FAMILY LAW (Guardian/Conservator)

- *(Presented by Hon. Kent Merica)*

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COORDINATED FAMILY SERVICES

Family Court Services (FCS), Court Assistance Offices (CAO), and Domestic Violence Courts (DVC) were established by Idaho Code Title 32, Chapter 14, as, "Coordinated Family Services," to meet the needs of families and children in the courts by fostering family relationships, offering legal assistance, and responding to domestic violence. FCS, CAO, and DVC provide innovative case management practices which are designed to promote an efficient use of family and court resources.

FAMILY COURT SERVICES

Families in transition may be better suited for alternative methods to resolve their dispute than the adversarial process. Family Court Service Managers assist with case management from the time of filing, through case disposition, to the final decree, with a number of helpful services along the path to a new family structure.

The Children and Families in the Courts Committee has adopted seven statewide core services.

- Co-Parent Education helped 9,028 parents understand how to keep their children out of the middle of a dispute and focus on their children's best interests.

- Supervised Access afforded the opportunity for 895 children to spend time with their parents under circumstances that would ordinarily make access difficult.

- Mediation was used in 668 custody disputes and family courts managed another 1,645 mediation cases with referrals to community professionals.

- Civil Intake Screenings assist the courts in triaging cases and efficiently finding the best service suited to the case.

- Pre-Filing Workshops gave 1,326 parents the opportunity to work with Family Court Services on parenting plans.

- Brief Focused Assessments help answer discreet questions by providing unbiased information to the court.

- Parenting Time Evaluations assist the court in the most difficult cases.

COURT ASSISTANT OFFICE

The role of the Court Assistance Office is to promote equal and meaningful access to the courts and increase the accessibility of resources and legal information for self-represented litigants. In FY2016, Court Assistance Officers throughout the state assisted over 57,000 people by providing information on the court process and court approved forms, reviewing court forms, and organizing legal advice clinics to help those without an attorney navigate the court system and better understand their rights and responsibilities.

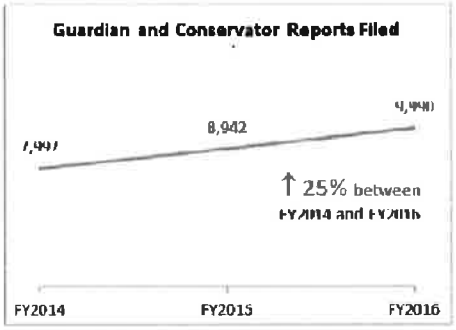
The Court Assistance Office continues to expand its use of technology to increase the ease of accessing the resources available to self-represented litigants. The office partnered with Idaho Legal Aid, Inc. on a grant from the Legal Services Corporation to create a text-line for obtaining immediate responses to frequently asked legal questions. The office is always using technology to simplify the process of completing and e-filing court forms via the continued development of the Guide & File interviews.

GUARDIANSHIPS AND CONSERVATORSHIPS

Guardianships and conservatorships are relationships created by Idaho law in which a court gives a person or entity (the guardian or conservator) the duty and power to make personal or financial decisions for another (the person under guardianship or conservatorship).

Encouraging and Enabling People to Lead Independent, Self-Determined and Community Included Lives

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, and public welfare is promoted by establishing a guardianship or conservatorship that permits persons to participate as fully as possible in decisions affecting them. To further this objective, the Idaho Supreme Court Guardianship and Conservatorship Committee (GC Committee) is identifying and implementing promising practices to facilitate limited guardianships and conservatorships.



Compliance and Monitoring

A guardian is required by Idaho Code § 15-5-312(e) to report annually on the status of the person under guardianship. A conservator is required by Idaho Code § 15-5-419 to report annually on any income and expenses for that year.

While the number of guardianship and conservatorship petitions has remained stable, the number of reports to the court has steadily risen across the state due to increased training and public outreach.

Six years ago, the GC Committee implemented a statewide financial monitoring program that provides an independent review of conservators' reports to monitor effective asset management for the person under conservatorship. In FY2016, Idaho clerks of the court submitted 2,752 annual financial reports for review. These reports reflect $336 million dollars of assets under the care of another person.

In July 2014, the GC Committee launched two pilot projects in the Third and Fifth Judicial Districts, called the Court Monitoring of Protected Persons (CMPP) project. Coordinators were hired to provide court monitoring of persons under guardianship.

Evaluation of the CMPP shows that the program provides needed resources for clerks, establishes consistency in case processing, gives assistance to the public, and improves the monitoring of cases, including identification of cases in need of follow up.