



Collier County Clerk of Courts
Office of Inspector General

Guardianship Report 2021.16
Clerk Appointed to Guardianship
Improvement Task Force

Inspector General Insights

From the Clerk's August 2021 Newsletter

Background:

Collier County Clerk Crystal K. Kinzel was appointed to serve on a special statewide task force charged with developing legislative recommendations to improve the statewide guardianship system.

Sponsored by the Florida Court Clerks and Comptrollers, and chaired by Pinellas County Clerk Ken Burke, the newly created Guardianship Improvement Task Force will study all phases of the current guardianship process and develop recommendations ahead of the 2022 Legislative Session that begins in January. Membership of the task force includes legislators, judges, attorneys, and representatives of advocacy organizations including AARP.

"As Clerk, I have a responsibility to protect our most vulnerable residents from exploitation and abuse, and it's a responsibility that I take very seriously," said Clerk Crystal Kinzel. "I'm excited to have the opportunity to work with others on the task force to bring forth solid recommendations to improve Florida's guardianship system and make it the model system for all others in the nation to follow."

Guardianship is the legal process designed to protect individuals whose functional limitations prevent them from being able to make their own decisions. People in need of guardianship may include those experiencing advanced stages of dementia or Alzheimer's disease, those experiencing severe mental disabilities that cause functional limitations, and minors.

A guardianship case begins with a petition to the court to evaluate another person's incapacity. If the court finds that the alleged incapacitated person lacks capacity, the court may appoint a guardian who serves as a surrogate decision maker for personal, medical, and/or financial decisions.

Observations:

The Collier Clerk's Office of Inspector General protects vulnerable populations from exploitation by auditing guardianship reports. This process adds a layer of accountability to make sure guardians are acting in the best interest of their wards.

Within 60 days after appointment, the guardian of the property shall file a Verified Inventory (list of the ward's assets, similar to a beginning Balance Sheet). Thereafter, Administrative Order 5.1 and Florida Statutes require the guardian of the property to file an Annual Accounting on or before the first day of the fourth month after the month the letters of guardianship were originally signed, and each year thereafter. The first Annual Accounting begins with balances reported on the initial Verified Inventory, and accounts for any income and expenses over the year, ending with a new ending balance (similar to an Income Statement and ending Balance Sheet).

Upon the filing of the Verified Inventory and Annual Accounting, the guardian shall pay from the Ward's property to the Clerk of the Circuit Court, a fee for the auditing of the inventory and accounting. Any guardian unable to pay the auditing fee may petition the Court for a waiver of the fee.

The Clerk of Courts is required by Florida Statute to review the guardianship plans, inventories, and accounting reports. The guardianship auditor reviews the reports filed for errors and irregularities, and then advises the Court of the results of the audit. The audit process is intended to help protect the assets of the ward and make the guardian accountable to the court.

During FY 2021 (10/1/2020 – 9/30/2021):

- We conducted 199 Verified Inventory audits and 505 Annual Accounting audits, which includes re-audits of failed original filings.
- The total assets under audit were \$171,792,834.84.
- We fielded 213 phone calls regarding guardianship cases.
- We offered 3 workshops for guardians, to address questions regarding the forms and supporting documentation required.
- We attended 7 court hearings in support of our work and findings.
- In FY 2021, 229, or 32.5%, of original filings did not pass the audit requirements on the initial review, and were returned to guardians for further action.
- The Office of Inspector General spent 701 hours directly chargeable to the audits of guardianship filings, which yielded a recovery in audit fees of \$52.18 per direct labor hour, or a total of \$36,580.00.

Conclusion: Any person, business, or organization that has concerns regarding a Collier County guardianship case can call our confidential 24/7 hotline at 844-ClerkIG (844-253-7544) or 239-252-8412 (English or Spanish). You may also click on the “Reporting Fraud” button located on the homepage of www.CollierClerk.com.

Total # Transactions	Amounts Audited or Reviewed	Questioned Costs	Taxpayer Savings	Description
704	\$ 171,792,834.84	N/A	N/A	Guardianship Cases Audited in Fiscal 2021