

Brandon J. Patty

Clerk of the Circuit Court and
Comptroller



Nilsa Arissa

Inspector General

**Office of the
Inspector General
St. Johns County, Florida**

REPORT NO. 2021A-02

DATE: September 20, 2021

TO: Brandon J. Patty
St. Johns County Clerk of the Circuit Court and Comptroller

CC: Mark P. Miner, Chief Deputy Clerk
Julio Cruz, Chief Operations Clerk
Christina Collins, Civil Director

FROM: Nilsa Arissa, CIG, Inspector General

SUBJECT: Guardianship Inventory

The Office of the Inspector General (OIG) performed an inventory and an examination of all open guardianship cases. The purpose of the inventory was to identify the total population of guardianships under the St. Johns County Clerk of the Court and Comptroller's (SJCCOC) Guardianship Program and those requiring financial oversight.

To gain an understanding of the SJCCOC Guardianship Program, OIG obtained an overview from the SJCCOC Probate Clerk and sought information through a survey sent to peer Inspector General (IG) offices in the Statewide Investigation Alliance (SIA). During the overview, they confirmed all guardianship accountings are received and processed by the Probate Clerk. All unresolved anomalies were communicated to the OIG and a note was added to the case in the Benchmark Case Management System (BCMS). Through the survey responses from SIA, the OIG received best practices, policies and procedures, templates, and examples of cases requiring monitoring and investigations.

To begin the inventory and examination, OIG obtained a report from the BCMS displaying all open guardianships through July 27, 2021. The report revealed a total of 627 open guardianship cases. Each guardianship was examined to confirm the following:

1. Was the case categorized correctly?
 2. Does the case require monitoring and oversight of ward's assets?
 3. Has the ward deceased?
 4. Has the minor reached adulthood and requires continued monitoring? Or does it not?
 5. Have all updates from "Guardianship Status" letters made?
 6. Does the case require additional review to determine:
 - a. Non-compliance for missing documentation (Level II)?
 - b. Suspect of potential fraud (Level III)?
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Based on the responses to Questions 1 and 2, each guardianship was categorized in one of the following:

Guardianship Program categories		
Person	Adult	Does not require financial oversight.
	Minor	Requires a plan.
Property	Minor	Requires financial oversight over \$15,000 until adulthood.
Person and Property (Plenary)	Adult	Requires a plan and financial oversight.
	Minor	

Responses for Questions 3–6 provided the information required to classify each case as non-financial oversight, a case adjustment, or financial oversight. (See table below).

Non-financial oversight is primarily made up of cases where there is minimal property (monthly Social Security or pension), or fees have been waived by the courts. During the examination process, OIG identified additional non-financial cases where an adjustment was needed. These are made up of instances where the ward was deceased, a new case was required, or a court-ordered action was not applied. Deceased date confirmation was obtained through a Driver and Vehicle Information Database (DAVID) search and court-ordered requests through dockets recorded in the BCMS.

Financial oversight cases are minors with assets over \$15,000 and adult cases with assets greater than monthly Social Security or pension payments. The chart below illustrates the classification of cases based on the criteria described above:

Guardianship Program Total Population			
Classification	Description	Qty	Total
<i>Non-Financial Oversight</i>	Minors who reached adulthood requiring a new adult case.	15	
	Wards deemed indigent or fees waived by the Court.	251	
	Duplicate case for the ward. Duplicate not closed.	2	
	Person or Person with Property requiring no financial oversight. (Examples are cases where the property is minimal.)	111	
	New cases without orders.	29	408
	Add: case adjustments		
	Deceased ward. Case not closed.	33	
	Minors reached adulthood. Case not closed.	24	
	Other: Voluntary dismissal; order to close; case denied.	9	66
		Total non-financial oversight	
<i>Financial Oversight</i>	Property requiring oversight (minor and adults.)	152	
	Minor over 18 requiring new adult case and oversight.	1	153
	Total Guardianship Cases		627

Out of 627 guardianship cases, 408 did not require financial oversight, 66 required a case adjustment, and 153 were identified as requiring financial oversight.

Conclusion

The overall objective of the inventory was to provide meaningful feedback and reporting on total guardianship population, categories, and classification. The examination process identified cases requiring financial oversight, provided a documented explanation for those not requiring financial oversight, and highlighted cases requiring adjustments.

During this process, two cases requiring a Level II audit for non-compliance were identified, and no cases required a Level III audit where review could have indicated potential fraud. As a result of this examination and best practices received as part of the SIA survey, OIG established a review process for cases denoted in BCMS as Level II by the Probate Clerk and thresholds to assist in audits relating to non-compliant issues or with an indication of potential fraud.

OIG is continuing to review the 153 cases which require financial oversight to ensure their files are complete with necessary documentation. This process should be resolved within six months.

Recommendations

To ensure guardianship cases represent the appropriate category, classification, and status, OIG recommends the following:

1. Close cases where the ward has deceased, using death certificates or DAVID confirmation as supporting documentation.
2. Close identified (40) minor guardianship cases where the minor has reached adulthood.
 - a. Open identified (16) cases as adult cases.
3. Close identified (2) duplicate cases.
4. Close identified (9) cases where docketed court records supported the following:
 - a. The ward no longer required a guardianship.
 - b. A less restrictive alternative was found.
 - c. Petitioner filed for voluntary dismissal.
 - d. A guardianship was denied.

Management Response

The Probate Clerk received and reviewed the findings and recommendations provided. Most were addressed with remainder awaiting required documents and expected to be resolved in the near future.

The responsibility of auditing St. Johns County guardianship accountings and inventories will transition from the Probate Clerk to OIG as of October 2021.

OIG will perform the accountings and provide financial oversight to protect wards assets per F.S. §744 and fulfill the St. Johns County Clerk of the Court and Comptroller Guardianship Program responsibilities.