AT	· 
In the Matter of the Protective Proce	eeding of ) ) )
Respondent	, ) , ) CASE NO
	NOTICE OF GUARDIANSHIP HEARING (To Interested Persons)
will hold a hearing on this matter or	
Date and Time:	
Court Address:	
Courtroom: Judg	e or Master:

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

You are not required to attend this hearing unless you are called as a witness.

<u>Purpose of Hearing.</u> At the hearing, the court will decide whether the respondent needs a guardian because respondent's ability to understand information or communicate decisions has become so limited that it endangers his/her physical health or safety.

**Possible Consequences**. If the court decides to appoint a guardian, the guardian may have the power to make many decisions for the respondent, including decisions about where the respondent will live and what medical care the respondent will receive. The guardian may also have control of the assets and income of the respondent. Alternatively, the court may decide to appoint only a partial guardian who will have more limited powers. Or, the court may decide not to appoint a guardian at all or to order an alternative form of protection.

## Respondent's Rights.

- a. **Visitor's Interview**. The court has appointed a "visitor" to interview the respondent, gather other information about the case and report this information to the court before the hearing. Before being interviewed by the visitor, the respondent has the right to talk to an attorney or an expert in the field of respondent's alleged incapacity.
- b. **Attorney**. The respondent has the right to be represented by an attorney. The respondent may hire his/her own attorney. If the respondent is financially unable to hire an attorney, the court must appoint the Office of Public Advocacy to represent the respondent. If the respondent does not have an attorney, then before the visitor's interview, the visitor must give the respondent the name, address and telephone number of the court-appointed attorney who will help the respondent, and the visitor must offer to help the respondent contact the attorney.
- c. **Medical Expert**. The court must appoint a person with expertise in the area of respondent's alleged incapacity to examine the respondent and report to the court. The respondent may hire or ask the court to appoint a different expert to testify on respondent's behalf.

- d. **Examinations and Evaluations**. The respondent has the right to refuse to respond to questions during examinations and evaluations. However, respondent may be required to submit to interviews for the purpose of ascertaining whether he/she lacks the capacity to make informed decisions about care and treatment services. The respondent has the right to be accompanied by an attorney or expert during interviews and tests.
- e. **Evaluation Report**. After the reports of the visitor and the expert are filed with the court, the respondent may file responses to these reports.
- f. **Guardian Ad Litem**. The respondent can ask the court to appoint a "guardian ad litem" if the respondent cannot determine his/her own best interests without assistance (because his/her ability to understand the guardianship proceedings or make decisions about them is impaired). If appointed, the guardian ad litem will help the respondent determine what is best for respondent in this legal case. If respondent is entirely incapable of making that determination, the guardian ad litem will make it. The Office of Public Advocacy will provide this service at state expense if the court determines that respondent cannot afford it.
- g. **Rights at the Hearing**. At the hearing, respondent has the right to (1) present evidence on his/her own behalf, (2) cross-examine witnesses who testify against him/her, (3) remain silent, (4) have the hearing open or closed to the public as he/she decides, (5) be present unless the court determines that his/her conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue with him/her present, and (6) be tried by a jury on the issue of incapacity.

The respondent has a right to participate to the maximum extent possible in all judicial proceedings concerning him/her and to be free from the influence of psychotropic medication during the proceedings. If the respondent is taking such medication, the court must decide whether to continue or suspend the medication during the court proceedings.

**Dismissal of Guardian**. If a guardian is appointed, the respondent has the right to

request, at be changed		ime, that	the	guardian	be	dismissed	or	that t	the (	guardianship	o ordei
Dat	te							Petit	ione	er	

h.

## Certificate of Service

[Write names on the blank lines and check the boxes that show how notice was delivered.]

I cert	tify that on(date)	, a copy of t	his notice was mailed or	delivered to:				
	Respondent's spouse			ail * 🗌 process server				
	Respondent's parents	(name)		by Certified mail *				
	Respondent's parents	(names)		process server				
	All respondent's adult children	ı (list names):						
		_ by _ first class mail	☐ hand delivery by					
		_ by ☐ first class mail	$\square$ hand delivery by $\_$					
		_ by _ first class mail	$\square$ hand delivery by $\_$					
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	None of the above relatives of close adult relative of respond							
	Relationship to respondent: _							
	b	y 🗌 first class mail 🗌	hand delivery by					
	Respondent's conservator (if o	one has been appointed	l):					
			hand delivery by					
	The person who currently has	_						
	b Respondent's attorney:		hand delivery by					
Ш	b	y  first class mail	hand delivery by					
П	Respondent's guardian ad lite							
			hand delivery by					
	because I am asking the court livered a copy of this notice to			conservator, I mailed				
П	The following persons to who	m the court has directed	d that notice be given (li	st names):				
_	31		hand delivery by	•				
		<del>-</del> •	hand delivery by					
	The following other interested							
		by first class mail	☐ hand delivery by					
		_ by ☐ first class mail	☐ hand delivery by					
			C: 1 (D.1.);					
	Signature of Petitioner							
		Mailing Address	City	State ZIP				
		<del>-</del>	•					
		, , ,						

<sup>\*</sup> If the spouse or parents are outside Alaska, you can send this notice to them by ordinary first-class mail instead of certified mail. AS 13.26.296 (b). File form PG-117 if you use certified mail.