IDAHO SUPREME COURT GUARDIANSHIP/CONSERVATORSHIP MONITORING PROGRAM

8 March 2019

- Pilot began in 5th and 3rd Judicial Districts in July 2014 as the Court Monitoring or Protected Persons project
  (3rd District GCMP was only in position a short time)
- Third District GCMP started back up in November 2016
- Legislature approved and Governor Otter signed into existence the statewide Monitoring Program April 2017
  - Person under Guardianship and Conservatorship are protected against abuse

guardianship
assistance
may
person
disabilities
families
medical
health
people
manage
make
individual
guardian
need
proceedings
mental
care
without
persons
decisions

PURPOSE:

- The Program has four main goals:
  - Coordinating and developing a third party review system of the cases, protecting persons under guardianship and conservatorship against abuse.
  - Education
  - Implement and monitor streamlined policies, procedures, and forms for the deputy clerks and be a resource to the Judges
  - Identify the needs of the State of Idaho related to Guardianships and Conservatorships and bringing these needs to the attention of the Supreme Court Committee

Third Party Review System

Looking for Red Flags

- Judge reviews the Annual Status Report of the Guardian, submits Order, clerk sends judges review to me. This lets me know if any follow up is needed in the case
- I review the ASR, submit my Review Memo showing compliance or concern causing red flag
- Finance team still reviews all Conservator Accountings and submit the review

*MANY OF THE RED FLAGS ARE COMING FROM THIRD PARTY SOURCES AND ***NOT*** THE REPORTS*

Third Party Sources

- Community Contacts:
  - Phone calls – concerned family, friends, Ombudsmen
  - Agencies – APS, CPS, Facilities
  - Informal Complaints – face to face contact between myself and concerned member of community
  - Prosecutors Office – Board of Community Guardians
- Formal Complaints:
  - Counties copy me once complaints are filed and presented to the Judge; Judge determines actions that will be taken

What to do with these Red Flags

- Bring a case to the attention of the Judge, the Attorneys of record, the GAL, any other relevant party (including APS, CPS when there are concerns)
  - Reach out to Judge in person, by phone, email, or clerk
  - Idaho Court Administrative Rule 54.1, Ex Parte Communication
- Conduct homes visits, telephone contact, collateral contact and set Status Hearings based on the identified level of risk, report back to the Court (in person, by phone, email or clerk)
- File a Report to the Court, Monitoring Activities Report, or a Home Visitor Report

Differential Case Management Tool (DCM Tool)

- Designed to provide the presiding Court with relevant Guardianship information that will:
  - Assist the Court in determining what level of monitoring a particular case may need
  - Provide the Court with options for case monitoring
- Data regarding the Guardian, the Protected Person, their legal history, medical history, etc is gathered with the DCM
- The DCM tool distinguishes between minors, incapacitated adults and persons under guardianship with developmental disabilities
- The data gathered establishes a monitoring level; Low, Medium, High
- Each case will be looked at through this tool and reviewed every five years and updated; a copy of the outcome is made available to the presiding Judge

EDUCATION:

- Appointed persons understand and fulfill their duties and responsibilities both prior to and during appointment
- Answer questions about G/C cases for all stakeholders
- Provide assistance to the public related to these cases to include helping the Court Assistance Office; petitions, terminations, filing of annual reports and complaints
- Direct inquiries to an appropriate authority or community resource
- Develop ongoing resources for the Magistrate Judges and clerks
- Work in conjunction with community resources
- G/C Legal Clinic as a future goal in Third District

Implement and Monitor:

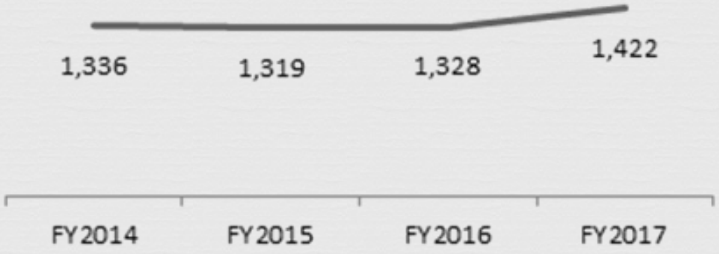
- In person training in the individual Counties regarding the submission and delinquency of reports
  - One- two clerks in each County that are my contacts
- Answer questions Judges may have and follow requests when asked (contact a party, do a home visit)
- Answer questions about the complaint process/review received complaints
- Constant contact with clerks and Judges for any issues that may arise
- Odyssey training and Go Lives

Identify needs of the State and bring to the attention of ISC:

- Collect and analyze data within the Third District
  - Year, month, district
  - Annual reports reviewed, how many flagged for follow-up
  - Flagged for follow-up, phone calls, referrals TO other agencies (APS, CPS, other)/ referrals FROM other agencies
  - In person visits; home or office
  - Hearings held; flagged case, flagged annual report, complaint
- Identify gaps in the community regarding resources and taking back to the G/C Supreme Court Committee
  - Meets April and October each year to discuss needs
- Continue to develop the program

A Few Little Stats:

- Reviewing Guardianship Reports (25 per month)
- Third District has roughly 1500 active Guardianship and Conservatorship cases
- By 2030, Idaho will see an estimated 23% increase in the population of individuals over the age of 60
- Number of Petitions filed every year



Training and Requirements of Guardianship and Conservatorship:

- Online Guardianship/Conservatorship Training
- Locating a missing guardian/conservator/ward
- Reporting Requirements
  - Initial 90 Day Inventory (Conservator)
  - 30 Day Care Plan (Guardian)
  - Annual Accounting (Conservator)
  - Annual Status Report (Guardian)

- If Questions on Guardianship/Conservatorship Program: Janet Caufield 208.453.4838; jcaufield@canyonco.org

Questions & Answers:

Relating to all previous discussion.

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Guardianship & Conservatorship
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Thank You!