

In the Supreme Court of the State of Idaho

IN RE: AMENDMENTS TO THE)
IDAHO COURT ADMINISTRATIVE) ORDER
RULES)
_____)

The Court, having received a recommendation to amend the Idaho Court Administrative Rules, and being fully informed as to the recommendation,

NOW, THEREFORE, IT IS ORDERED that the Idaho Court Administrative Rules be amended as follows:

Idaho Court Administrative Rule 54. Guardianships and Conservatorships.

Every individual seeking appointment as a guardian or conservator shall file with the court a certificate of completion of the Supreme Court's online training course ~~relating to the duties and responsibilities of a guardian or conservator~~ prior to the issuance of permanent letters of guardianship or conservatorship, ~~unless otherwise waived by the court for good cause~~. The Supreme Court may charge a \$25.00 fee to participants to cover the cost of furnishing this training. This fee shall be deposited in the guardianship pilot project fund as provided in section 31-3201 G, Idaho Code. ~~This rule shall not apply to cases involving the guardianship or conservatorship of a minor.~~ Completion of the course or fees may be waived by the court.

Idaho Court Administrative Rule 54.4. Visitor Reports.

(a) A visitor must have the following qualifications:

1. A license in good standing in any state in the field of social services or health care;
2. A post-baccalaureate degree, including, but not limited to, a Masters in Social Work (MSW), Masters of Science in Nursing (MSN), Juris Doctorate (JD), and at least two years of relevant experience; or
3. At least two (2) years of relevant experience in the range of case types which arise under Title 15, Chapters 3 and 5, and Title 66, Chapter 4, Idaho Code. The court may determine whether the proposed visitor's experience is sufficient.

(b) The visitor must visit and interview the person proposed to be under guardianship ("person") at the person's residence, if feasible, or where the person can be found. The visitor must also interview the petitioner and any proposed guardian or conservator. It is preferable that the interviews be conducted separately.

(c) In preparing reports, the visitor must consider all available information concerning any proposed guardian, conservator, and individual who resides in or frequents the person's proposed residence, including, but not limited to, information available to the visitor pursuant to Idaho Code Section 15-5-311.

(d) The visitor must file a report with the court, signed under oath or affirmation, which includes the following information:

1. The person's impairments and how those impairments may affect the person's understanding or capacity to make or communicate decisions;
2. The person's functional limitations and how they have exposed or may expose the person to substantial harm in the following areas:
 - A. Ability to provide for food, clothing, shelter, health care, or safety; and
 - B. Ability to manage his or her property or financial affairs.
3. Acts, occurrences, or statements within the past twelve months related to the person's inability to provide for personal needs or to manage property;
4. Whether the acts, occurrences, or statements were done or made:
 - A. Voluntarily;
 - B. With consideration of the risk and consequences and a clear understanding of the potential outcome;
 - C. With relevant information necessary to make the decision;
 - D. With an understanding that the person is free to choose or refuse any alternative available; and
 - E. As a result of a temporary or reversible condition.
5. Need for care or treatment, and residential requirements;
6. The person's opinions and preferences regarding:
 - A. The need for a guardianship or conservatorship;
 - B. The terms of the guardianship or conservatorship and
 - C. The proposed guardian or conservator.
7. The financial status of the person, including any public benefits or services;