

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the Protective Proceeding of)
)
)
)
)
 _____)
 Respondent)
)
 _____)

CASE NO. _____

**ORDER APPOINTING TEMPORARY
GUARDIAN UNDER AS 13.26.301**

A hearing in this matter was held on _____ before Judge/Master _____

Present were:

- Respondent Respondent was not present for the reason stated on the record
 Respondent's Attorney _____ Visitor _____
 Expert _____ Petitioner _____
 Guardian Ad Litem _____ Others: _____

The court has reviewed the petition, the visitor's report, the expert's report
 the master's findings and recommendations, and any objections from the parties.

FINDINGS

The court finds that:

1. Notice of Hearing on Temporary Appointment.
 a. The court gave notice of the hearing to the petitioner, respondent's attorney and the court visitor.
 b. The visitor served notice of the hearing on the respondent.
2. Subject Matter Jurisdiction.
The court has jurisdiction
 Alaska is the respondent's home state as defined in AS 13.27.180.
 the requirements of the following statute have been met:
 AS 13.27.110(2) AS 13.27.110(3) AS 13.27.110(4)
 under AS 13.27.120(a)(1) to make an emergency appointment lasting no more than 90 days because the respondent is physically present in Alaska.
3. Venue.
 a. Alaska is the proper location for the **guardianship** because the respondent
 lives here is present here. AS 13.26.216
 b. Alaska is the proper location for **granting the powers of a conservator**
because the respondent lives here does not reside in Alaska, but has
property here. AS 13.26.411

4. Pending Petition For Full or Partial Guardianship.
- A petition for appointment of a full or partial guardian for the respondent has been filed, but a hearing on the matter has not been held.
5. Immediate Need For Temporary Guardian.
- Petitioner has shown by clear and convincing evidence that respondent needs of immediate services to protect respondent against serious injury, illness or disease, and the respondent is not capable of arranging the necessary services.
6. License. The temporary guardian
- has the required professional license under AS 08.26.
- is the Public Guardian.
- is exempt from the license requirement under AS 08.26.180 because the individual is employed by a regulated financial institution and will provide these guardian services in the course of this employment.
- is not engaged in the business of providing guardian or conservator services and, therefore, is not required to be licensed; and has has not satisfied the one-hour mandatory education requirement on the basics of guardianship and conservatorship. (AS 13.26.311(c) and 13.26.465(g))
7. Personal Contact.
- The respondent appeared for court either in person or by video connection.
- The respondent did not appear in court but the court visitor had personal or video contact with the respondent.
- The court visitor shall have personal or video contact with the respondent within the next one year and shall file notice with the court that the contact occurred.
- The court finds good cause to waive the requirement for personal contact.

ORDER

IT IS ORDERED:

1. _____ is appointed to be respondent's temporary guardian.
2. The temporary guardian is granted the following authority to provide the emergency services necessary to protect the respondent from serious injury, illness or disease:
- all the powers and duties of a full guardian as set forth in AS 13.26.316(c), including the powers and duties of a conservator under AS 13.26.500 - .575 except the following:
- Relocating the Respondent.
- The temporary guardian cannot move the respondent out of the respondent's current home without written permission from the court.

Large Expenditures.

- The guardian may manage the respondent's estate to benefit the respondent without obtaining court approval for large expenditures.
- Other than payments for the respondent's medical and mental health treatment needs, the guardian may not use the respondent's funds for any non-budgeted expense exceeding \$_____ without first obtaining the permission of the court.

Budget.

- The guardian shall create a budget for the respondent. The budget shall be filed with the court no later than
 - the following date_____
 - the time of the filing of the *Guardianship Implementation Report and Inventory of the Estate*.
- The court finds good cause to allow the guardian to serve without creating a budget.

Other Limitations.

- _____

- only the following powers and duties:

3. Emergency Powers. Notwithstanding the limits of the temporary guardian's authority set forth above, the temporary guardian has, at all times, the right to authorize the provision of emergency life-saving services. AS 13.26.306
4. Mandatory Education (Non-Professional Guardians). If the guardian is not engaged in the business of providing guardian services, the guardian must complete one hour of mandatory education on the basics of guardianship and conservatorship and file proof of completion with the court within 30 days after this appointment order is distributed. (Use the [PG-120 Affirmation](#) form.) AS 13.26.311(c) and 13.26.465(g).
5. **If the respondent or the guardian changes his/her address, the guardian must immediately provide written notice to the court and all parties.** (Include your case number. You can find a "Change of Address" form ([PG-195](#)) and court addresses on the court system website: www.state.ak.us/courts)
6. Term of Guardianship. Unless previously terminated by the court, the temporary guardianship will expire:
 - when a full or partial guardian is appointed or when the petition for guardianship is dismissed. AS 13.26.301(e)
 - in 90 days pursuant to AS 13.27.120(a)(1).

7. Compensation or Reimbursement. [AS 08.26.110 and Probate Rules 16(d) & 17(d)]
- The temporary guardian is entitled to fees for his/her services. However, he/she may not pay himself/herself more than the following amounts from the respondent's assets without a written court order approving such additional fees:
 - a fee for temporary guardian services of \$ _____ per hour, which cannot be more than \$ _____ per month.
 - reimbursement of the case opening fee in the amount of \$ _____.
 - the monthly fees, case opening fee, property management fees and other fees that the Office of Public Advocacy (OPA) is required to charge by 2 AAC 60.080.
 - payment or reimbursement for room and board not to exceed \$ _____ per month without further written court order.
 - The temporary guardian is not authorized to charge any fees.

8. Additional Orders.

Recommended for Approval by

Standing Master on _____

Superior Court Judge

Date

Type Judge's Name

Clerk's Certificate of Distribution

I certify that on _____,

a copy of this order was sent to:

petitioner respondent visitor guardian

respondent's attorney _____

Clerk: _____

**Notice to Respondent
About Right to Request Changes in This Order**

AS 13.26.251(h)

At any time in the future, you (the respondent) may ask the court to dismiss your guardian or change this guardianship order. You may use court form [PG-190](#) to ask the court to do this, or you may write a letter to the court. Form [PG-190](#) is available at any state court and on the court system's website: <http://www.state.ak.us/courts/forms/index.htm>