

Social safety net for isolated persons with disabilities: With a focus on adult guardianship

Satoru Yamaguchi

Department of Social Welfare, Niigata University of Health and Welfare, Niigata, Japan

Key words: injuria, adult guardianship, professional adult guardian, social safety net

Received: 15 February 2018/Accepted: 31 May 2018

Abstract

The basic framework of the adult guardianship system, institutionalized in 2000, is made up of two parts consisting of “Statutory adult guardianship”, used after decision making ability deterioration becomes apparent, and “Voluntary adult guardianship”, where one’s future is entrusted before decision making ability deterioration sets in. Persons subject to adult guardianship are referred to as “wards”. There are situations where certain actions such as property management and contracts, production of documents for receiving social work services, and other such actions during the ward’s daily life can be hindered. Because of this, there is no end to the number of cases of consumer fraud by a third party due mainly to the deterioration of the ward’s decision making ability. To prevent many of these problems in daily life before they arise, the purposes of utilizing the adult guardianship system are “the assets of the ward are able to be utilized for the ward even if his/her decision making ability deteriorates”, and “future life decisions do not go against the wishes of the ward”. The details of the support to achieve these purposes consist of “asset management” and “personal supervision”. This paper will

examine the process up to the utilization of the adult guardianship system by the social worker, through the example of a case where the injuria to a person with mental disability, who was being extorted, was prevented, including the appropriate support systems required so people with disabilities can go through daily life at ease.

Introduction

1. Summary of adult guardianship

Adult guardianship is made up of two parts, “Statutory adult guardianship” and “Voluntary adult guardianship”. In statutory adult guardianship, an application is put forward by the applicant when, in their current state, the decision making ability of the prospective ward has become deficient. The family court accepts the application and a person is appointed to provide appropriate support and protection by prioritizing the interests of the ward, and performing legal actions such as agency agreements. The second system, voluntary adult guardianship, is a system used to prepare for when the decision making ability of the prospective ward becomes deficient through dementia etc. in the future, while they still have sufficient decision making ability. The procedures required to use this system

Corresponding author: Satoru Yamaguchi

Department of Social Welfare, Niigata University of Health and Welfare, 1398 Shimami-cho, Kita-ku, Niigata city, Niigata 950-3198, Japan

TEL/FAX: +81-25-257-4468; E-mail: satoru-yamaguchi@nuhw.ac.jp

are performed between the ward and the adult guardian, chosen prior to the agreement by the ward, entering into a voluntary adult guardianship contract that gives power of attorney regarding living arrangements, healthcare and nursing, and asset management. By exchanging notarized deeds created by a notary, the adult guardian, with regard to the activities defined in the voluntary adult guardianship contract, under the supervision of the “Adult guardian supervisor”

appointed by the family court, is able to provide appropriate support in line with the wishes of the ward. Statutory adult guardianship is divided into 3 types, “Support”, “Assistance”, and “Full guardianship”, depending on the decision making ability of the intended recipient. People appointed following judgement from the family court are referred to as “Limited guardians”, “Curators”, and “Adult guardians” respectively. Together, they are referred to as “Adult guardians etc.”. The

Table 1. Summary of support type, assist type, adult guardian type.

		Support type	Assistance type	Full guardianship type
Condition	Subject judgement ability	Persons with decision making ability deficiency due to mental disability (dementia, intellectual disability, mental disability etc.)	Persons with significant decision making ability deficiency due to mental disability	Persons who lack decision making ability due to mental disability
Registration commencement	Applicant	Person in question, a spouse, relative within the fourth degree, a public prosecutor etc, voluntary adult guardianship mandatory, voluntary adult guardian, supervisor of voluntary adult guardian, heads of municipalities□		
	Consent of person in question	Required	Not required	Not required
Term of institution	Person in question	Person under limited guardianship	Person under curatorship	Adult ward
	Guardian	Limited guardian	Curator	Adult guardian
	Supervisor	Supervisor of limited guardian	Supervisor of curator	Supervisor of adult guardian
Right of consent / Right to revoke	Subject of assignment	“Specific legal action” as determined by the family court within the bounds of the application (limited to a section of legal action as determined in each Item of the civil code, article 13, paragraph 1)	Actions designated in each Item of the civil code, article 13, paragraph 1, actions that received judgement regarding expansion of right of consent (civil code, article 13, paragraph 2)	All actions excluding actions relating to daily life activities (right to revoke)
	Assignment procedure	Judgement regarding commencement of limited guardianship + judgement regarding assignment of right of consent + consent of person in question	Judgement regarding commencement of curatorship	Judgement regarding commencement of adult guardianship
	Person with right to revoke/rescind	Person in question / Limited guardian	Person in question / Curator	Person in question / Adult guardian
Agency	Subject of assignment	“Specific legal action” as determined by the family court within the bounds of the application	As left	All legal action regarding assets
	Assignment procedure	Judgement regarding commencement of limited guardianship + judgement regarding assignment of agency + consent of person in question	Judgement regarding commencement of curatorship + judgement regarding assignment of agency + consent of person in question	Judgement regarding commencement of adult guardianship
	Consent of person in question	Required	Required	Required
Duty	Personal consideration duty	Duty to consider condition of mind and body, and living standards of the person in question	As left	As left

Created by the author based on [Revised Adult Guardian Administration Manual.Chuohoki.2011;3].

□ As determined in the Welfare Law for the Elderly, Mental Health Welfare Professional Law, 1960 Act for the Welfare of Mentally Retarded People.

requirements to be eligible for “support” are that the person’s decision making ability is deficient due to mental disability, and the requirements to be eligible for “assistance” are that the person’s decision making ability is significantly deficient due to mental disability, and the requirements to be eligible for “full guardianship” are that the person has no decision making ability due to mental disability. Persons who have the authority to put forward an application to the family court include: the person in question, a spouse, relatives within the fourth degree, public prosecutors etc., voluntary adult guardianship mandatories, voluntary adult guardians, supervisors of voluntary adult guardians, and heads of municipalities. From the viewpoint of utilizing the residual ability of the user, the requirements, such as the scope of authority of the adult guardian and need for consent when applying, differ from one type to another. There is no clear boundary between the 3 types, but one chooses one of the 3 types when applying, and after taking into account the intentions involved and medical certificates, as well as the family court probation officer’s interviews etc., a judgement is passed to begin one of the three types (Table 1).

2. The perceived subject

The typical subject has a tendency to suffer a lot of injuria due to their deficient decision making ability, brought on by their characteristics of being intellectually disabled/mentally disabled/elderly with dementia. Below is an explanation of the characteristics that cause these subjects to be more likely to suffer harm. First, the common characteristics of the intellectually disabled/mentally disabled/elderly with dementia requiring financial management and personal supervision are known to be “1, cannot urgently lay a complaint about any harm suffered, 2, rarely consults other people, 3, has repeatedly suffered harm many times, 4, relationships with family and relatives have become distant, and

subjects are isolated within their neighborhood and community, and other such reasons” [1] . Next is a list of the characteristics of each of the intellectually disabled/mentally disabled/elderly with dementia that make them susceptible to harm. The characteristics that are raised that make intellectually disabled people susceptible to harm are “1, they find it difficult to understand, remember or to reason things etc., 2, ability to think in the abstract and apply past experiences is deficient, 3, they lack social experience due to living in an environment with limited human relations”[2] . The characteristics that are raised that make mentally disabled people susceptible to harm are “1, decrease in voluntary independence, 2, difficulty in maintaining volition, 3, poor at coping with complex situations such as making decisions according to the circumstances, and dealing with multiple issues at the same time, 4, poor at developing personal relations with other people, 5, has a lot of anxiety regarding new things”[2] . The characteristics that are raised that make elderly people with dementia susceptible to harm are “1, others take advantage of their anxiety over their health, 2, others take advantage of their anxiety over their financial situation, 3, can easily be persuaded to enter into any contract, 4, trusts those who are kind to them and cannot refuse when emotionally persuaded, 5, hides the harm suffered due to pride or resignation”[3] . As explained above, owing to a decline in decision making ability, they are led into situations where they often suffer injuria due to difficulties in performing actions such as financial management, entering into contracts, and procedures regarding service use themselves.

3. Support details of adult guardians etc.

The support details of adult guardians etc. are made up of “financial management” and “personal supervision”. First is an explanation of financial management. Financial management is the management of finances that are required to live

one's daily life such as living expenses, leisure expenses, educational expenses, and healthcare costs. The purpose of financial management is the safe retention of the adult ward's assets and not to increase the interest gains through asset management such as investments. Specifically, this includes such actions as sale and purchase and leasing of real estate, deposit and withdrawal of savings, payment and receipt of rent, claiming and receiving benefits such as pensions, payment of public utility charges etc., and taking part in the consultation regarding division of inheritance etc. Additionally, financial management is not limited to ascertaining the current balance of finances, but also requires calculation of total expenses each year to form a plan going forward. It is required to leave a record of all income and expenditures during actual administrative processing. Personal supervision refers to performing all legal activities related to the ward's life, medical treatment, recuperation, and care etc. Specifically, securing accommodation for and maintaining the living environment of the ward, required procedures for entering and leaving facilities etc., and required procedures for medical treatment and hospitalization etc. of the ward all fall under personal supervision. Additionally, the adult guardian does not perform the actual care/treatment of the ward directly, but rather their main role is to arrange for their care/treatment as required, so as to maintain the quality of the ward's daily life. As a rule, because the care work etc. is not included, the ward's direct care/treatment is entrusted to the family/hospital/care facility etc. In the civil code article 858, it is stated that "the adult guardian must respect the will of the ward and consider the ward's condition of mind and body, and living situation when performing administration regarding the life, treatment and care, and court-ordered confinement of assets. This provision is called the "Personal consideration duty" and is an obligation also placed upon limited guardians,

curators, and adult guardians. Additionally, in civil code article 859 it is stated that "The adult guardian will manage the assets of the ward, and will represent the ward in any legal action regarding said assets." Adult guardianship has the support of the daily life of the adult wards etc. at its core, and cannot be regarded without both "financial management" and "personal supervision", making it two sides of the same coin.

4. The people who become adult guardians

The number of applications for adult guardianship, curatorship, and limited guardianship was 9007 in the year 2000 when the system was first inaugurated [4] . Due to our country's aging society, the number of elderly with dementia over 65 years of age was 4.62 million people in 2012, a rate of 1 in 7 people over 65 (a prevalence rate of 15.0%) [5] . The increase in the number of elderly with dementia is continuing on an upward trend, with this number projected to become approximately 7 million people in 2025, a rate of 1 in 5 people over 65 (a prevalence rate of 20.6%). Additionally, the trend of nuclear families is progressing, and it may now be more difficult for relatives who used to be selected as adult guardians to perform those duties. Looking at the relationship between adult guardians etc. and ward in the year 2000, when the system was inaugurated, children being selected as adult guardians etc. were the largest proportion at 34.5%. This was followed by the spouse at 18.6%, and siblings at 16.1%. The proportion of family members of the subject being selected as adult guardians etc. accounted for over 90% of the total. However, by 2016, when looking at the relationship between adult guardians etc. and the person in question, the proportion of the spouse, parent, child, sibling, and other family members being selected as adult guardians etc. was limited to approximately just 28.1% of the total. Therefore, the remaining

71.9% is made up of third person adult guardians etc. outside of family members. It is apparent that the proportion of family members is continuing to decrease, while the proportion of third person adult guardians (lawyers, judicial scriveners, social workers, acquaintances, and corporate bodies) is increasing (Table 2 and Figure 1).

Table 2. Proportion according to relationships between statutory adult guardians and their wards (%).

Year	Adult guardians etc.						Third person
	Relative					Total	
	Spouse	Parent	Child	Brothers / Sisters	Other relative		
2000	18.6	9.6	34.5	16.1	12.1	90.9	9.1
2001	14.2	8.5	32.6	17.6	13.0	85.6	14.4
2002	12.7	10.7	30.8	17.2	12.7	84.1	15.9
2003	10.8	12.5	29.2	16.9	13.1	82.5	17.5
2004	9.4	11.3	29.5	16.8	12.5	79.5	20.5
2005	8.5	10.7	30.4	15.6	12.2	77.4	22.6
2006	6.0	28.2	21.3	18.2	9.2	82.9	17.1
2007	8.6	7.9	31.7	12.0	12.0	72.2	27.8
2008	7.6	6.2	32.5	11.0	11.2	68.5	31.5
2009	6.8	5.1	30.9	9.8	10.9	63.5	36.5
2010	5.7	4.4	28.8	8.8	10.9	58.6	41.4
2011	5.5	4.0	28.7	8.0	9.4	55.6	44.4
2012	4.3	3.7	25.3	7.2	8.0	48.5	51.5
2013	3.5	2.9	22.8	6.1	6.9	42.2	57.8
2014	3.1	2.5	18.7	5.1	5.6	35.0	65.0
2015	2.4	2.3	15.8	4.2	5.1	29.9	70.1
2016	2.4	2.1	15.2	3.8	4.7	28.1	71.9

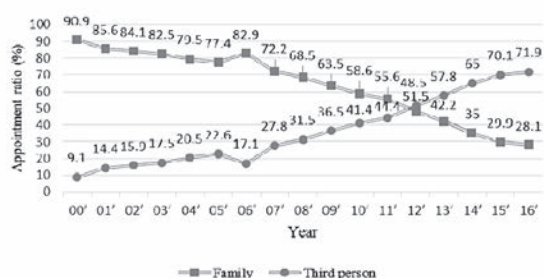


Figure1. Appointment ratio between family guardians and third party guardians (%).

From the fluctuations of this number, it is clear to see that the number of people capable of taking on this task is decreasing while the demand for use of the adult guardianship system is increasing. This trend is expected to become more prominent going forward. Reasons often cited as causes of this are, “relationships with family members have become distant”, “ageing of family members themselves”, “aggravation of disputes between relatives regarding the ward’s assets”, and situations where family members who should be selected as adult guardians etc. cannot be found, and where family members are not considered appropriate for selection as adult guardians etc. are increasing, and this trend is expected to continue [6].

5. Securing human resources

How to secure the necessary human resources to meet the demands for use of the adult guardianship system becomes the big issue. The current trend is that, it is difficult for family members to become adult guardians etc. at present, so securing third person guardians can be considered essential. Third person guardians are also known as professional guardians. The most common occupations selected as adult guardians etc. are lawyers, judicial scriveners, and social workers. The number of professional guardians selected in each category is increasing every year, and social demand is growing (Table 3 and Figure 2). To meet these social demands, lawyers, judicial scriveners, and social workers have laid down requirements in order to secure the quality to perform the actions of adult guardians etc. This paper will discuss the system by which social workers secure the quality to perform guardian actions. There is something called the “[Advocacy center partner] operated by the Japanese association of certified social workers” for the purposes of providing backup regarding performing guardian action for social workers

who participate in the adult guardianship system. After entering in the names of social workers who have completed the adult guardianship system development training (scheduled time 30 hours) to an adult guardian etc. candidate list, this list is then submitted to the family court. Additionally, step up training is provided to those who are presently selected as adult guardians as suitable.

Table 3. Number of cases where professional guardians were selected.

Year	Professional guardians		
	Lawyer	Judicial scrivener	Social worker
2000	166	117	Unknown
2001	626	395	Unknown
2002	760	610	142
2003	952	999	313
2004	1,060	1,179	405
2005	1,345	1,428	580
2006	1,617	1,964	902
2007	1,809	2,477	1,257
2008	2,265	2,837	1,639
2009	2,358	3,517	2,078
2010	2,918	4,460	2,553
2011	3,278	4,872	2,740
2012	4,613	6,382	3,121
2013	5,870	7,295	3,332
2014	6,961	8,716	3,380
2015	8,000	9,442	3,725
2016	8,048	9,408	3,990

Created by the author from Annual Editions of Supreme Court General Affairs Bureau Family Bureau "General Situation of Adult Guardian Cases".

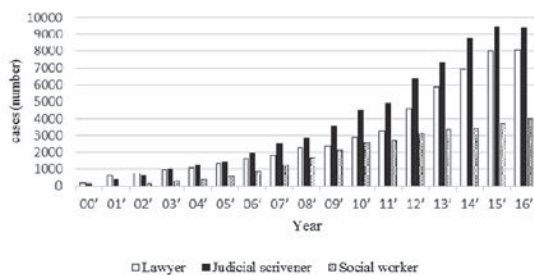


Figure 2. Number of cases where professional guardians were selected (between occupations).

Materials and Methods

A case, where the injuria to an intellectually disabled person who was subject to extortion was prevented, is presented as an example. In particular, the discussion will center on the process by which the social worker ended up using the adult guardianship system to ensure that the disabled person could spend their daily life at ease.

1. Ethical considerations

Regarding the presentation of this case study, consent for publication has been obtained from the ward and adult guardian, and other interested parties. Additionally, care has been taken with regard to disclosure of information to ensure that individuals involved cannot be identified.

2. Summary

To reiterate, of the summary of the adult guardianship system, the subject's decision making ability, and the persons who have the authority to put forward an application to the family court will be explained again. First, regarding the decision making ability of the subject, the requirements to be eligible for "support" are that the person's decision making ability is deficient due to mental disability, the requirements to be eligible for "assistance" are that the person's decision making ability is significantly deficient due to mental disability, and the requirements to be eligible for "full guardianship" are that the person has no decision making ability due to mental disability. Second, persons who have the authority to put forward an application to the family court include: the person in question, a spouse, relatives within the fourth degree, public prosecutors etc., voluntary adult guardianship mandatories, voluntary adult guardians, supervisors of voluntary adult guardian, and heads of municipalities.

1) Intervention (Initial stages)

Mr. A is a man in his 40s with an intellectual disability. The subject currently resides alone in public housing, and has regular employment through the employment for the disabled placement system. A social worker at the disability consultation support office received a phone call from a relative regarding financial problems of the subject. The details of the consultation were “several million yen had been extorted dozens of times by two young people living in the neighborhood” and “can you provide us with any good ideas as it is worrying if this sort of thing continues.” A social worker immediately visited the relatives’ home and confirmed the details up to that point in time. The two perpetrators were minors. Once they had been made aware of the filing of a police report, they came forward together with their guardians. Additionally, there were bank book entries for the money that was withdrawn, making it possible to determine the approximate monetary figure. The relatives also made clear that “when checked thoroughly, there were other entries in the banks book apart from the extorted amounts which were payments of approximately 1 million yen per year for 5 years to a computer school”, “we cannot take responsibility for him as he is a distant relative”, “due to being elderly, it is impossible to meet him frequently in person”, and “managing his bankbook would be a burden”. The social worker at the disability consultation support office notified the relatives that “considering the subject’s decision making abilities, it may be possible to look into the use of the adult guardianship system (support type)”. However, as the use of the adult guardianship system (support type) requires the consent of the subject, the social worker visited the subject on a regular basis to foster a relationship based on mutual trust between them. This proved difficult as the subject was very cautious and the procedures required to set up the adult guardianship system did not

initially move forward.

2) Intervention (Several months later)

After several months of regularly visiting the subject, the social worker from the disability consultation support office was able to foster a mutually trusting relationship with the subject, and explained about the adult guardianship system. As there was no relative within 4 degrees (i.e. with the authority to apply), who could be requested to cooperate, Mr. A himself had to place the application with the family court and help was provided with the filing of this application required to start the “support” process. Subsequently, due to the subject having financial issues, the decision was made that “a judicial scrivener would be most appropriate” as the prospective adult guardian. A consultation took place with the prospective adult guardian, and the future living framework was discussed with the subject. The main concern of the subject was that “somebody taking my money is a problem, but I am also worried that I will not be allowed access to my own money”. When the judicial scrivener explained that “it is important that one can access one’s own money”, and “consideration will be made so living expenses required for day to day life can be made available”, the subject appeared relieved. Approximately a month later, with the judgement being passed by the family court, activities relating to “financial management” and “personal supervision” by the adult guardian, to ensure a secure life, started.

Results

The perpetrators took advantage of weaknesses such as “the subject cannot urgently lay a complaint”, “rarely consults other people”, and “relationships with family and relatives have become distant, in other words, has no one to consult with”. The original reason the extortion started was that the perpetrators saw the subject walking around saying “Ahhh”, thought this funny and called out to him. As the number

of times they met increased, their relationship developed to a point where the subject was telling the perpetrators private information such as “living alone” and “how much savings” he had. As is mentioned in the summary of the case, it is thought that this interpersonal problem led to extortion.

In this case, as part of the support for utilization of the adult guardian system, the social worker was able to achieve a smooth transition to the appointment of a professional adult guardian (judicial scrivener). However, it was necessary for the subject to meet distant relatives for the first time in several years, and come to terms with the reality of the extortion he faced, to reach the turning point permitting progress to this stage. If this turning point had not been reached, it is easy to imagine that the extortion would have continued further. If family members had been living together with the subject, it might have been possible to limit the damage to a minimum, but here surfaces the problem that disabled people often face of coping with “life after the death of their parents”. The subject’s actual living situation changed two years ago when he started living alone and performing all daily life activities himself. In terms of finances, for example the payment of public utility charges, the parents had set up automatic payments from the subject’s bank account while they were still alive. With regard to tax returns etc., support was provided by the company at which the subject was working, under the employment for the disabled placement system, and problems regarding any formal financial procedures never surfaced. However, the subject stopped attending neighborhood association events, and ceased exchanging greetings with passing people living in the same public housing block. The “connection with the local neighborhood” fostered by the parents became more and more distant. It is not clear as to whether this growing divide with the community had an effect, but the image of

someone who had slipped through the gaps of the protective gaze of the “local community social safety net” became very apparent.

1. Support system

As a response to the problems highlighted by this case study, this paper suggests the formation of a consultation support system for disabled people who have been cut off from the local community to utilize the adult guardianship system.

1) Community general support center

The community general support center is an example of a consultation service targeting the elderly and helping to prevent injuria. The community general support center performs the role of providing elderly people who require care with continuous comprehensive services to support daily life. As people from differing occupations work together to form a community network while also coordinating individual services, professionals such as public health nurses, chief long-term care support specialists, and social workers are allocated there. The center has been set up as a core institution of the community, with the hope that it will serve as a base for providing all services ranging from consultation to coordination of services to all service users [7]. The basic functions of the community general support center are “1, construction of a common support base”, “2, total consultation support/advocacy”, “3, comprehensive/continuous care management support”, “4, preventive care management”. Of the above, consumer affairs relates to the functions in “2”. Total consultation support involves assessing the need for professional and urgent measures at the initial consultation stage, presenting the required information and introducing the relevant organizations. Additionally, if the decision is made that continuous/professional consultation is required, appropriate services must be implemented

through detailed collection of information by visiting the concerned parties etc., and creating an individual support plan. Advocacy is intended to help the elderly who are in difficult situations, carrying their problems through daily life, due to issues that cannot be solved with just the support from welfare commissioners and care managers etc. Support must be provided from a professional/continuous perspective so subjects can maintain a dignified and safe life within the local community.

2) Disabled persons core consultation support center

On the other hand, while some form of consulting service is provided by local municipalities aimed at preventing injuria to intellectually/mentally disabled people, there is no clear stand-alone consulting service available. Some of the consultation support service's specific activities are listed as "1, user support for social work services", "2, support for utilizing social resources", "3, support for improving life in society", "4, peer counselling", "5, support required for protecting rights", "6, introduction of professional institutions, operation of the community independence support council". Among these, "5, support required for protecting rights" set out to implement and not obstruct the use of the adult guardianship system. However, the reality was that a majority of municipalities did not offer use of the adult guardianship system. Thereafter, the use of the adult guardianship system was elevated to a required enterprise within the municipal community life support operation by law. Furthermore, in April 2012, to strengthen consultation support within municipalities, the establishment of the "Disabled persons core consultation support center" was announced. It is hoped that this will enable rapid response to those disabled people who are not using social services and are becoming a serious problem as intervention support is difficult [8] .

2. The principles of the adult guardianship system

The judicial domain emphasizes financial management as the defined duty of the adult guardian. The details are stated as "to respect the will of the ward as well as managing their finances in a sound way, while considering their physical and mental health, and lifestyle, and performing necessary agency representation". However, Takayama has stated that the principles of the adult guardianship system are "respect for self-determination", "normalization", and "empowerment", and has emphasized that "these principles are precisely the principles and practical problems of social work" [9] . As it currently stands, support of the daily life of the ward is the foundation of support from the standpoint of prioritizing lifestyle support and independence support, and therefore, it is impossible to think of "financial management" and "personal supervision" as separate ideals, but rather two sides of the same coin. Additionally, Kamiyama concludes that "personal supervision" is about "1, having a medical examination, executing contracts regarding treatment and hospital stays, payment of expenses, 2, executing contracts regarding securing of user's accommodation and payment of expenses, 3, execution of contracts regarding admittance and leaving of nursing homes etc., 4, execution of contracts and payment of expenses regarding requests for care, and required for care/sustaining life, 5, execution of contracts and payment of expenses regarding education/rehabilitation, 6, legal activities including formal objections etc. performed under public law, 7, advocacy action, 8, litigation (filing/pursuing lawsuits etc.), 9, general oversight activity" [10] . Of the above, the most important demand upon social work is "7, advocacy action", as this requires understanding the true desires of users who have insufficient decision making abilities, understanding that those in this situation cannot easily communicate feeling such as how they wish to live their daily

lives, and representing the true feelings of the ward. Additionally, at a basic level, regarding the situation where “the ward slips through the gaps of the local community network”, the checking and ascertainment of the life situation of the users through regular house calls by adult guardians etc. could be placed under “9, general oversight activity”. Through this oversight activity, it is possible to discover users’ injuria situations at an early stage, and recognize any nonfulfillment of guardianship activities. By utilizing the adult guardianship system appropriately, the possibility for people with disabilities to live life in peace and safety, without being caught up in any troubles, is increased greatly.

Conclusion

The adult guardianship system was set up in 2000, as the family members who had been selected as adult guardians previously, were no longer able to carry the burden of guardianship affairs. As a substitute for this, professional guardians became the new bearers of this mantle. However, due to the increase in numbers of elderly people with dementia as a consequence of population ageing, and the increase in disabled persons with daily communication problems caused by specific disabilities, many problems, including the chronic shortage of guardians, are surfacing. Social workers who take on injuria issues including financial problems are commenting that “we are told by the family courts to ‘if possible make the application after you have found a potential adult guardian candidate’, and so we are running around struggling to find adult guardian candidates.” At present, The bar association, Judicial scrivener association, and Social worker associations are all training adult guardian appointment candidates under their own individual training systems. However, as the number of cases one professional guardian can take on is limited, training of more professional guardians is required. Regarding

the reasons for the difficulty in searching for professional guardians, especially with regard to social workers as guardian candidates, Muto et al point out that “when a social worker takes on the role of guardian etc., as they perform this role concurrently with their standard work at an institution etc., they are under all manner of limitations” [11] . If social workers could set up their own independent offices, as with lawyers and judicial scriveners, the possibility of taking on a larger number of guardianships would become greater. This had proved difficult as the number of social workers who had opened their own offices, and kept them financially sound, was limited to a very small minority nationwide. However, in recent years, new efforts have been made to tackle this problem. For example, the adult guardianship system development training aimed at citizen guardians, who can become prospective adult guardians, is held all over the country. “Citizen guardians” are different from judicial scriveners etc. in that they do not hold any national qualifications, but are ordinary citizens who are highly motivated to contribute to society. In general, they become prospective third person adult guardians after acquiring knowledge regarding the adult guardianship system. The institutional framework to support this system was passed as a cabinet decision on March 24, 2017. The main points of this framework include, “1, giving serious consideration to the financial management, decision making support system, and personal supervision of the ward”, “2, appropriate appointment of adult guardians”, “3, flexibility in actions such as changing adult guardians after the commencement of the adult guardianship system”, “4, early identification and intervention in cases concerning people who require advocacy”, “5, a team based approach that includes guardians”. Aside from this, measures based on regional characteristics are being implemented for the advocacy of voluntary adult guardians. From the viewpoint of a social

worker, emphasis should be placed on having as many viable alternatives as possible that leads to the optimal solution for the secure life of disabled persons with limited decision-making capability.

Another problem that may arise should the number of adult guardians increase, is the potential decrease in the overall quality of the adult guardians from each professional association due to the shortcomings in the management system of each association, such as the fraudulent receipt of money from the ward's bank account by the adult guardian as reported in the media around the country. There are still many problems/themes to be found within the environment that surrounds the wards, but this paper will leave the formation of specific policies as a subject for future examination.

Acknowledgements

The author would like to thank Mr. Koji Kawashima, and the subject who participated in this study.

Conflicts of interest

No potential conflicts of interest to disclose.

References

1. Committee on the Rights of the Elderly/ Disabled / Committee on Consumer Policy. Creating Cooperation between Consumer/ Social Section. Japan Federation of Bar Associations. 2008;1-105. (in Japanese)
2. Fujizono H, Oyabu M, Nakagami T, Nagao M. Consultation Support Specialist Handbook. Nissoken. 2007;1-334. (in Japanese)
3. Imamura K, Hongo H, Hata K. An observation regarding the Adult Guardian System - With the efforts of the North Kyushu Guardian Center as a reference - . Fukuoka Prefectural University Human Society Department report. 2011;19 (2): 34. (in Japanese)
4. Supreme Court General Affairs Bureau Family Bureau. General situation of adult guardian cases. <http://www.courts.go.jp/about/siryō/kouken/index.html> (accessed December 14, 2017) (in Japanese)
5. Ministry of Health, Labor and Welfare. Situation of population ageing. http://www8.cao.go.jp/kourei/whitepaper/w-2016/html/gaiyou/s1_2_3.html (accessed December 14, 2017) (in Japanese)
6. Society for the Study of the Adult Guardianship System. Analysis and examination of themes of the current situation of the adult guardianship system - toward the smoother usage of the adult guardianship system. General incorporated foundation association of civil legal affairs. 2010;1-49. (in Japanese)
7. General Incorporated Foundation Increased Life-Span Development Center. Community General Support Center Operations Manual. Ministry of Health, Labor and Welfare. 2011;1-204. (in Japanese)
8. Ministry of Health, Labor and Welfare. Consultation support for people with disabilities. <http://www.mhlw.go.jp/bunya/shougaihoken/service/soudan.html> (accessed December 14, 2017) (in Japanese)
9. Takayama N, Tuda K, Ueto T, Booka M, Matsuhashi K, Onishi M. Disabled persons social network. Kumi Publishing. 2002;1-247. (in Japanese)
10. Kamiyama Y. Adult guardianship and personal supervision. Tsutsui Books. 2000;1-130. (in Japanese)
11. Muto T, Tanaka K. Regarding the training of social workers taking on the adult guardianship system. Chuubu Gakuin University Chuubu Gakuin University Junior University Department Study Bulletin. 2008;9:167-171. (in Japanese)