

# 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 and financial matters, are appointed to support vulnerable people and increase safety and security. Those served may have intellectual or developmental disabilities, dementia, mental illness, substance-use disorders, or traumatic brain injuries. Some are adults and others are children.

The Idaho Legislature has recognized through Title 66 (the Developmental Disability Code) and Title 15 (the Uniform Probate Code) that every individual has unique needs and differing abilities. Public welfare is promoted by establishing a guardianship or conservatorship that permits people to participate as fully as possible in decisions affecting them. For that reason, the court system ensures a balance between autonomy and protection of vulnerable people by actively monitoring these cases, ensuring newly appointed guardians and conservators understand their rights and responsibilities. The courts provide ongoing training on alternatives to full guardianships.

Over the last five years, Idaho has seen a steady increase in the number of petitions for guardianships and conservatorships. There are currently 10,000 open guardianship and conservatorship cases pending around the state, a 2% increase over last year,

and incapacitated adults account for over half of the pending cases. Approximately \$499 million in assets are managed under conservatorships, which is a 17% increase from FY 2022.

## OUR AGING POPULATION

Idaho saw 17% growth in the population of persons older than 60 years of age between 2017 and 2022.<sup>1</sup> This affects the number of petitions for guardianship or conservatorship, and the court system must be prepared for a continued increase.

## MONITORING THE PROCESS

Funded by the Legislature, coordinators in each judicial district provide vital support by monitoring every guardianship case. Their primary duty is to assist judges in their annual review of a guardianship to ensure that any concerns are promptly addressed. These coordinators further help the judges by conducting home visits, interviewing people who have close contact with persons under guardianship and linking case participants to community resources. A Judicial Branch finance team also reviews conservatorship reports to help safeguard the assets of protected people. In FY2023, that team reviewed about 3,800 reports.

Coordinators have seen an increase in their caseloads proportionate with the increase of cases across the state. To ensure consistent quality and further education, the coordinators will soon attend a certification training program for guardianship monitors hosted by the National Guardianship Association.

<sup>1</sup> [https://aging.idaho.gov/wp-content/uploads/2023/02/ICOA\\_AnnualReport\\_SFYZ22-Final-2\\_2023.pdf](https://aging.idaho.gov/wp-content/uploads/2023/02/ICOA_AnnualReport_SFYZ22-Final-2_2023.pdf)

