

Conservatorship Management in TN

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Our office called the Clerk and Master of each county to gather information about the conservatorships in the respective counties. We asked how many conservatorships are in the county and how the annual status reports (required by statute) are managed. Eighty of the Ninety-Five counties responded to our inquiry either over the phone or via email.

There are approximately 8,368 known conservatorships in TN. There are likely more conservatorships however fifteen (15) counties did not report and twenty-one (21) counties stated they do not know and cannot determine the number of conservatorships for their county.

Twenty-one (21) counties stated they do not keep track of the number of conservatorships for their county and do not keep track of the status reports. Several counties counted their numbers manually. Several counties gave an estimate. Some counties could only track the number of cases since their system has been computerized. Most counties close the conservatorship case once the conservator is appointed. The reason given for this is because they do not want open case files in the TNSIS system due to AOC audits.

There are numerous ways the counties keep track of conservatorship cases and required accountings (file cabinets, file drawers, calendars, binders, electronic systems and paper files in boxes). Several counties do not track required accountings¹.

It is important for a county to know how many people are under conservatorship and how many conservatorships any one person may have. Additionally, it is just as important to know if accountings are being filed and if accountings are accurate. It is clear from this research project both are unknown in many counties.

NOTES

- There are many conservatorships that are unknown in TN.
- In several counties no one is designated to keep track of conservators or status reports.
- Conservatorships do not appear to be managed closely in each county in TN.
- There is no indication that any respondent has been harmed by the lack of management.
- There was no indication that the accountings that are submitted by conservators were not reviewed. In fact, the counties specifically stated that cases are reopened when accountings are filed. The document is reviewed and filed in the case and then the case is closed unless there is an issue for review by the judge.

¹ We rely on Tenn. Code. Ann 34-1-111(d)(2) combined with Tenn. Code Ann. 34-1-111 (i)(3) to require an annual status report for the conservator.

“(2)The accounting shall contain a statement concerning the physical or mental condition of the person with a disability, which statement shall demonstrate to the court the need, or lack of need, for the continuation of the fiduciary's services.”

“(3) Subdivision (d)(2) requiring a report regarding the physical or mental condition of the person with a disability may not be waived or excused.”