

**AN EVALUATION OF VIRGINIA'S ADULT GUARDIANSHIP/CONSERVATORSHIP  
PROCESS**

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**Paul DeLosh  
Director of Judicial Services  
Office of the Executive Secretary  
Supreme Court of Virginia  
Richmond, Virginia**

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## **Abstract**

The composition of the U.S. population is expected to change over the coming decades with a significant increase in the number of individuals aged 65 and older. Population aging is an important consideration for public and private sectors as it has both social and economic impact. The implications for the nation's court systems will be widespread as the likelihood of adults needing guardianships and/or conservatorships will increase. As a result, awareness of issues within the guardianship system have resulted in court systems being called on from a national, state and local level to review, analyze and evaluate existing guardianship and conservatorship processes to implement systemic changes that aim to protect and serve our nation's most vulnerable population.

This paper reviews the calls to action to improve guardianship practices and examines the guardianship processing practices within the Virginia circuit courts as it relates to standards, data, monitoring, resources, technology, collaboration, and training. The focus of the study centers on the following questions -

1. What are the actual numbers and types of guardians and conservators appointed for incapacitated adults in Virginia's courts?
2. From initial filing, what case processing guidelines are in place to ensure compliance with Virginia Code requirements and national standards?

3. Following appointment, what is the court's involvement in the monitoring and tracking of guardians and conservators and how does this compare to recommended standards?
4. What coordinating efforts occur between Virginia courts, state agencies, and organizations regarding education and training, the provision of services, and reporting abuse, neglect or financial exploitation?

The review was conducted through use of a direct survey of circuit court clerks, analysis of the results from the Administrative Conference of the United States (ACUS) and National Association of States United for Aging and Disabilities (NASUAD) surveys, review of statewide statistical reports, resources and procedural manuals relating to processing guardianship cases, a formal inquiry of Virginia's Director of Educational Services related to training for the judicial system, review of applicable state laws, analysis of the statewide case management system's features and functions, and review of court documents relating to guardianship matters.

The relevant literature reviewed to complete this project focuses on reports of incapacitated adults abused or financially exploited by those appointed to protect them. National standards, as well as research, study and recommendations by the National Center for State Courts (NCSC), Conference of Chief Justices (CCJ), Conference of State Court Administrators (COSCA), the National Guardianship Network and others was also reviewed as it relates to guardianship court reform efforts.

The findings and subsequent conclusions of this research focus on steps to improve the guardianship process through enhanced data collection methods, adoption of case processing standards, expansion of public information resources, collaborative

approaches to address guardianship issues, and proactive education for guardians, judicial officers and court staff.