



IDAHO JUDICIARY

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Guardianships and Conservatorships in Idaho

Report to the 2020 Legislature

Guardianships and conservatorships are mechanisms that protect some of the most vulnerable individuals in our society. At the same time, they also remove fundamental rights thereby increasing potential abuse, neglect, or exploitation of those we strive to protect. Idaho currently has 4,266 active guardianship and conservatorship cases with 1,347 new cases filed last fiscal year.

Protecting Rights and Reducing Conflict

Idaho has launched an initiative to bring Eldercaring Coordination to families in conflict through training of service providers, magistrate judges, attorneys and the public so families in need can obtain the support and guidance to navigate through a difficult transition. The goal is to have over 15 providers in Idaho trained to provide elder mediation or eldercaring coordination to families in conflict who turn to the courts for assistance in guardianship or conservatorship cases.

Eldercaring Coordination is a dispute resolution option for high conflict families that turn to the courts for resolutions regarding the care and needs of elders in guardianship and conservatorship cases. Eldercaring Coordination focuses on reducing conflict so family members are able to focus more productively on their aging loved one and work with others in their support system to provide legal advice, guidance, and care. The goals of Eldercaring Coordination are to manage high conflict family dynamics so the elder, family, and stakeholders can address their non-legal issues independently from the court.

Resource development is a priority to assist in educating the public and individuals in the system. Those resources included a guide on supported decision making so persons with development disabilities and their families understand all the options available to them. A guide for appointed conservators on how to manage another person's finances in accordance with their legal and ethical rights and responsibilities was also created. These resources are available both electronically and in printed form.

Link: <https://courtselphelp.idaho.gov/docs/forms/Help-for-Court-Appointed-Conservators-in-Idaho.pdf>

Link: <https://isc.idaho.gov/files/support-decision-making-guide-revised-Oct-2017.pdf>

Monitoring Guardians and Conservators to Reduce Risk

In 2016, the legislature appropriated funding to provide for a guardianship and conservatorship monitoring coordinator (GCM Coordinator) in every judicial district. The GCM Coordinator monitors the well-being of individuals under guardianship and provides a much needed subject matter expert on guardianships and conservatorships for court staff, stakeholders and the public. Through their combined effort, 3,398 cases were reviewed, and of those cases 456 required further inquiry and follow-up. The follow-up consisted of 272 in-home visits with the person under guardianship, 798 phone calls, and 305 hearings to ensure the person under guardianship was safe, provided for in an appropriate manner, and living a self-determined life.

In conjunction with the GCM Coordinators, the Administrative Office of the Courts (AOC) provides for accountants to review and monitor financial reports filed with the court. This fiscal year, AOC accountants reviewed 2,883 reports with combined total assets valued at over \$295 million.



Mission Statement of the Idaho Courts

*As the Third Branch
of Government, we
provide access to
justice by ensuring
fair processes and
the timely, impartial
resolution of cases.*

The Idaho Judiciary Stands For:

*Integrity
Fairness
Independence
Respect
Excellence
Innovation*

The Idaho Judiciary Strives To:

*Provide Timely,
Impartial Case
Resolution Through
Legally Fair
Procedures*

*Ensure Access to
Justice*

*Promote Effective,
Innovative Services*

*Increase Public
Trust and
Confidence In
Idaho's Courts*

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