



Report to Governor
C.L. "Butch" Otter
and the 1st Regular
Session of the 63rd
Idaho Legislature

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Guardianships and Conservatorships

Enhancements, Reform, and Expanding Innovation

Court-appointed guardians and conservators step into the shoes of incapacitated adults, persons with developmental disabilities, or minor children, making judgments about property; medical care; living arrangements; lifestyle; and potentially all personal or financial decisions. In FY14 there were 1,336 new guardianship and conservatorship petitions filed in Idaho's courts.

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 opportunities for abuse, neglect, or exploitation of those we strive to protect. For that reason, the Supreme Court and its Guardianship and Conservatorship Committee (GC Committee) is actively committed to monitoring these cases to ensure newly-appointed guardians and conservators understand their rights and responsibilities, and to determine future direction and programs to protect the citizens of Idaho. This year's accomplishments include:

NEW AND IMPROVED REPORTING REQUIREMENTS

In order to inform the court on the status of the person under guardianship or conservatorship, the appointed guardian or conservator must report to the court at least annually on what has happened in the case, the decisions made, and financial activities during the previous year. On July 1, 2014, extensive changes to the reporting requirements for guardians and conservators went into effect. The purpose of these statutory and rule changes were to:

- » Simplify and organize reporting requirements;
- » Provide for one location for all guardians and conservators to find requirements;
- » Allow for additional flexibility for the court to monitor the cases; and
- » Include additional guardian reporting requirements lacking in the previous versions.

In conjunction with these reporting requirement improvements, standardized reporting forms were created, updated and simplified.

ENHANCEMENTS TO CONSERVATORSHIP MONITORING PROGRAM

In 2010, the Supreme Court implemented a statewide conservator monitoring program that provides an independent review process to ensure effective asset management for the person under conservatorship. In FY2014, Idaho clerks of the court submitted 2,622 annual reports for review. These reports reflect \$353,376,703 of assets under the care of another person.

To assist the district courts and conservators who have submitted reports, an email account and procedures were created to assist the conservator who has questions or concerns. The email message is sent directly to the accountant reviewing the financial report. This streamlines the process of responding to questions or concerns about the handling of the finances of a person under conservatorship while still allowing the reviewer to maintain the independent nature of the audit.

SEEKING INPUT ON GUARDIAN AND CONSERVATOR TRAINING

An online training program was implemented in 2011 requiring all guardians or conservators seeking appointment on behalf of an incapacitated adult to complete a comprehensive course based upon standards of practice applicable to Idaho. In FY2014 1,492 newly-appointed guardians or conservators completed and passed the training course.

The Idaho Supreme Court is surveying users who have completed the online course to assist with development and future improvements to the course. The survey also provides the Idaho Supreme Court and GC Committee information on knowledge retention and whether the training is providing the necessary information. This is an ongoing effort and will guide the GC Committee in determining future training development and opportunities.

CREATING PROCESS FOR CONCERNS FROM THE PUBLIC TO REACH THE JUDGE

Last year, the Idaho Supreme Court adopted a rule to allow a judge to receive communication from the public as it relates to the malfeasance or misconduct of a guardian or conservator providing an additional means for a judge to provide oversight in these cases.

In January 2014, the Supreme Court finalized and trained court personnel across the state on a process for the court to receive and act on public complaints about an appointed guardian or conservator. With this process, a neighbor, relative, and those closest to the person under guardianship or conservatorship can communicate concerns to the court. Concerns may include the theft of a protected person's money, the withholding of necessary medical treatment, the failure to provide necessary food or shelter, or physical abuse or neglect. This process equips the judge with tools to act on the complaint and an avenue for members of the public to provide important information.



GUARDIANSHIP AND CONSERVATORSHIP MONITORING PILOT PROJECT

In the spring of 2013 the GC Committee voted unanimously to develop a pilot project in which a districtwide employee implements and guides monitoring of guardianship cases. This model allows for the court to utilize local resources to ensure guardians are fulfilling their duties and provides an opportunity to have an independent professional conduct an in-person visit to the person under guardianship. Coordinators in the Third and Fifth Judicial Districts are in place to begin implementation of best practices for guardianship monitoring and report back to the GC Committee for future guidance and expansion to other areas.

COLLABORATION & INNOVATION: THE FUTURE OF GUARDIANSHIPS & CONSERVATORSHIPS

Never before has Idaho had such a large population of persons who are enjoying greater longevity. In addition to the growing aging population, trends include an increase in individuals with dementia, growth in the population of individuals with developmental disabilities, and rising incidents of abuse in this vulnerable population. Thankfully, Idaho anticipated this trend and has established practices to protect those individuals who need someone else to be their voice. However, there is more work to be done. Through collaboration and innovation, the GC Committee plans to:

- » Encourage the appropriate use of less intrusive alternatives to formal guardianships and conservatorship;
- » Expand guardianship monitoring practices across the state including in-person visits to persons under guardianship;
- » Provide ongoing assistance and training for persons appointed as guardians and conservators; and
- » Evaluate emerging practices on a national, state and local level to further protect Idaho's vulnerable citizens.