
Recent Trend for the Revision of Adult Guardianship

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What is Council of Social Welfare?

- Councils of Social Welfare are found in all municipalities across Japan. These are groups with a high degree of publicness that promote community welfare.
- Through this, there is a structure in which the Daily Life Independence Support Project can be used anywhere in Japan.



What Is the Daily Life Independence Support Project?

- This is a welfare project that can be used by those who are uneasy about making decisions on things such as contracts or who have trouble managing their money by themselves (e.g. the elderly and those with disabilities).
- Councils of Social Welfare in each region provide support – from consultations to the provision of services.
- This service began in 1999. Family courts are not involved with this project because this is a project based on the Social Welfare Act.

What Is Done?

- Support is provided for welfare service usage applications, contract procedures, daily money depositing/withdrawing, supervision of bankbooks and more.



Adult Guardianship System in Japan: Current Features and Challenges

Reference: Supreme Court General Secretariat, Family Bureau “Overview of the Adult Guardianship Related Affairs”

- (1) It is estimated that the number of elderly people with cognitive impairment and those with disabilities exceeds 4 million. It is predicted that there will be approximately 7 million people with cognitive impairment by 2025. Currently, there are few users of the adult guardianship system. There were only 203,500 cases in 2016.
- (2) The motive for making petitions is often related to property management. The motive for personal protection is often incidental.

Current Features and Challenges in Japan

- (3) The percentage of guardianship users is 80%. These do not reach the petition stage unless the ability to make judgments declines.
- (4) There has also been an increase in petitions by the principals for curatorship and assistance. Understanding by the principals is the key. However, understanding of the system itself is not enough.

Current Features and Challenges in Japan

- (5) A little less than 30% of relatives are appointed to guardians. Third parties account for 60% of guardians. Future training – especially the training of guardians by corporations and citizen guardians – is a challenge.
- (6) The number of cases of fraud and the amount of damage by guardians are decreasing, but there still exist some, so this has compromised trust in the system.

Background to the Formulation of the Plan to Promote Use of the Adult Guardianship System

- May 2016: The Law to Promote Use of the Adult Guardianship System came into effect
- September 2016: The Council to Promote Use of the Adult Guardianship System (Chairperson: Prime Minister) sought opinions from the Committee to Promote Use of the Adult Guardianship System (established by the Cabinet Office)
- January 2017: The committee summarized its opinions
- January to February 2017: Public comment was sought
- March 2017: The council created the Basic Plan (Draft) to Promote Use of the Adult Guardianship System in the promotion meeting and this was then approved by the Cabinet

Points in the Basic Plan to Promote Use of the Adult Guardianship System

Refer to the reference documents

The period of this plan is roughly five years.

1. Improve the system and operation so that users can feel the benefits
2. Create a regional cooperative network for advocacy support
3. Achieve harmony between thorough prevention of fraud and ease of use

Utilization of the Social Work Philosophy and Techniques

The previous adult guardianship system was focused on property management. Therefore, there are expectations for involvement by related parties and organizations in light of the welfare perspective such as with support based on **social work philosophies/techniques** and **support for teams** involved in public awareness and daily monitoring.

Creation of the Regional Cooperative Network for Advocacy Support

The main players in future efforts will be **prefectures and municipalities**

⇒ Make the plan well-known

The aim is to **create a regional cooperative network for advocacy support (including the adult guardianship system)**. There is a need to establish an organization at the core of this. (Refer to the reference documents.)

Challenges relating to the Creation of the Regional Cooperative Network

- (1) There is a difference in the degree of enthusiasm for efforts among prefectures and municipalities (administrations).
- There is a possibility that this disparity will widen such as with a difference in support for petitions made in municipalities.
- There are insufficient support measures for principals with meager assets (there is only petition fees and guardianship remuneration).

Challenges relating to the Creation of the Regional Cooperative Network

(2) There is a difference in recognition among administrations (especially welfare departments).

The adult guardianship system is a mechanism of the family court. Therefore, originally there was a concept it did not fit in with the welfare system.

(3) There is no experience with the construction of a network between professionals and organizations.

There is a lack of consensus building between judicial and welfare related stakeholders.

Challenges relating to the Creation of the Regional Cooperative Network

(4) The principal subjects are not familiar with the system.

There is a tendency to attach importance to the intentions of families and stakeholders rather than the principals.

(5) Work has not yet started on reform to the legal system.

Will this be an initiative centered on the legal system (e.g. family courts) or centered on the administrative system in the future? Work has not yet started on coming up with a drastic solution in this system.

Challenges relating to the Creation of the Regional Cooperative Network

(6) There is not yet a structure that can respond at an early stage to advocacy support beyond the adult guardianship system.

⇒ It is essential to enhance measures (both administrative and private measures) relating to advocacy support to solve those challenges.

Causes of a Structure That Cannot Respond at an Early Stage

- (1) There has been insufficient construction of the mechanism for advocacy support.
- (2) It is very important each individual thinks and prepares by himself/herself, but experience of this is lacking.
- (3) There is a shortage of methods and people to connect principals and mechanisms.
- (4) It is essential to train personnel who can make decisions and take into account ethical considerations instead of being satisfied with numbers in relation to (3).

Roles of the Regional Cooperative Network

- Discover and support those who need advocacy support
- Develop a consultation and response structure from an early stage
- Build a support structure to contribute to the operation of the adult guardianship system with an emphasis on support for decision-making and personal protection

Roles of the Advocacy Support Network

The roles of the advocacy support network are as below.

- Support for targets
- Mutual interaction between supporters
- Network between related organizations

There is a need to function effectively in the sense of preventing the isolation of individuals.

Toward an Advocacy Support Network Built in Communities

I would like to continue engaging from the standpoint of supporting urban development so that the people in the community can live with peace of mind, and from the standpoint of a social worker.