

# Guardianship & Conservatorship



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## WHAT ARE GUARDIANSHIPS & CONSERVATORSHIPS?

**Court-appointed guardianships** are legal arrangements in which a court appoints an individual to make decisions on behalf of another person who is incapable of managing their own personal or medical affairs. The person the guardian is serving may have intellectual or developmental disabilities, dementia, mental illness, substance-use disorders, or some other disability or injury. Guardianships can be sought for both children and adults. Guardians are given authority to make decisions on the person's health care, living arrangements, and education.

**A conservator** takes care of financial decisions for a person who similarly cannot manage their own finances or property. That person may be a child who only needs financial protection until they turn 18, or may be an adult in one of the situations described above. Conservators manage estates, which can include both physical property and financial holdings or accounts.

## IDAHO'S APPROACH

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 permitting 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. Every person seeking appointment as a guardian or conservator must complete a training on the duties and responsibilities of that position, and the courts provide ongoing training on alternatives to full guardianships.

## CURRENT CASES

This past fiscal year, over 1,300 new petitions for guardianships and/or conservatorships were filed in the state of Idaho. Idaho courts are currently managing over 10,000 open cases across the state, an increase of 1.6% from five years ago. While new petitions for protection of minors increased by 5.4% this past year, new petitions for protection of an adult decreased by 8.9%.

Guardianship and conservatorship cases remain open through the life of the protected person or through the termination of the petition. Currently, over \$548 million in assets are managed under conservatorships, which is a 9.9% increase. Given the life of these cases, the number of cases and assets Idaho judges manage will continue to grow.

## MONITORING THE PROCESS

Seven guardianship & conservatorship monitoring coordinators — one in every judicial district — assist judges in their annual review of a guardianship to ensure any concerns are promptly addressed. Coordinators conduct home visits, interview people connected to the person in a guardianship case, and refer participants to community resources when necessary. Coordinators have seen an increase in their caseloads over the last few years.

