

Guardianship & Conservatorship





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WHAT ARE GUARDIANSHIPS & CONSERVATORSHIPS?

Courts create **guardianships** when a person cannot manage their own personal or medical affairs because they are incapable or have a disability that prevents them from making those decisions. This can happen due to age, illness, disability, injury, or other reasons. After the court appoints them, the guardian can make decisions on the person's health care, living arrangements, and education.

The court may appoint someone to take care of another person's money. This is called a **conservator**. A person may need a conservator if they are a child under the age of 18 or an adult who cannot manage their money or property. Conservators help manage all the person's assets, including their home, land, benefits, stocks, and other accounts.

Decisions to appoint a guardian or conservator are not made lightly. They are done to support people who need help and to increase their safety and security. Sometimes these cases are filed to protect children and their assets. Each year over a thousand petitions are filed with the courts to help make decisions on behalf of Idaho's citizens.

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. People who want to become a guardian or a conservator must complete an online training on the duties and responsibilities of those positions. A judge may waive the training fee for people who cannot afford it.

The courts also provide training on alternatives to full guardianships.

This past fiscal year, 1,258 new petitions for guardianships or conservatorships were filed in the state of Idaho. At the end of the fiscal year, there were 10,229 open guardianship and conservatorship cases in Idaho, up just less than 1% from the previous year. Those cases involved \$631 million in managed assets, a 15.1% increase in managed assets from the previous year.

These cases remain open through the life of the protected person or through termination of the guardianship or conservatorship. As a result, the number of cases and assets Idaho judges oversee will continue to grow.

MONITORING THE PROCESS

There is one guardianship and conservatorship coordinator in every judicial district. They provide vital support for court staff, stakeholders, the public, and guardians by reviewing every guardianship case. Coordinators help judges in their annual review of these cases to ensure that any concerns or red flags are promptly addressed and resolved.

