



National Open Court
Data Standards
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Guardianship/Conservatorship Monitoring

Recommended Data Elements

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Introduction

State courts are responsible for appointing and monitoring guardians and conservators¹, ensuring the protected person's best interests are the basis for the personal and financial decisions made. To effectively manage these cases, courts need accurate data to monitor both the court's and the guardian's and conservator's performance. Multiple studies have attempted to collect state-level data to inform a national picture of the volume and type of these cases in the United States (Schauffler & Uekert, 2008, CEC Results of Online Survey, 2010, Uekert & Van Duizend, 2011, Uekert & Schauffler, 2014). Each effort highlights the lack of information available without consistent data, it is impossible to enumerate incidents of exploitation or fraud and understand root causes. In November 2016, the U.S. Government Accountability Office (GAO) released a report documenting the lack of this state-level information on guardianship abuses. As stated in the title of the report, "[t]he extent of abuse by guardians is unknown" (GAO-17-33, 2016). The report goes on to explain that there is "limited data on the numbers of guardians serving older adults, older adults in guardianships, and cases of elder abuse by a guardian" (p. 6).

Recommendations have called for improving data collection through clear definitions and consistent methodology (CCJ/COSCA Resolution 14, Encouraging Collection of Data on Adult Guardianship, Adult Conservatorship, and Elder Abuse Cases by All States, 2009; National Probate Court Standards, 2013). However, resource constraints, locally governed courts, and outdated paper or legacy systems for tracking results in many states unable to confidently report the most basic statistics on the number of guardianship and conservatorship cases under court oversight. More specific information regarding the number of cases where there are concerns of exploitation or maltreatment are even more elusive. Tragic media stories and national attention have brought this issue front and center. State courts are responding with multiple states are making concerted efforts to improve the collection of data and the corresponding monitoring practices. At this critical time, this report provides guidance on recommended data elements and the context for why collecting this information is critical.

Using this Guide

The [Court Statistics Project](#) (CSP)² and [National Open Court Data Standards](#) (NODS)³ provide frameworks for data collection, with the goal of presenting a national picture (CSP) or working to standardize information to be able to promote data exchanges for research (NODS). This guide is a complement to these other efforts and uses NODS framework and recommended data elements as a starting point. The guide is divided into sections that align with the NODS organizational structure. Each section describes relevant data elements, providing additional context for guardianship and conservatorship cases.

Not every data element from NODS is included in this guide. Priority is given to those elements that are specific to guardianship cases and need more context or explanation on the "how and why" for collection. Additional elements that are out of scope for NODS but nonetheless important for guardianship cases are included in this report.

Not every data element necessary for case management is included in this guide. Instead, the list aims to focus on what information is needed to initiate and monitor guardianship and conservatorship cases and to answer policy questions. The list is informed by past research, and by NCSC engagement with state and local courts about current, promising, and best practices. However, it may not cover all needs for a court

¹ In this report the term guardian is used to reference those appointed to make personal/well-being decisions and conservator is used to reference those appointed to make financial decisions. Local use of these terms varies widely.

² www.courtstatistics.org

³ www.ncsc.org/nods

or state. This guide should be viewed as a living document. Recommendations will change, especially as courts incorporate technology solutions more fully.

For easy reference, each section is labeled with the NODS tab number. Additionally, NODS data elements are in **bold**. Sample values from the NODS data elements spreadsheet are *italicized*. Elements out of scope for NODS but in this guide for case-level monitoring at the local or state level are denoted with an asterisk (*).

Principles of data collection

There are a few principles that guide data collection around monitoring guardianship and conservatorship cases as these have some unique characteristics from other civil, family, or probate cases. The data elements included in this report attempt to address these factors.

It is necessary and important to collect information on changes over the life of case.

Guardianship/conservatorship cases may remain under the court's watch for decades, with the needs of the protected person changing over time. It is unlikely that a guardianship or conservatorship case open for many years will have a single judicial officer. Maintaining historical data is key, as well as being able to look at the current needs versus what was originally presented. For example, what power was requested in the petition versus what power is granted? Are some of the powers no longer necessary or are additional ones needed? Who was the original conservator and why was that conservator removed? Are the assets being managed in a way to provide for the person over their lifetime?

Courts need data to identify problems and responses to those problems.

In some guardianship and conservatorship cases, problems arise due to abuse, neglect, fraud, or mismanagement. Having accurate data increases the chances that courts will become aware of and respond appropriately to problems, identify trends or patterns, and improve the protection of vulnerable citizens.

To protect individuals subject to guardianships or conservatorships, courts must communicate with other courts and other entities.

Both those subject to a guardianship/conservatorship as well as those serving as guardians or conservators cross jurisdictional, county, and state lines. Being able to share data and exchange information is critical to detect and prevent abuse and fraud.

Tab 1: Case Information

Probate Case Types

Understanding a court’s current guardianship/conservatorship caseload is basic but critical information. For each case, three pieces of information should be known. Ideally this information would be collected at filing of the petition and again after adjudication (when the guardian/conservatorship is granted.)

1. Type (Guardianship, Conservatorship, or Both)
2. Age of Vulnerable Person (Adult or Juvenile)
3. Powers granted to the guardian/conservator (Full or Limited)

In some guardianship or conservatorship cases, the court may grant type or powers different from the petition. For example, the petitioner may have sought full guardianship of an adult. Based on the facts presented, the court granted limited guardianship of an adult. In a case such as this, capturing the type and powers is important for ongoing monitoring. There are several ways to accomplish this:

1. Update the case type based on what the court actually granted, maintaining case type history (e.g. the original case type is Guardianship-Adult but the court granted only limited guardianship, so the case type is changed to Limited Guardianship-Adult).
2. If a new petition were filed, reopening the case with the appropriate case type based on the new petition, maintaining case type history.
3. Retaining the original case type, but capturing the powers granted in a separate field (e.g. the case type is Guardianship-Adult and the powers granted are “limited guardianship”).

Ultimately, the goal is for the court to know the current case type and how it has changed over time.

Table 1a: Probate Case Types

Probate Case Type	Definitions & Notes
<i>Guardianship-Adult</i>	<p>Case establishing a legal relationship between an adult determined to be unable to make their own personal decisions and the person(s) granted powers to make those decisions.</p> <p>*Note: For this definition, guardianship authorizes well-being decisions, such as health care, accommodation, and education.</p>
<i>Guardianship- Juvenile</i>	<p>Case establishing a legal relationship between a juvenile unable to make their own personal decisions and the person(s) granted powers to make those decisions.</p> <p>*Note: For this definition, guardianship authorizes well-being decisions, such as health care, accommodation, and education.</p>

<i>Conservatorship-Adult</i>	<p>Case establishing a legal relationship between an adult determined to be unable to make their own financial decisions and the person(s) granted powers to make those decisions.</p> <p>*Note: For this definition, conservatorship authorizes financial decisions, such as selling property and managing finances.</p>
<i>Conservatorship-Juvenile</i>	<p>Case establishing a legal relationship between a juvenile unable to make their own financial decisions and the person(s) granted powers to make those decisions.</p> <p>*Note: For this definition, conservatorship authorizes financial decisions, such as selling property and managing finances.</p>
<i>Both (G&C)- Adult</i>	<p>Cases establishing a legal relationship between an adult determined to be unable to make their own personal <u>and</u> financial decisions and the person(s) granted powers to make those decisions.</p>
<i>Both (G&C)- Juvenile</i>	<p>Cases establishing a legal relationship between a juvenile unable to make their own personal <u>and</u> financial decisions and the person(s) granted powers to make those decisions.</p>
<i>Limited Guardianship-Adult</i>	<p>Cases establishing a limited legal relationship between an adult determined to be unable to make their own personal decisions and the person(s) granted specific powers to make those decisions as outlined/specified in the petition or order</p> <p>*Note: For this definition, guardianship authorizes limited well-being decisions, such as health care decisions only.</p>
<i>Limited Guardianship-Juvenile</i>	<p>Cases establishing a limited legal relationship between a juvenile unable to make their own personal decisions and the person(s) granted specific powers to make those decisions as outlined/specified in the petition or order.</p> <p>*Note: For this definition, guardianship authorizes limited well-being decisions, such as health care only.</p>
<i>Limited Conservatorship- Adult</i>	<p>Cases establishing a limited legal relationship between an adult determined to be unable to make their own financial decisions and the person(s) granted specific powers to make those decisions as outlined/specified in the petition or order.</p> <p>*Note: For this definition, conservatorship authorizes limited financial decisions, such as only selling property.</p>
<i>Limited Conservatorship-Juvenile</i>	<p>Cases establishing a limited legal relationship between a juvenile unable to make their own financial decisions and the person(s) granted specific powers to make those decisions as outlined/specified in the petition or order.</p> <p>*Note: For this definition, conservatorship authorizes limited financial decisions, such as only selling property.</p>
<i>Limited Both (G&C)-Adult</i>	<p>Cases establishing a limited legal relationship between an adult individual determined to be unable to make their own personal <u>and</u> financial decisions and the person(s) granted specific powers to make those decisions as outlined/specified in the petition or order.</p>

Limited Both (G&C)- Juvenile

Cases establishing a limited legal relationship between a juvenile unable to make their own personal and financial decisions and the person(s) granted specific powers to make those decisions as outlined/specified in the petition or order.

Case Type Classification/Re-Classification Example:

Table 1b: Class type classification

Event	Probate Case Type	Notes
Petition filed for <i>Both (G/C)</i> with full powers	<i>Both (G&C)-Adult</i>	Assign based on petition filed
Judge grants a <i>Guardianship-Adult</i> , as the only income/assets known is social security and a representative payee is needed	<i>Guardianship-Adult</i>	Re-categorize case as <i>Guardianship-Adult</i> . Maintain history on the original petition type (case type).
After 2 years, Court is made aware of multiple accounts that have been inherited by vulnerable person.	<i>Both (G&C)- Adult</i>	New petition is filed, and judge orders “Both” powers to the individual. Maintain history of first petition granted.

Current Case Status

Guardianship/conservatorship cases are often under the court’s watch for many years, so tracking the current status of the case is especially important. Historically, some courts have left cases as “open/ pending” or “active” for the entire life of the case. This skews the calculation of time to disposition and makes it more difficult for the court to distinguish between cases with a petition pending and those being monitored by the court. Other courts have “closed” cases as soon as the petition is granted. This makes it difficult for the court to determine which cases require monitoring.

Table 1c: Status categories

Current Case Status	Definition
<i>Open/Pending</i>	An open case is one with a petition pending before the court.
<i>Inactive</i>	An inactive case is one whose status has been administratively changed to inactive during the reporting period due to events beyond the court’s control. The court can take no further action on an inactive case until an event restores the case to the court’s active pending caseload. *Note: Inactive should not be used for guardianship/conservatorship cases that are disposed/set for review. The court has authority to review annual accounting or call a hearing when concerns arise.

<i>Disposed/Set for Review</i>	A case that, following an initial Entry of Judgment, is awaiting regularly scheduled reviews involving a hearing before a judicial officer. For guardianship and conservatorship cases, the status should be Set for Review if they are scheduled for administrative or audit reviews, even if they do not always result in a judicial hearing. The designation of set for review is very helpful in distinguishing between cases in which a petition is pending (open) and those that are active for the court but in which no petition is pending.
<i>Disposed/Closed</i>	A case is disposed/closed if additional court action would require a new petition to be filed. For Guardianship and Conservatorship cases, this may occur because: <ul style="list-style-type: none"> - the petition was denied, - the vulnerable person has died, - the juvenile under guardianship/conservatorship has reached age of majority, or - competency has been restored.

Filing Type

Tracking the filing type is also valuable information, as these cases may be reopened or transferred from state to state or court to court. Data that tracks the history of the case (where it came from when transferred) will be useful if there are concerns over the wellbeing of the person subject to guardianship/ conservatorship. More detailed information on case statuses can be found in the Court Statistics Project, [State Court Guide to Statistical Reporting](#).

Table 1d: Filing Types

Filing Type	Notes
<i>New</i>	Case filed for the first time in the court
<i>Reopened</i>	Case where a new petition has been filed after the adjudication. This could be to change the type of powers granted (e.g., changing from a full to a limited conservatorship).
<i>Transferred</i>	Cases that originated in another court or jurisdiction.

Linked case data elements (linked case, linked case jurisdiction, and linked case type) can also be useful for monitoring cases, including those that are transferred using these fields to track past case numbers and case types. Linked case jurisdiction should include the originating state or county and the originating court, which may require more than one field. For transferred cases, capturing the originating jurisdiction information allows the court to seek earlier records if needed. Additionally, as professional guardians and conservators can practice in multiple jurisdictions, this information can be used to find patterns of abuse or neglect.

Linked case data can also be used to associate cases within the same state or jurisdiction. For example, when multiple siblings or spouses are subject to guardianship/conservatorship, it may be beneficial to consider their finances and well-being together. The **linked case** data element may also be used to track related criminal cases that come from findings of abuse, neglect, or fraud. It may also be used to track related civil or family matters such as divorce.

Case Closure Reason

Guardianship and Conservatorship cases should only be considered closed when a final disposition is entered, and the court is no longer responsible for monitoring the case. Not only should the way the case is closed be captured (**Case Disposition Category**), it is also important to track the reason why the case is closed. This will allow courts to better understand the important subset of cases where a guardianship or conservatorship is no longer needed (restoration of rights) or when a least restrictive alternative was reached.

Table 1e: Case Closure Reasons

Case Closure Reason	Notes
<i>Restoration of Rights</i>	Guardianships and Conservatorships are a last resort, and when no longer necessary, the court should restore rights.
<i>Reached Age of Majority</i>	Applicable in juvenile Guardianships and Conservatorships
<i>Death</i>	
<i>Transfer</i>	
*Transfer to State/County	For cases that are transferred to another state or jurisdiction, track where the cases go
*Transfer to Jurisdiction/Court	
<i>Order Expired</i>	Typically used for temporary orders of guardianship
<i>Dismissal</i>	
*Less Restrictive Alternative	Increasing attention is given to least restrictive alternatives for those not needing guardianship/conservatorship. Knowing the number of cases that were dismissed or closed for this reason will allow a court or state to track this trend and to illustrate guardianships or conservatorships are not being used when unwarranted. The definition and alternatives will vary from state to state, but it is important to consider how to capture this information.
Other	Ideally, other would not be needed as the more specific Closure Reasons would capture this detail. However, there may be other reasons not included.

Flags

A number of items in NODS are indicated as flags. Courts may collect and record this information in multiple ways, but for purposes of data sharing they can be mapped to flags. Relevant case flags for Guardianship cases are shown in Table 1f.

Table 1f: Flags

Data Element	Definition	Values
24 Confidentiality Flag	Case includes confidential information (e.g. legal minors, medical information)	Yes No
25 Appeal filed	Flag to indicate the case was appealed in a higher court.	Yes No

26	Interpreter Flag	An interpreter deemed qualified by and ordered by the court was used in the case for a party or witness	Yes No
32	ICWA case flag	Indication that ICWA has been raised as a potential factor in the case	Yes No
33	Contested flag	indication that the case was contested at some point	Yes No
35	Excluded time flag	Indication the case was subject to excluded time at any point in the life of the case. Excluded time can be due to factors such as psychological evaluation, active duty military, or awaiting action by another court	Yes No
39	Interstate Flag	Flag to indicate the case involves multiple states.	Yes No
44	Dependency Court Judgment Flag	Flag to indicate there was a judicial finding in a dependency case associated with a minor/child involved in the current case (e.g., legal custody).	Yes No

Tab 2: Participant Information

In addition to the typical data collected for parties to a case, key data elements are needed to assist in monitoring guardianships/conservatorships. Unfortunately, demographic information is often missing from case management systems (CMS), creating problems accurately identifying the person within the CMS and tracking information important to individuals subject to guardianship or conservatorship.

Table 2a: Information about the Person Subject to Guardianship or Conservatorship

Data Element #	Data Element	Definition	Data Values	Use Case
1	Party Name	Full name of Party		
2	Party Opt-in to Text Notifications	Has Party opted in to text message notifications?	Yes No	Automated reminders and notices to help monitor required regular submissions and reports.
3	Type of Electronic Service	Destination for electronic notifications from court	<i>Text message</i> <i>Email</i> <i>Telephone</i> <i>Social media</i>	Automated reminders and notices to help monitor required regular submissions and reports.
4	Alias	Alias used by the individual, including maiden name		Obtaining relevant records
5	Date of Birth	Individual's Date of	<i>date</i>	Monitoring

		Birth		
6	Race	Party's identification with one or more social groups	White Black or African American American Indian or Alaska Native Asian Native Hawaiian or other Pacific Islander Other	Identifying disproportionate use of guardianship
6a	Race source	The source or agency where the race data was collected	Court (direct inquiry) Driver's license Law enforcement Jail Corrections/Probation Prosecutor Petitioner Another state agency Unknown	In data exchange, to know who "owns" the information
6b	Race self-identified or observed	An indicator for whether the race source relies upon self-report by the party or an observation from someone else (e.g., law enforcement)	Self-reported Observed or perceived	To determine appropriate use in research
7	Ethnicity	Party's identification with an ethnicity	Hispanic/Latinx/Latino/Latina Non-Hispanic/Latinx/Latino/Latina	Identifying disproportionate use of guardianship
7a	Ethnicity source	The source or agency where the ethnicity data was collected	Court (direct inquiry) Driver's license Law enforcement Jail Corrections/Probation Prosecutor Petitioner Another state agency Unknown	In data exchange, to know who "owns" the information
7b	Ethnicity self-identified or observed	An indicator for whether the ethnicity source relies upon self-report by the party or an observation from someone else (e.g., law enforcement)	Self-reported Observed or perceived	To determine appropriate use in research
8	Gender	Party's self-identified gender	Male Female Non-binary	To determine disproportionality
8a	Transgender	Party identifies as	Yes/No	To determine

		transgender		disproportionality
9	Sex	Individual's biological sex/sex assigned at birth	Male/Female	To determine disproportionality
10	Entity Type	Party entity type	Individual Insurance Company Hospital/Clinic Nursing Home/Rehab Education Law Enforcement Other Agency Other Business Other Government Agency	To be able to track petitioners and other parties
11	ADA Flag	Flag to indicate accessibility needs the court should address with accommodations.	Yes No	Ensure the person has what they need to participate, including communication aids
12	Zip Code	Zip code of Party	Postal Code	To determine disproportionality, for imputation of race
13	State Firearm Restrictions	Party is subject to firearm restrictions at the state level	Yes No	To determine rights retained
14	Ever Represented	Has Party ever been represented?	Yes No	To determine representation
15	Primary Language	Individual's primary language if limited English proficient		To identify when interpreters are needed, and in what languages
16	Identifier	Anonymized series of characters that identify the same individual within the court system, across cases and courts within the state.	Text/Numeric	To track individuals across cases
17	ICWA child determination date	Date that a judicial officer made a ruling that the Indian Child Welfare Act (ICWA) applies to this child.	date	To indicate if there is potential tribal involvement and if ICWA provisions apply
18	Relationship to Action	Participant's role/standing in the case.	<i>Petitioner</i> <i>Nominated Party</i> <i>Respondent</i> <i>Subject of the Petition</i>	Access to information, connecting related cases

			<i>Interested Party</i> <i>Parent</i> <i>Foster parent</i> <i>Relative caregiver</i> <i>Guardian</i> <i>Conservator</i> <i>Executor</i>	
20	Relationship of the Executor/ Guardian/ Conservator to Person	Participant's relationship to person subject to the petition	<i>Lay (Family/Friend)</i> <i>Professional</i> <i>Public</i> <i>Other</i>	Monitoring and reporting, determining guardian needs
21	Date of Death	Party's date of death	<i>date</i>	Important if death was the reason for case closure
n/a	*Proof of Death	Confirmation of person's death	<i>Death certificate</i> <i>Signed statement by the funeral director</i> <i>Coroner's report</i>	Monitoring, timely case closure, trigger for final reports
22	Residential Status	Current residential placement of person subject to the petition	<i>*Independent Living (Own Home)</i> <i>*Independent Living (Group Home)</i> <i>*Independent Living (Family/ Friend Home)</i> <i>Assisted Living</i> <i>Skilled Nursing</i> <i>Acute Care (hospital, LTAC)</i>	Necessary for case monitoring
25	Indigency status	Indicator of whether individual was determined to be indigent at any point during the case.	<i>Yes</i> <i>No</i>	Qualification for counsel
26	Indigency method	the method the court used to determine indigency	<i>screening</i> <i>judge determination</i> <i>individual receives qualifying state assistance</i> <i>other</i>	
42	Marital Status	Marital status of individual	<i>Never married</i> <i>married</i> <i>separated</i> <i>divorced</i> <i>widowed</i>	Impacts financial matters, possible qualification for benefits
44	Veteran/Military status	Indication of whether the individual is currently or has previously served in the armed	<i>Yes - United States</i> <i>Yes - another country</i> <i>No</i>	Possible qualification for benefits, examining possible disproportionality

		forces.		
45	Tribal affiliation	Person's membership or affiliation with a Tribe	Federally recognized Tribes	Possible qualification for benefits, examining possible disproportionality
n/a	*Mailing Address	Complete address at which mail is received		Necessary for notice and other court documents
n/a	*Residential Address	Complete address where the person subject to guardianship or conservatorship is living		Necessary for case monitoring

These elements in Table 2b are important to collect for the guardian or conservator. It is particularly important to be able to connect all of the clients of a professional guardian/conservator in the event that abuse or fraud are alleged. At the party level it is also important to track characteristics of the guardian/conservator along with maintaining history of those characteristics.

Not every state requires a guardian or conservator to be qualified or certified. If that is a requirement in your jurisdiction, being able to run a report on conservators who were certified, etc. will allow the court to follow up on guardians/conservators of concern. Dates for when certifications expire should also be captured.

Table 2b: Guardian and Conservator information

Data Element #	Data Element	Definition	Data Values	Use case
n/a	*Qualified	Whether the person has met the requirements to serve as guardian	Yes No	Compliance with court orders
n/a	*Certified	Whether the person is a certified guardian	Yes No	Compliance with court orders
23	Date of Guardian/Conservator registration	The date a guardian or conservator was registered	<i>date</i>	Tracking guardian eligibility
24	Rep Payee Flag	Guardian/Conservator is also serving as the representative payee for the Social Security Administration	Yes No	If a guardian or conservator is discharged for cause, SSA should be notified (and vice

				versa).
24a	VA Fiduciary	Guardian/Conservator is also serving as the fiduciary for Veterans Affairs	Yes No	If a guardian or conservator is discharged for cause, VA should be notified (and vice versa).

Other Relevant Case Information

Other data elements are common to many case types, including guardianships. Note that guardianship cases may be considered civil, domestic, or probate, depending on the jurisdiction.

Table 1g: Other Case Data Elements

	Data Element	Definition	Values
1	Court Case Identifier	Series of characters that identifies the court case	alphanumeric
2	State	State where the case was filed	State name
3	Court	Court where the case was filed (e.g., county, court code, court level, locality)	County or Court name or number
4	Primary Case Category	the subject area of the case	civil criminal domestic juvenile dependency probate traffic
17	Case Initial Filing Date	Filing date of original petition/complaint	Date
18	Case Disposition Category	Category indicating the manner in which the case was disposed	Judgment Settlement/Plea Dismissal Transfer other
20	Case Manner of Disposition	method by which the primary petition or complaint was decided	jury trial bench trial non-trial
21	Disposition Date	date of the entry of judgment or other disposition on the primary petition or complaint	Date
22	Case closed date	Date upon which the final dispositional event for the case occurred (judgment or dismissal of last party) and additional court action would require a new petition to be filed	Date
23	Judicial Officer Identifier	Name or License number issued by the State Bar Association to the attorney.	Name or ID
27	Linked case	Court case identifier for any associated case	case number
28	Linked case jurisdiction	the court of the linked case	
29	Linked case type	the primary case type of the linked case	
34	Filing type	manner of filing or status of the case when filed with the court	new reopened reactivated transferred



36	Fee waiver date	Date a fee waiver request/petition was filed	Date
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Tab 3: Attorney and Advocate Information

To monitor these cases, it is important to know what attorneys and advocates are involved and which events they attend. Attorney fees, especially when an attorney is serving multiple roles, need to be monitored to ensure billing rates are appropriate for the tasks performed (see Probate Review and Monitoring Section). Being able to identify and run reports on the multiple actors involved in a case will allow for cross case monitoring when issues arise.

Table 3a: Attorney & Advocate type

Data Element #	Data Element	Definition	Values	Use Case
14	Attorney Type	Type of attorney	<i>Private Attorney</i> <i>Public defender</i> <i>State's attorney/prosecutor</i> <i>Legal aid/legal services attorney</i> <i>Protection & Advocacy (P&A) attorney</i> <i>Allied Legal Professional GAL/best-interest attorney</i> <i>Other</i>	Understanding the role of the attorney, particularly between those representing the person and those representing the best interests of the person.
15	Advocate Type	Type of non-attorney court-appointed advocate	<i>Non-attorney GAL</i> <i>Court Visitor</i>	Tracking monitoring or visits to the person

The following elements are important for many types of cases. Use cases relevant to guardianship are provided.

Table 3b: Attorney and Advocate Information

Data Element #	Data Element	Definition	Values	Use Case
1	Attorney/Advocate Name	Full name of attorney/advocate		Notice, reports
2	Firm Name	Attorney/advocate's firm at time of entry into the case		Identify all cases connected to a particular firm
3	Attorney/Advocate Address	Mailing address of attorney/advocate		Notice, reports
4	Attorney/Advocate ID Number	ID number assigned by bar, supreme court, state, court, or case management	alphanumeric	Identify all cases connected to a particular attorney

		system		
5	Attorney/Advocate E-mail Address	Attorney/advocate's e-mail address		Communication
9	Attorney/Advocate Entry Date	Date attorney/advocate entered case	Date	Notice, tracking representation
10	Attorney/Advocate End Date	Date attorney/advocate exited case	Date	Notice, tracking representation
11	Limited Scope	Attorney retained to provide assistance on only some aspects of the case	Yes No	
12	Associated party/participant	the party(ies) or participant(s) represented or advocated for by this advocate		Notice

Tab 4: Status

For guardianship and conservatorship cases, being able to distinguish which cases are under the court’s watch is critical, and historically a challenge for courts to distinguish pending caseloads from those that are Set for Review. Courts have come up with a variety of methods to mark these cases, and many terms are used (e.g., Administratively Closed, Statistically Closed, Adjudicated Case- Report Review). Regardless of terminology used, what is key is to be able to distinguish cases that are:

- Open/Pending
- Disposed and Set for Review
- Disposed/Closed.

See Case Section for more detail and definitions on these Case Statuses.

If a new petition is filed, such as when an old guardian is discharged and a new one appointed, the case status will change from disposed and set for review to reopened, which is mapped to open status in the NODS data elements. The case status of reopened or open indicates that there is a petition pending. Once that petition is adjudicated, the status will revert to disposed and set for review.

Other case statuses, including inactive, are not commonly used for guardianship or conservatorship cases.

Table 4: Case Status in Guardianship Cases

Data Element #	Data element	Values	Definition	Use Case
1	Case Status Date	date		
2	Case Status	Open/pending	An open case is one with a petition pending before the court.	Identifying cases with a petition pending
		Disposed/closed	A case is disposed/closed if additional court action would require a new petition to be filed. For Guardianship and Conservatorship cases, this may occur because: <ul style="list-style-type: none"> - the petition was denied, - the vulnerable person has died, - the juvenile under guardianship/conservatorship has reached age of majority, or - competency has been restored. 	Identifying cases that no longer require monitoring because the guardianship is no longer in effect
		Disposed & set for review	A case that, following an initial Entry of Judgment, is awaiting regularly scheduled reviews involving a hearing	Identifying cases requiring monitoring



			<p>before a judicial officer. For guardianship and conservatorship cases, the status should be Set for Review if they are scheduled for administrative or audit reviews, even if they do not always result in a judicial hearing. The designation of set for review is very helpful in distinguishing between cases in which a petition is pending (open) and those that are active for the court but in which no petition is pending.</p>	
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Tab 5: Pleadings

Information valuable to courts in tracking and monitoring guardianships is all-too-often buried in the text of pleadings or in docket notes. While these are useful when reviewing a particular case, they do not allow a court to receive a holistic view of the docket or look for patterns in abuse, neglect, or financial exploitation. These data fields are important to capture complaints or concerns about guardianships.

Table 5: Pleadings

Data Element #	Data Element	Definition	Values relevant to guardianships and conservatorships	Use case
1	Pleading Title	Statement of Claim	<i>Text field</i>	Locate relevant documents
2	Date Filed	Date pleading or motion was filed	<i>Date</i>	Tracking actions in the case
3	Filing Party	Party filing the pleading	<i>Text field</i>	Understanding the relationship between the petitioner and the party potentially subject to guardianship
5	Answer	Does pleading contain an answer and/or denial to the initiating complaint?	Yes No	Identifying contested cases
15	Amended	Is this an amended pleading?	Yes No	Tracking actions in the case
26	Initial Probate Pleading Type	The type of pleading filed	<i>Emergency/Temporary/Special</i>	Used when the need for a guardianship or conservatorship is immediate
			<i>General/Summary</i>	Used when a full guardianship or conservatorship is sought
			<i>Successor</i>	Used when there is a replacement guardian being appointed
			<i>Limited</i>	Used when only a limited guardianship or conservatorship is sought
27	Initial Probate Pleading Reason	The reason the pleading was filed	<i>Medical Condition</i>	This data element allows for tracking the underlying reason for the guardianship/conservatorship.
			<i>Financial Exploitation</i>	
			<i>Disability</i>	
			<i>Death/Testamentary</i>	
			<i>Abuse</i>	
			<i>Neglect/Abandonment</i>	
			<i>Substance Abuse</i>	
<i>Other</i>				
28	Subsequent	The type of	<i>Contested Issue</i>	

	Probate Pleading Type	subsequent pleading filed	<i>Responsive Pleading</i> <i>Hearing/request/notice</i> <i>*Modification</i> <i>*Termination</i> <i>*Successor</i> <i>Distribution</i> <i>Bond</i> <i>Other</i>	 These will be mapped to modification/termination/successor in NODS, but courts are likely to find it helpful to be able to split them out.
29	Subsequent Probate Pleading Reason	Reason subsequent pleading filed	<i>Restoration</i> <i>Financial Exploitation Abuse</i> <i>Neglect/Abandonment</i> <i>Substance Abuse</i> <i>Fees and Costs</i> <i>Modification/Change in Guardianship or Conservatorship</i> <i>Death/Incapacity/No longer willing</i> <i>Other</i>	Used when the pleading is to restore the protected person's rights Used to track the type of concerns necessitating court action. The reason is important to track malfeasance Track requests for changes in type of guardianship Used when the current guardian or conservator can no longer serve
30	Pleading/Motion Outcome		<i>Granted (full, partial)</i> <i>Denied</i> <i>Dismissed/withdrawn</i>	Track granted guardianships Track how many were denied Track how many were dismissed or withdrawn
32	Fee waiver date	Date a fee waiver request/petition was filed	date	Eligibility for waiver

Tab 6: Motions & Filings

Tracking motions and filings helps to ensure that the case moves at an appropriate pace.

Table 6: Motions & Filings

Data Element #	Data Element	Definition	Values relevant to guardianships and conservatorships	Use case
1	Motion/Filing Title	Title of motion or filing	Text	Identifying relevant documents
2	Date Filed	Date pleading or motion was filed	Date	Tracking events in the case
3	Filing Party	Filing party	Text	
4	Motion/Filing type	Type of motion or filing	<i>Administrative Affidavit of inability to pay costs Continuance Discovery Dispositive Motion to dismiss Motion to suppress evidence Post-Trial Speedy trial Other</i>	Tracking developments in the case
5	Pleading/Motion Outcome	Order decision associated with specific motion(s)	<i>Granted (full, partial) Denied Dismissed/withdrawn</i>	Tracking the results of a motion
6	Amended	Is this an amended motion/filing?	Yes No	Tracking characteristics of a motion
7	Agreed/Stipulated	Is this motion/filing agreed/stipulated?	Yes No	Tracking characteristics of a motion
8	Opposed	Is this motion/filing opposed?	Yes No	Tracking characteristics of a motion
9	Opposition	Is this a filing in opposition to a motion/filing?	Yes No	Tracking characteristics of a motion

Tab 7: Hearings & Events

The data elements for hearings and events allow courts to capture important questions including the flow of the case (based on **scheduled event date**, **hearing/event outcome** (whether it was *held, continued, cancelled, or postponed/rescheduled*), and **continuance/postponement reason**. These elements also capture some aspects of procedural fairness, including **parties present, attorneys/advocates present**, and **interpreter present** as well as the **hearing/event modality** to capture if the hearing occurred *in-person, via videoconference, or telephonically*.

Because most jurisdictions do not have jury trials in guardianship cases, those elements are not included here. However, they are included in the NODS Tab 7.

Data Element #	Data Element	Definition	Values relevant to guardianships and conservatorships	Use case
1	Scheduled Event Date	Date of scheduled hearing, trial, or conference	Date	Timeliness of events
2	Judicial Officer	Judicial officer presiding at the event	Name or ID	Tracking cases by judge
3	Parties Present	The parties or case participants present for the event	Name, ID, or relationship to action	Tracking participation in the case
4	Attorneys/Advocates Present	The attorneys or advocates present for the event	Name or ID	Tracking participation in the case
5	Hearing/Event Outcome	Outcome of hearing or event	Held Continued Cancelled Postponed/Rescheduled	Identifying reasons for delay
6	Hearing/Event Modality	Way that the hearing was held	In-person video-conference telephonic combination	Tracking participation in the case
7	Continuance/Postponement Reason	Reason scheduled event was continued or postponed/rescheduled	Transportation Evaluation Illness Court closed Party/witness not available/FTA Lack of notice Insufficient time Incomplete Discovery/Crime lab delay Other	Identifying reasons for delay
8	Interpreter Present	Was a certified/professional court interpreter used during the event?	In-Person, Remote, None	Combined with participant language information, tracking service to litigants
9	Interpreter Language	Language of certified court interpreter		Tracking needs, where interpreters

				are and are not available
10	Hearing Initiation	Manner in which hearing was initiated	Party's written motion Oral request (telephonic, in-court) Court's initiative	
14	Family Hearing Type	Type of family hearing	Pretrial/Temporary Trial/Contested hearing Contempt	When guardianship cases are heard as domestic cases
16	Probate Hearing Type	Type of probate hearing	Administrative (show cause, review, competency) Dispositive Evidentiary/Trial Other	When guardianship cases are heard as probate cases
17	Evidentiary	Was evidence introduced?	Yes No	
18	Continuance/Postponement party	The party/entity that requested the continuance/postponement	Party Court	Tracking reasons for delay
20	Remote witness	Did any witness appear remotely?	Yes No	Tracking use of technology
21	Remote witness type	Manner of remote witness appearance	Audio Video	Tracking use of technology
22	Remote party(ies)	Did any party or attorney appear remotely?	Y/N	Tracking use of technology
23	Remote party type	Manner of remote party/attorney appearance	Audio, Video	Tracking use of technology
24	Conference Type	The type of conference scheduled	Status/Review Pre-Trial Settlement Case Management/ Scheduling Other	Tracking case activity and progress

Tab 8: Orders

Court actions are captured through orders, and these can be in response to pleadings, hearings, events, or monitoring activity. Important data in orders is often captured in notes fields or case file attachments which are difficult to access. Working to standardize the collection of this information will improve monitoring.

In this data model, orders are the assumed method for capturing outcomes from hearings and pleadings. Recording the **probate order type** provides valuable information about the events of the case and the NODS project includes the following, grouped by the likely stage of the case.

Pre-appointment

Order for background check

Order for credit checks

*Order to obtain Bond

*Order to [meet state-specific certification/qualification requirements]

Appointment

Order/Letters/Judgment of Appointment of Guardian

Order/Letters/Judgment of Appointment of Conservator

Order/Letters/Judgment of Appointment of Guardian & Conservator

Review/Monitoring

Order for repayment

Order to surcharge Bond

Order to modify Bond

Order approving sale of assets

Order to show cause

Order suspending fiduciary/guardian

Order appointing investigator/auditor

Order removing fiduciary/guardian

Order for Competency Restoration

Order for Reinstatement

Order Appointing Successor

Order for Evaluation

Order for Treatment

Order for Hospitalization/Civil Commitment

In cases where a warrant is necessary, the relevant data fields are:

- **Warrant Issued**
- **Warrant Returned**
- **Warrant End Reason**
- **Warrant Reason**

Because many probate orders require action on the part of the guardian or conservator, jurisdictions might also find it helpful to capture the following elements, tied to a specific order:

- *Order Deadline: the date by which an action is to be completed
- *Order Met: whether the guardian/conservator complied with the order

The result of the order simply indicates if it was *granted*, *granted in part*, or *denied*. The NODS data elements also include service ordered, service type, service party, evaluation ordered, evaluation type, evaluation party, and service/evaluation outcome.

Tab 15: Probate Review and Monitoring

Having data that captures the review and monitoring process is essential, but often happens without official court documents, or may not get entered into a data system. However, for a court to establish automated reminders to guardians and conservators and to track compliance with reporting requirements, capturing these data elements is essential.

Establishing the baseline

Courts need to have a clear picture of the health and well-being of the person subject to guardianship/ conservatorship as well as the assets of that individual at the start of the case.

- **Inventory Due Date**
- **Inventory Filed Date**
- **Financial Assets Value at Appointment**
- **Personal Property Value at Appointment**
- **Real Property Value at Appointment**
- **Total Assets Value at Appointment**
- **Qualification date** (of the conservator or guardian)
- *Care plan

Once the initial inventory is submitted, maintaining the values as of the appointment date will allow for analysis on how the current values compare. If new or additional assets that were not initially reported come to light, an amended inventory should be submitted, and these data updated to show the correct figures.

In addition to the data elements identified in the NODS project, some courts also find having the following to be a useful baseline for financial monitoring:

- *Budget/Financial Plan
- *Fee Cost Schedule

Capturing a budget or financial plan and a schedule of the fees and costs charged by the guardian or conservator allows the court to compare the annual accounting to the submitted budget and fees. This will be helpful for those auditing the records by hand and for courts using machine learning and/or financial monitoring services.

Monitoring

Courts also monitor the well-being of the individual subject to guardianship and the assets of those subject to conservatorship. These data elements are necessary for monitoring.

- **Well-being Report Due Date**
- **Well-being Report Filed Date**
- **Current Financial Assets Value**
- **Current Personal Property Value**
- **Current Real Property Value** (may be broken down by in-state/out-of-state)
- **Current Total Assets Value**
- **Accounting Due**
- **Accounting Filed**
- **Event Reminder** (date)
- **Reminder type** (*inventory, annual accounting, annual well-being report, other*)

In some jurisdictions, courts may waive some reporting requirements. This must be tracked so that guardians/conservators are not ordered to show cause why they have not submitted waived

reports.

- **Waiver**
- **Waiver Reason**
 - *court*
 - *document (parties, will)*
 - *statutory*
- *Extensions granted

Finally, courts must be able to track when concerns are brought to the court.

- **Concern Activity Date**
- **Complaint Source**
- **On-site Review**

When the court orders an audit or other activity, those should also be tracked.

- *Audit Due
- *Audit Filed
- *Audit Finding