

# Guardianship & Conservatorship



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Every year, thousands of Idahoans who lack the ability to make their own decisions are protected by court-appointed guardians and conservators. Guardians, given the responsibility to decide personal issues, and conservators, given the responsibility to decide property matters, are appointed to support vulnerable people and increase safety and security. Those served may be adults with intellectual or developmental disabilities, dementia, mental illness, substance-use disorders, or traumatic brain injuries. Some are adults and others are minors. All are among the most vulnerable populations served by the courts and may be at higher risk of harm. The courts help ensure each of them are afforded respect, dignity, and due process.

## PROMOTING ALTERNATIVES

“It is desirable to make available the least restrictive form of guardianship,” the Legislature wrote in the law describing appointment of a guardian.<sup>1</sup> To protect the rights of these vulnerable populations, Idaho law requires guardianships to be established in ways that let an incapacitated person participate as much as possible in decisions that affect them. The courts have provided training on alternatives to a full guardianship, including limited guardianships and supported decision-making (when people choose trusted third parties to help them understand the choices they face). Training on less intrusive alternatives remains important due to demographic shifts and the increase in new judges.

## HIGHER CASELOADS

As of 2022, there are currently 9,941 open guardianship and conservatorship cases across Idaho. In FY2022, 850 new guardianship petitions were filed, the most in the past five years. Overall, 1,422 new petitions were filed for guardianships, conservatorships, or joint petitions seeking both.

Petitions are rising due both to Idaho’s growth and an aging population. In 2019, 16% of Americans were age 65 or older. That percentage is expected to increase to 21.6% by 2040.<sup>2</sup> Currently, an estimated 27,000 Idahoans live with Alzheimer’s disease or dementia-related conditions. That number is expected to increase to almost 33,000 by 2025.<sup>3</sup> The court system must be prepared for a continued increase in petitions for guardianships and conservatorships in the coming years.

In Idaho, more than \$428.7 million in assets were managed under conservatorships in FY2022, an increase of 6.5% over the previous year.

Every guardianship or conservatorship case in Idaho is assigned to a judge, who is assisted by a guardianship & conservatorship monitoring coordinator (GCM Coordinator). Since FY2018, the GCM Coordinators have reviewed thousands of annual reports filed by guardians and conservators. They provide support for court staff and case participants and also conduct home visits, interview people who have close contact with those under guardianship, and link participants to community resources when necessary.

<sup>1</sup>Idaho Code 15-5-303

<sup>2</sup>[https://acl.gov/sites/default/files/aging%20and%20Disability%20in%20America/2020Profileolderamericans.final\\_.pdf](https://acl.gov/sites/default/files/aging%20and%20Disability%20in%20America/2020Profileolderamericans.final_.pdf)

<sup>3</sup><https://aging.idaho.gov/wp-content/uploads/2022/08/Greater-ID-ALZ-Flyer-Care-and-Support-6.23.2022.pdf>

