Iowa Guardianship & Conservatorship Assistance & Monitoring Pilot Project

Background:

Iowa courts can appoint a guardian or conservator for adults with diminished decision making capacities, who then become wards of the court. The former is responsible for managing the personal affairs of the ward whereas the latter is responsible for managing the financial affairs of the ward.

Guardianships and conservatorships are used for older persons incapacitated due to Alzheimer’s disease and other dementias. They also are used for adults of all ages incapacitated due to intellectual disabilities, mental illnesses, and traumatic brain injuries. It should be noted that there is an increasing need for guardianship and conservatorship services because of Iowa’s large and growing aging population who are at high risk for Alzheimer’s disease and other dementias.

The Iowa Code contemplates ongoing court monitoring of guardianships and conservatorships to assure that wards are receiving proper care and protection from abuse, neglect and financial exploitation. But the courts usually lack the resources to perform this monitoring function fully. Moreover, individuals appointed as guardians and conservators, especially family members, need assistance as well as monitoring because all too often they do not understand their legal and fiduciary duties and lack knowledge about the availability of services and benefits for their wards.

Purpose:

The Guardianship & Conservatorship Monitoring & Assistance Pilot Project will provide assistance to guardians and conservators to carry out to their responsibilities to incapacitated individuals who are wards of the court, and the project will expand the ability of the courts to monitor more fully guardians and conservators. The overall aim of the project is to assure that incapacitated individuals, who are wards of the court, receive proper care and protection and are not abused, neglected or financially exploited.

Administration and Funding:

The project is being conducted by the National Health Law and Policy (NHLP) Resource Center at the University of Iowa College of Law on a pilot basis over a three year period in collaboration with the probate courts in Iowa’s Sixth Judicial District. The Iowa General Assembly appropriated funding to the Iowa Department of Aging for the first year of the pilot project, and the University of Iowa’s Office of the Provost, the College of Law and the NHLP Resource Center are furnishing support for the project.
Activities:

The pilot project when fully implemented will have an assistance component to help guardians and conservators fulfill their duties and responsibilities to wards and a monitoring component to help probate courts monitor guardianships and conservatorships so as to assure that wards are receiving proper care and protection and are not being abused, neglected or financially exploited. In order to carry out its activities, the project will recruit, train and supervise law students, and it is contemplated that the project will recruit, train and supervise community volunteers.