1. Introduction

In April 2000, Japan introduced a long-term care insurance system and new adult guardianship system as measures taken in response to the nation’s ageing population. With the introduction of long-term care insurance, welfare services whose content had been defined by government decisions were changed to services whose content is determined by contracts between private service providers and recipients. With the contractualization of welfare services, it became necessary to provide support for individuals unable to conclude contracts independently due to dementia, mental retardation or impaired decision-making ability resulting from mental illness or disorders. The old guardianship system was amended and the new system implemented at the same time as the new long-term care insurance system.

It will soon be a decade since the new adult guardianship system was introduced (cf. Arai in this volume for a general account). In this essay I investigate the need for volunteer guardians, a topic now drawing much attention, taking into consideration actual use of the system as well as describing the social background to the current adult guardianship system, summarizing the system, and identifying problems with the new system.

2. Demographic and Social Background

The most prominent needs associated with adult guardianship in Japan are those associated with the ageing of Japan’s population, a phenomenon attracting attention worldwide. Since 1970, when the proportion of individuals aged 65 and older exceeded 7 per cent, the ageing of Japan’s population has been among the most rapid in the world. In 2007, the proportion of elderly individuals exceeded 21 per cent. In the

1 In Japan those aged 65 or older are counted as “elderly.”
period from 2012 to 2014, Japan’s ‘baby boomers’ (i.e., those born between 1947 and 1949) will all enter the elderly category. Thus in 2014, the proportion of elderly people is expected to reach 26.2 per cent, meaning that more than one in four Japanese will be aged 65 or older. Projections further tell us that the proportion of elderly people in Japan’s population will continue to increase until it peaks in 2042 and then begins to decline. If, at that point, very low birth rates still prevail, however, the proportion of the elderly will not halt in its rise, and by 2055 will reach 40.5 per cent (IPSS 2006a). Japan will be, indeed, an aged society.

Turning to living arrangements of the elderly, we find that in 2008 households including members aged 65 or older already accounted for 19.777 million households, i.e., 41.2 per cent of all households. Of these, 22.0 per cent (4.352 million) were individuals living alone, 29.7 per cent (5.883 million) were elderly couples living by themselves, 18.4 per cent (3.634 million) were parents with unmarried children, and 18.5 per cent (3.667 million) were three-generation households (MHLW 2008b). If we look at the 9.252 million households all of whose members are aged 65 or older, we find an almost fifty-fifty split, with individuals living alone accounting for 47.0 per cent (4.352 million, 12.5% male and 34.5% female) and couples living by themselves accounting for 49.5 per cent (4.582 million). It is likely that couple-only households will become households in which one aged person cares for another or neither is capable of providing the care that the other needs.

According to Ministry of Health, Labour and Welfare estimates, the number of Japanese individuals suffering from dementia stood at 2.05 million in 2005. This figure is expected to rise to 3.02 million in 2015 and to 4.45 million in 2035 (Asahi Shimbun 6 July 2008). If we add the mentally retarded and those with judgment impaired by mental illness or severe loss of brain function to those unable to make decisions for themselves, the total number of those requiring adult guardianship is already around 5 million (Ōnuki 2010: 5). It is not, of course, the case that every one of these potential candidates will require adult guardianship, but steps to address what will clearly be a growing need have already begun. I will discuss these further in Section 5 below.

3. Adult Guardianship in Japan

Under the New Adult Guardianship Law that went into effect in 2000, rules governing the old guardianship system based on ‘incompetency’