

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the Protective Proceeding of _____)
_____)
_____)
_____)
_____)
_____)
Respondent (person who needs a conservator) _____)
_____)
_____)

CASE NO. _____

ORDER APPOINTING CONSERVATOR

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 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 the Hearing.
 - a. The court gave notice of the hearing to the petitioner.
 - b. The petitioner served notice of the hearing on the persons listed in AS 13.26.420, including the respondent (form [PG-116](#)).
2. Subject Matter Jurisdiction. The court has jurisdiction under
 - AS 13.27.110 because Alaska is the respondent's home state as defined in AS 13.27.180.
 - AS 13.27.110 because the requirements of the following statute have been met:
 - AS 13.27.110(2) AS 13.27.110(3) AS 13.27.110(4)
 - AS 13.27.120(a)(2) because the real or tangible personal property that will be affected by the court's order is located in Alaska.
3. Venue.

Alaska is the proper location for the conservatorship because the respondent

 - lives here does not live in Alaska, but has property here. AS 13.26.411
4. Need for Management by a Conservator.
 - A basis for appointing a conservator exists because it has been established that the respondent is
 - (1) unable to manage his or her money or property effectively, and
 - (2) has property that will be wasted or used up unless someone manages it. [AS 13.26.430(c), AS 13.26.401(2)]

5. Alternatives Not Adequate.

- As required by AS 13.26.430(d), the court investigated the alternatives to appointing a conservator and concludes that a conservator should be appointed because the alternatives under AS 13.26.440 are not adequate to protect the respondent's estate.

6. Priority.

- _____ is competent to act as the respondent's **conservator**, and
- has priority for appointment under AS 13.26.465.
- is best qualified among those having equal priority for appointment.
- does not have priority for appointment, but this appointment is in the respondent's best interest
- because _____
- _____
- for the reasons stated in the attached written findings. AS 13.26.465(f)

7. Consideration of the Respondent's Preference.

Pursuant to the AS 13.26.430(d) requirement that the court, to the maximum extent possible, consult with the respondent in determining whether a conservator should be appointed, the court

- has consulted with the respondent.
- has not consulted with the respondent for the reasons stated on the record
- in the attached findings.

8. License. The conservator

- 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 conservator services in the course of this employment.
- is not engaged in the business of providing 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 conservatorship. (AS 13.26.465(g))

9. 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 the respondent’s conservator.

2. Powers and Duties. The conservator will have the following powers:

all the powers and duties set forth in AS 13.26.500 - .575, except the following:

The conservator cannot sell, transfer, destroy or otherwise dispose of

_____ without prior written permission from the court.

only the following powers:

Large Expenditures.

The conservator may manage the respondent's estate to benefit the respondent without obtaining court approval for large expenditures. However, the conservator must report annually on all expenses paid for the respondent’s best interest.

Other than payments for the respondent's medical and mental health treatment needs, the conservator may not make use of the respondent's funds for any non-budgeted expense exceeding \$_____ without first obtaining the permission of the court.

In exercising these powers, the conservator must act as a fiduciary and must observe the standards of care applicable to trustees under AS 13.36.225 - 13.36.290. AS 13.26.500.

3. Mandatory Education (Non-Professional Conservators). If the conservator is not engaged in the business of providing conservator services, the conservator must complete one hour of mandatory education on the basics of 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 13.26.465(g). (Some ways to satisfy this requirement are explained at: <http://www.courts.alaska.gov/shc/guardian-conservator/conservator-process.htm#training>.)

4. Bond. AS 13.26.470 - .475. The conservator

must post a bond in the amount of \$_____ by _____

is not required to post a bond for the reasons stated on the record in the attached findings.

5. Reporting Requirements. The conservator must file the following reports with the court:

a. A *Conservator Implementation Report and Inventory of the Estate* (on form [PG-220](#)) must be filed with the court within 90 days after distribution of this order. [AS 13.26.505; Probate Rule 17(e)]

Specific Due Date: _____

- b. *Conservator Annual Reports* (on form [PG-225](#)) must be filed each year until the conservatorship is terminated. Unless specific dates are set below, the report must cover the 12-month period beginning the 1st of the month in which this appointment order is signed and ending 12 months later. The report is due 30 days after the end of the reporting period. *[For example, if the order is signed anytime in January, the reporting period will be January 1 to December 31; and a report will be due each January 31.]* [Probate Rule 17(e) and AS 13.26.510]

Specific Dates.

Reporting Period: From _____ To _____ each year.

Report is due 30 days after end of reporting period: _____

- c. *Budget.*

- The conservator 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 *Conservator Implementation Report and Inventory of the Estate*.
- The court finds good cause to allow the conservator to serve without creating a budget.

- d. A *Final Conservatorship Report* (on form [PG-230](#)) must be filed when the conservatorship ends, when the conservator is replaced, or when the respondent dies. [Probate Rule 17(f) and AS 13.26.510]

6. **If the conservator or the respondent changes his/her address, the conservator 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.courts.alaska.gov.*
7. Term of Conservatorship. Unless previously terminated by the court, the conservatorship will end upon the death of the respondent or _____.

Once the conservator knows that the respondent has died, the conservator may not exercise authority over the respondent's affairs and estate except to pay reasonable burial expenses and to preserve, account for, and transfer control of assets to a court appointed personal representative, a temporary property custodian appointed by the court, or a person authorized to take custody of personal property by affidavit under AS 13.16.680.

Also, if the conservator has possession of the will of the deceased respondent, the conservator must deliver the will to the court for safekeeping and inform the personal representative or a beneficiary named in the will that it has been delivered. Probate Rule 17(h) and AS 13.26.545(e).

8. Appointment of the respondent's attorney, the court visitor, and any guardian ad litem end:
- on the date this order is signed.
 - 30 days after the conservatorship implementation report and inventory is filed, so that the attorney, visitor, and guardian ad litem can review the report and file objections or other responses if appropriate.
 - _____

9. Payment of the Respondent's Court-Appointed Attorney.
- The attorney for the respondent in the conservatorship proceedings will be paid by
- the respondent. (AS 13.26.485)
 - the court because the respondent cannot afford to pay and AS 13.26.430(b) requires the appointment. (Administrative Rule 12(e)(1)(A)(iii)).
 - Office of Public Advocacy.
 - _____

10. Compensation or Reimbursement of Conservator. [AS 08.26.110; Probate Rule 17(d)]
- The conservator is entitled to fees for his or her services. However, he or she may not pay himself or herself more than the following amounts from the respondent's assets without a written court order approving such additional fees:
 - a fee for conservator 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 are required.
 - a fee to manage the respondent's property of \$ _____ per month.
 - payment or reimbursement for room and board not to exceed \$ _____ per month without further written court order.
 - The conservator is not authorized to charge any fees.

11. Financial Abuse Protective Orders. Financial Abuse Case No. _____
- Ex Parte Order of Protection. Pursuant to AS 13.26.450(c), this appointment dissolves the 20-day ex parte financial abuse protective order in the above case(s).
 - Long-Term Order of Protection. If there is a long-term order of protection or a petition for a long-term order in the above case(s), the clerk must route a copy of this order to the judge in that case.

12. Powers of Attorney.
- The power of attorney dated _____ and currently held by _____ is cancelled changed as follows:

13. Additional Orders.

14. Persons Who Must Be Served With Documents. [AS 13.26.420. & .425 and Probate Rule 17(e)(3)] In addition to the parties in this case, the conservator must provide the following persons with copies of all pleadings, reports, and notices of hearing until further court order:

<u>Name</u>	<u>Mailing Address</u>	<u>Daytime Phone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 conservator respondent's attorney _____

financial abuse protective order case file listed in paragraph 11 with PG-815

judge in case listed in paragraph 11 with PG-844 Routing Sheet and PG-845 Order

Clerk: _____

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

At any time in the future, you may ask the court to dismiss your conservator or change this conservatorship order. You may use court form [PG-190](#) to ask the court to do this. Form [PG-190](#) is available at any state court and on the court system's website: www.courts.alaska.gov/forms/index.htm

AS 13.26.570