ad
Litem**

**Attorney ad
Litem**

**Independent
Conservators**

**General
Inquiries**

HOW HAVE WE HELPED?

Even when issues are identified, the OCM endeavors to help conservators be empowered to be successful fiduciaries - by discussing findings, providing constructive recommendations for case improvement, and connecting fiduciaries with needed resources.

Fiduciary missteps identified by the OCM:

- Uncovered over half of a million dollars in funds misappropriated by fiduciaries.
- Located undisclosed real property.
- Identified real property purchased and sold without court approval.
- Identified cases in which conservators used the conservatee's resources for their own benefit, rather than for the benefit of the conservatee.
- 2 Trustees were removed due to breach of duties identified by the OCM.
- 8 conservatorships were expanded/changed due to issues identified by the OCM.
- 39 conservators were removed/replaced due to issues as identified by the OCM.
- 18 conservatorships were terminated due to action taken by the OCM
- New Property Management Plans were ordered due to issues identified by the OCM.

