

# Powers and Duties of Guardians and Conservators of an Adult

**August 2019**

**Alaska Court System**

**For information about how to petition the court for appointment of a guardian, see the Adult Guardianship Petition Packet (PG-500)**

**This pamphlet and the forms mentioned in it  
are available on the court system's website:**

**[www.courts.alaska.gov/forms/index.htm](http://www.courts.alaska.gov/forms/index.htm)**

**More information can be found at the Alaska Court System**

**<http://courts.alaska.gov/shc/guardian-conservator/index.htm>**

**or**

**Alaska State Association for Guardianship & Advocacy**

**[www.asaga.info](http://www.asaga.info)**

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## Guardianship & Conservatorship

A guardian is a person appointed by the court to protect the rights and manage the affairs of an incapacitated person or a minor. The individual being cared for is legally called the ward, however many groups and courts are moving away from this term and simply referring to them as the person in the guardianship. A conservator is a person appointed by the court to manage the financial affairs of a person who needs this protection because the protected person cannot handle these matters. The procedure for getting a conservator appointed is similar to, but not the same as, the procedure for getting a guardian appointed.

The court order appointing the guardian will specify whether a full or partial guardian is being appointed or just a conservator and describe the powers and duties. This booklet discusses the duties of a full guardian including conservatorship. If you are a partial guardian or conservator, you can read over the areas below that you have been given authority over.

### 1. Required Training

#### a. Non-Professional Guardians.

If the guardian or conservator is not engaged in the business of providing guardian or conservatorship services, they 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 the guardian's appointment order is distributed.<sup>1</sup> The guardian should fill out the PG-120 *Affirmation* form, explaining what the guardian did to satisfy the education requirement, and file it with the court. (See page 17.)

Unless the court directs otherwise, the one-hour education requirement can be satisfied in a number of ways, including any combination of the following:

- (1) reading this booklet about the duties of a guardian and conservatorship,
- (2) completing the on-line course "Guardianship and Conservatorship" produced by the Alaska Court System [available at most courts and online at [www.courts.alaska.gov/guardianship.htm#education](http://www.courts.alaska.gov/guardianship.htm#education)],
- (3) attending the class by the Alaska State Association for Guardianship & Advocacy (ASAGA) either in person or by webinar

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<sup>1</sup> AS 13.26.311(c) and 13.26.465(g)  
PG-510 (8/19)

b. Professional Guardians.

Persons (including companies and other organizations) who engage in the business of providing guardian services must be licensed by the Department of Commerce, Community, and Economic Development.<sup>2</sup>

Alaska has adopted the National Guardianship Association Standards of Practice and some are referenced in this document. The standards provide a framework for the best practices when acting as a guardian or conservator. You can find the standards at [www.guardianship.org](http://www.guardianship.org) or [www.asaga.info](http://www.asaga.info).

2. Required Reports to the Court. (All these forms are available on the court website: [www.courts.alaska.gov/forms/index.htm](http://www.courts.alaska.gov/forms/index.htm). Court addresses are also on the website.)

- a. **Change of Address.** Any time the protected person or the guardian changes his/her address or telephone number, the guardian must immediately send written notice to the court and all parties in the guardianship case.<sup>3</sup> You can use the PG-195 *Notice of Change of Address* form on page 16.

**Include your case number whenever you write to the court about your case.**

- b. **Guardianship Plan.** Within 30 days after the guardian's appointment order is distributed by the court, the guardian must give the court a Guardianship Plan.<sup>4</sup> (Use form PG-401.) If you are conservator only, you do not file a conservator plan.

The *Guardianship Plan* must describe the guardian's plans for caring for the person in the guardianship. The Plan must be designed to encourage the person in the guardianship to participate in all decisions affecting the protected person to the maximum extent possible. The Plan may not restrict the person's liberty more than is reasonably necessary to protect the protected person and to provide for the person's needs.<sup>5</sup>

- c. A **Guardianship Implementation Report and Inventory of the Estate** must be filed with the court within 90 days after distribution of the guardian's appointment order.<sup>6</sup> (Use form PG-205.) There is also an Implementation Report and Inventory form if you are conservator only. (Use form PG-220.)

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<sup>2</sup> AS 8.26.010

<sup>3</sup> Probate Rule 14(c)

<sup>4</sup> Probate Rule 16(e)(1)

<sup>5</sup> AS 13.26.266(c)

<sup>6</sup> AS 13.26.271 & .505; Probate Rules 16(e)(1)(A) & 17(e)

The purpose of this report is to give the court as complete a picture as possible of the protected person's current situation and what the guardian or conservator is going to do to implement the guardianship plan and a full inventory of income, expenses, assets and liabilities.

- d. **Annual Reports** must be filed each year until the guardianship or conservatorship is terminated. (Use form PG-210 or PG-225 if you are only conservator.) If you are a limited guardian, use form PG-210 and indicate the areas you have authority for. If you are both guardian and conservator, you only need to fill out PG-210. This report describes to the court what has happened to the protected person and the protected person's income and assets in the past 12 months.

Unless different dates are set in the appointment order, the report must cover the 12-month period beginning the 1<sup>st</sup> of the month in which the appointment order is signed and ending 12 months later. This 12-month period is called "the reporting period." 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.]*<sup>7</sup>

- e. A **Final Report** must be filed when the guardianship or conservatorship ends or the guardian or conservator is replaced.<sup>8</sup> (Use form PG-215 if you are a full guardian or limited guardian and use form PG-230 if you are conservator only.)

### 3. Duties to the Person in the Guardianship and Conservatorship

A full guardian has nearly the same powers and duties to the protected person as a parent does to a minor child. However, the guardian does not have to use the guardian's own funds to pay for the care and maintenance of the protected person, and the guardian is not personally liable for harm done by the protected person.

Two statutes that describe these powers and duties (AS 13.26.316(c) and AS 13.26.266(b)) are printed on pages 13-15 of this booklet.

Although you have the authority to make decisions regarding the protected person's care, best practices state that you should discuss all such decisions with the person in the guardian or conservatorship to determine their wishes. In addition, other advocates for the individual may be helpful when making decisions to determine the wishes of the person.<sup>9</sup>

The powers and duties of a full guardian include, but are not limited to, the following:

<sup>7</sup> Probate Rule 16(e)(1)(B) and AS 13.26.276

<sup>8</sup> Probate Rule 16(e)(1)(C)

<sup>9</sup> NGA Standards of Practice Standards 7 & 9

- a. **Housing.** The guardian must decide where the protected person will live. **But, in doing this, the guardian must consider the wishes of the protected person and the desirability of allowing the protected person to retain local community ties.**

In the guardian's appointment order, the court may limit the guardian's authority to move the protected person from the protected person's current home without court permission.

In order to allow the protected person to remain in the protected person's home as long as possible, you may need to investigate available services to help the protected person – services such as providing meals, housekeeping, running errands, adult day care, periodic nursing care, ways the protected person can contact help in case of a fall or other emergency, etc.

The guardian must choose the least restrictive setting that can satisfy the need to protect the protected person.

The guardian cannot place the protected person in a facility or institution for the mentally ill except by filing a formal commitment proceeding under AS 47.30.

You must allow the protected person to participate in the decision-making process to the fullest extent possible. Read over NGA Standard of Practice Standard 7 – Standards for Decision Making. #1 is ask the person what they want. In addition, standard #3, Part IV discusses person centered planning.

- b. **Care, Comfort and Maintenance.** The guardian must make sure that the protected person is cared for and provided with food, clothing, personal hygiene assistance, transportation, social and recreational opportunities, etc.

The guardian should visit the protected person regularly to make sure the protected person is being cared for and answer any questions the protected person has about the protected person's care. NGA Standards recommend monthly visits if possible but at least monthly contact by other means or other persons who may see the individual.

Make sure that appropriate programs and activities are provided for the protected person. Contact local agencies to find out what is available.

Determine what the protected person likes to do, and try to make it possible for the protected person to do it. If the protected person needs assistive devices like a hearing aid, glasses, dentures, etc., try to arrange for the protected person to get them.

- c. **Health and Safety.** The guardian must make sure the protected person receives health care (including mental health care) and protection.

The guardian should arrange for any physical and mental examinations necessary to determine the protected person's medical and mental health treatment needs. This includes examinations for hearing, vision and dental problems as well as medical problems. The guardian may consent to medical or other professional care, counseling, treatment or other services for the protected person.

However, the guardian **cannot** consent on behalf of the protected person to:

- (1) an abortion, sterilization, psychosurgery, or removal of bodily organs except when necessary to preserve the life or prevent serious impairment of the physical health of the protected person,
- (2) the withholding of lifesaving medical procedures. However, a guardian is not required to oppose the cessation or withholding of lifesaving medical procedures when those procedures will serve only to prolong the dying process and offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated unless the protected person has clearly stated that lifesaving medical procedures not be withheld.
- (3) the performance of an experimental medical procedure or to participation in a medical experiment not intended to preserve the life or prevent serious impairment of the physical health of the protected person.

The guardian must also make sure the protected person receives services to develop or regain the ability to take care of himself or herself, to the maximum extent possible. This may include educational and vocational services necessary for the physical and mental welfare of the protected person and to return the protected person to full capacity. If the individual regains any level of capacity or can be supported with less restrictive alternatives to guardian or conservatorship, you have a duty to notify the Court.



Before making a decision about medical treatment, be sure to ask about the benefits, risks and alternatives to the treatment. Consider getting a second opinion.

Learn as much as you can about the condition or diagnosis of the person in the guardianship or conservatorship. The more you understand, the better you will be able to guide them, find resources and support good decision making.

Find out if the protected person signed an advance directive on health care before becoming incapacitated. This directive may be called a "Living Will," a "Durable Power of Attorney," an "Advance Health Care Directive" or something similar. These documents are intended to describe a person's wishes concerning the medical treatment the person wants to be given if the person needs treatment but is unable to make decisions about it or communicate those decisions. The document may appoint a person to make these decisions for the protected person if the protected person is unable to make or communicate them. If such a document exists, be sure to notify the court about it so the court can clarify who is responsible for making medical decisions. Also, give a copy to the protected person's doctors, hospitals, assisted living home, etc.

- d. **Rights.** The guardian must make sure that the protected person's personal, civil and human rights are protected (by filing lawsuits or taking whatever other action is necessary).

Any person in a guardianship or conservatorship is not presumed to be incompetent and retains all legal and civil rights except those that have been expressly limited by court order or have been specifically granted to the guardian by the court.<sup>10</sup>

The protected person has the right to ask the court to dismiss the guardian or modify the guardianship order.<sup>11</sup> The guardian and other interested parties can also ask the court to review and modify the order. See paragraph 6 on page 8.

The guardian **cannot** do any of the following:

- (1) consent on behalf of the protected person to termination of the protected person's parental rights,

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<sup>10</sup> AS 13.26.201

<sup>11</sup> AS 13.26.251(h) and AS 13.26.286

- (2) prohibit the protected person from registering to vote or from casting a ballot at public election,
  - (3) prohibit the protected person from applying for and obtaining a driver's license, or
  - (4) prohibit the marriage or divorce of the protected person.
- e. **Finances.** The full guardian has the powers and duties of a conservator (unless a separate conservator has been appointed). That means the guardian is responsible for managing the protected person's money and property and using those assets to provide the care the protected person (and any dependant of the protected person) needs. This fiduciary duty is a position of trust. As a guardian, you are under the jurisdiction of the Court, and the Court can review your records anytime. Violation of the trust through neglect or exploitation may result in the removal of you as guardian or conservator and possible criminal or civil action.

The guardian must apply for any benefits to which to protected person is entitled. That may include health and accident insurance benefits and other private or governmental benefits that would help pay any of the costs of medical, mental health or other services provided to the protected person.

The guardian/conservator must:

- (1) locate and list all the protected person's property (including cash, uncashed checks, bank accounts, stocks, bonds, real estate, vehicles, insurance policies, furniture, jewelry and other valuables),
- (2) make sure these assets are properly insured,
- (3) list all the protected person's debts (loans, mortgages, credit cards, etc.),
- (4) identify all sources of income (pensions, rents, government payments, etc.),
- (5) apply on behalf of the protected person for any benefits for which the protected person may be eligible,
- (6) prepare tax returns (or hire someone to prepare them if the protected person can afford it) and pay the taxes (property taxes, income taxes, etc.),
- (7) make sure the protected person's bills are paid (To do this, it may help to prepare a monthly budget. See sample budget form on page 17.),
- (8) maintain accurate records of the protected person's income and expenses, and

- (9) keep the protected person's property separate from the guardian's at all times. The guardian must never use the protected person's income, assets or property for the guardian's benefit.
- (10) The guardian or conservator will file an Implementation Report and Inventory within 90 days of appointment and an Annual Report each year with the court during the duration of the appointment. The Court will review the report and provide a response to the guardian or conservator if the report is approved or additional information is needed. The Court may request additional information from your records so be sure to keep all receipts, bank records, and other documentation on how you came to the figures in your accounting.

You may want to take pictures of the protected person's personal property to document what the protected person had at the time you were appointed.

Open a checking account, a savings or money market account, and, if appropriate, a safe deposit box, in which you can put money, documents and property belonging to the protected person. Open the accounts in your name as "Guardian of the property of (protected person's name)." Use the protected person's social security number for the accounts, not your own.

#### 4. Payment of the Guardian

The guardian can be paid from the protected person's money for the guardianship work the guardian does, but only after the court gives written permission to do so. Also, if the guardian or the guardian's spouse, parent or child is going to provide room and board for the protected person, the guardian must get written permission from the court before using the protected person's money to pay for this. Room and board is defined as lodging and food, not just rent so be mindful when discussing this with the Court Visitor or at the hearing for the amount of rent, utilities and food (groceries) that should be combined in this authorized amount.

Usually, the judge will set the authorized amount of these payments in the guardianship appointment order. Before doing so, the court must determine whether the protected person is financially able to pay and whether the charges are reasonable. If the guardian later wants to increase these fees, the guardian must first request (in writing) the court's permission to do so. The guardian must also send notice of any such request to at least one relative of the protected person if possible.<sup>12</sup>

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<sup>12</sup> AS 13.26.316(c)(6)

Ultimately, payments to the guardian or conservator should be well documented including reimbursements. If another person is benefitting from the individuals income or assets, this may be a conflict and the Court should be made aware.

5. Three-Year Review.

Every third year after a guardian is appointed; the court is required to appoint a "visitor" to file a report about the guardianship.<sup>13</sup> The visitor is paid by the state. In order to prepare the report, the visitor will interview the protected person (to the extent possible), the guardian and others. The Court Visitor will also review the last three filed annual reports and any other requested documentation.

6. Requests to Change the Guardianship/Conservatorship

At any time, the guardian or the protected person or other interested parties may ask the court to remove the guardian/conservator and replace him/her with another guardian, appoint a co-guardian/conservator, end the order or change the guardianship/conservatorship order. You may use court form PG-190, *Petition for Review of Guardianship/Conservatorship*, 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](http://www.courts.alaska.gov/forms/index.htm)

7. Death of the Protected person

When the protected person dies, the guardian must notify the protected person's family members and the court that appointed the guardian.

If the guardian has the protected person's will (or knows its location), the guardian must deliver it to the court for safekeeping, as required by AS 13.26.545(e), and inform the executor or a beneficiary named in the will that the will had been so delivered. There is no charge for depositing the will with the court after the protected person dies.

The guardian must file a *Final Guardianship Report* (form PG-215) with the court within 90 days after the protected person dies.<sup>14</sup> Evidence of the death, such as a copy of the death certificate, should be attached to the final report.

Once the guardian knows that the protected person has died, the guardian has no further authority over the protected person's affairs and estate except to:<sup>15</sup>

- a. preserve, account, and transfer control of assets to a personal representative or special administrator appointed by the court or to a

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<sup>13</sup> AS 13.26.276

<sup>14</sup> Probate Rule 16(e)(1)(C)

<sup>15</sup> Probate Rules 16(f) and 17(h); AS 13.26.116(d), .120(b) & .285(e).

temporary property custodian appointed by the court or authorized to take custody of personal property by affidavit (as provided in AS 12.65.221 - .110 and Probate Rule 9.1); and

- b. (if the protected person does not have a living family member or if an individual interested in the protected person is not available) arrange for the body of the protected person to be transported to a funeral home and make funeral and burial arrangements for the protected person. The guardian may also apply for assistance with burial expenses from the state or a municipality if the estate of the protected person does not have sufficient money to pay for burial; and
- c. because the full guardian has the power of a conservator, the guardian may also pay reasonable burial expenses from the estate.

## 8. Additional Information

### a. Alaska Statutes and Court Rules

The Alaska Statutes on guardianship of adults are AS 13.26.201 to 13.26.316. The statutes on conservatorship are AS 13.26.401 to 13.26.580. General provisions that apply to both guardianship and conservatorship are in AS 13.26.001 to 13.26.041. The statutes on "public guardians" are AS 13.26.700 to 13.26.750.

The Alaska court rule on guardianship of adults is Probate Rule 16. The rule on conservatorship is Probate Rule 17. Probate Rule 14 on "Protective Proceedings" applies to both guardianships and conservatorships.

These statutes and court rules are all available on the Internet. The court system's homepage has links to them: [www.courts.alaska.gov](http://www.courts.alaska.gov)

The main statute that describes the powers and duties of a full guardian of an adult is AS 13.26.316(c). Another statute that discusses a guardian's duties (in its description of what the guardian must include in the guardianship plan) is AS 13.26.266(b)). These two statutes are printed on pages 11-13 of this booklet.

### b. Other Resources on How To Be a Guardian.

#### (1) Alaska State Association for Guardianship & Advocacy(ASAGA)

ASAGA offers a variety of supportive programs to assist families and others navigate the adult guardianship system. ASAGA cannot get involved in ongoing cases. This office can assist in finding the correct paperwork, basic guardianship information and education.

ASAGA has narrated Power points on the different requirements the Court has such as How to Do the Annual Reports, Tips on Keeping Track of Finances as well as links to other educational opportunities. Available at [www.asaga.info](http://www.asaga.info)

(2) Public Guardian's Office.

You can contact this office with your questions about guardianship. You may leave a message at (907) 269-3525. Messages are retrieved on a weekly basis. Their toll-free telephone number is 1-877-957-3500. You can also e-mail the Family Guardian Program at [Family\\_Guardian@admin.state.ak.us](mailto:Family_Guardian@admin.state.ak.us)

(2) National Guardianship Association. This organization provides educational, training, and networking opportunities for guardians. Its address is 174 Crestview Drive, Bellefonte, PA 16823. Telephone: (877) 326-5992. E-mail: [nga@guardianship.org](mailto:nga@guardianship.org). Website: [www.guardianship.org](http://www.guardianship.org)

(3) State or Local Agencies that Serve Individuals with Your Protected person's Disability. The following are some examples:

(a) Division of Senior and Disabilities Services.

Juneau phone: (907) 465-3372. Toll Free: (866) 465-3165  
Anchorage phone: (907)269-3666. Toll Free: (800) 478-9996  
Website: <http://hss.state.ak.us/dsds/>

(b) Adult Protective Services.

Anchorage Phone: (907) 269-3666. Toll Free: (800) 478-9996  
Website: <http://www.hss.state.ak.us/dsds/aps.htm>

(c) Disability Law Center of Alaska.

Anchorage Phone: (907) 565-1002. Toll Free: (1-800) 478-1234  
Website: [www.dlcak.org/](http://www.dlcak.org/) E-mail: [akpa@dlcak.org](mailto:akpa@dlcak.org)

(d) Alzheimer's Resource Agency of Alaska

Anchorage Phone: (907) 561-3313  
Website: [www.alzalaska.org](http://www.alzalaska.org)

Alaska Statute 13.26.316  
General Powers and Duties of Guardian

- (a) A guardian shall diligently and in good faith carry out the specific duties and powers assigned by the court. In carrying out duties and powers, the guardian shall encourage the ward to participate to the maximum extent of the ward's capacity in all decisions that affect the ward, to act on the ward's own behalf in all matters in which the ward is able, and to develop or regain, to the maximum extent possible, the capacity to meet the essential requirements for physical health or safety, to protect the ward's rights, and to manage the ward's financial resources.
- (b) A partial guardian of an incapacitated person has only the powers and duties respecting the ward enumerated in the court order.
- (c) A full guardian of an incapacitated person has the same powers and duties respecting the ward that a parent has respecting an unemancipated minor child except that the guardian is not liable for the care and maintenance of the ward and is not liable, solely by reason of the guardianship, to a person who is harmed by acts of the ward. Except as modified by order of the court, a full guardian's powers and duties include, but are not limited to, the following:
  - (1) the guardian is entitled to custody of the person of the ward and shall assure that the ward has a place of abode in the least restrictive setting consistent with the essential requirements for the wards physical health and safety;
  - (2) the guardian shall assure the care, comfort, and maintenance of the ward;
  - (3) the guardian shall assure that the ward receives the services necessary to meet the essential requirements for the ward's physical health and safety and to develop or regain, to the maximum extent possible, the capacity to meet the ward's needs for physical health and safety;
  - (4) the guardian shall assure through the initiation of court action and other means that the ward enjoys all personal, civil, and human rights to which the ward is entitled;
  - (5) the guardian may give consents or approvals necessary to enable the ward to receive medical or other professional care, counsel, treatment, or services except as otherwise limited by (e) of this section;
  - (6) the guardian has the powers and duties of a conservator under this chapter; however, the guardian may not apply the ward's money or property for the services as guardian or for room and board that the guardian or the guardian's spouse, parent, or child has furnished the ward unless, before payment, the court finds that the ward is financially able to pay and that the charge is reasonable; notice of a request for payment approval shall be provided to at least one relative of the ward if possible; the guardian shall exercise care to conserve any excess money or property for the ward's needs;
  - (7) if a conservator of the estate of the ward has also been appointed, the guardian shall pay all of the ward's estate received by the guardian to the conservator for management as provided in AS 13.26.401 - 13.26.575.

AS13.26.316 - continued

- (d) A guardian of a ward, for whom a conservator has also been appointed, shall have the custody and care of the ward and is entitled to receive reasonable sums for services and for room and board furnished to the ward as agreed upon between the guardian and the conservator. The guardian may request the conservator to expend the ward's estate for the ward's care and maintenance.
- (e) A guardian may not
  - (1) place the ward in a facility or institution for the mentally ill other than through a formal commitment proceeding under AS 47.30 in which the ward has a separate guardian ad litem;
  - (2) consent on behalf of the ward to an abortion, sterilization, psychosurgery, or removal of bodily organs except when necessary to preserve the life or prevent serious impairment of the physical health of the ward;
  - (3) consent on behalf of the ward to the withholding of lifesaving medical procedures; however, a guardian is not required to oppose the cessation or withholding of lifesaving medical procedures when those procedures will serve only to prolong the dying process and offer no reasonable expectation of effecting a temporary or permanent cure of or relief from the illness or condition being treated unless the ward has clearly stated that lifesaving medical procedures not be withheld; a guardian is not civilly liable for acts or omissions under this paragraph unless the act or omission constitutes gross negligence or reckless or intentional misconduct;
  - (4) consent on behalf of the ward to the performance of an experimental medical procedure or to participation in a medical experiment not intended to preserve the life or prevent serious impairment of the physical health of the ward;
  - (5) consent on behalf of the ward to termination of the ward's parental rights;
  - (6) prohibit the ward from registering to vote or from casting a ballot at public election;
  - (7) prohibit the ward from applying for and obtaining a driver's license;
  - (8) prohibit the marriage or divorce of the ward.



AS 13.26.266. Guardianship Order.

Sections (b) and (c) of this statute discuss the guardianship plan.

- (b) The guardianship plan shall specify the authority that the guardian has with regard to
  - (1) medical care for the ward's physical condition;
  - (2) mental health treatment that the guardian considers to be in the ward's best interests;
  - (3) housing for the ward with consideration of the following:
    - (A) the wishes of the ward;
    - (B) the preferability of allowing the ward to retain local community ties; and
    - (C) the requirement for services to be provided in the least restrictive setting;
  - (4) personal care, educational and vocational services necessary for the physical and mental welfare of the ward and to return the ward to full capacity;
  - (5) application for health and accident insurance and any other private or governmental benefits to which the ward may be entitled to meet any part of the costs of medical, mental health, or related services provided to the ward;
  - (6) physical and mental examinations necessary to determine the ward's medical and mental health treatment needs; and
  - (7) control of the estate and income of the ward to pay for the cost of services that the guardian is authorized to obtain on behalf of the ward.
- (c) The guardianship plan may not be more restrictive of the liberty of the ward than is reasonably necessary to protect the ward from serious physical injury, illness or disease and to provide the ward with medical care and mental health treatment for physical and mental health. The guardianship plan shall be designed to encourage a ward to participate in all decisions that affect the ward and to act on the ward's own behalf to the maximum extent possible. The court may not assign a duty or power to a guardian unless the need for it has been proven to the satisfaction of the court and no less restrictive alternative or combination of alternatives is sufficient to satisfy the need.

## 9. Definitions<sup>16</sup>

Guardian	<p>A guardian is a person appointed by the court to protect the rights and manage the affairs of an incapacitated person or a minor.</p> <p>A <u>full guardian</u> has the legal duties and powers listed in AS 13.26.316(c) (and described in this booklet).</p> <p>A <u>partial guardian</u> has only those rights, powers and duties specified in the court's appointment order (fewer legal duties and powers than a full guardian).</p>
Incapacitated Person:	<p>A person whose ability to receive and evaluate information or to communicate decisions is impaired to the extent that the person lacks the ability to provide the essential requirements for the person's physical health or safety (health care, food, shelter, clothing, personal hygiene, and protection) without court-ordered assistance. Before appointing a guardian for a ward, the court must find that the ward is an "incapacitated person."</p>
Petitioner:	<p>The petitioner is the person who signs the petition asking the court to appoint a guardian.</p>
Private Professional Guardian:	<p>A person, other than the public guardian, who is licensed under AS 08.26 or exempt under AS 08.26.180.</p>
Public Guardian:	<p>A public guardian is a state employee who can be appointed as guardian or conservator for a person if no private person or agency is able or available to be the guardian or conservator. The statutes about the public guardian are AS 13.26.700 to 13.26.750.</p>
Representative Payee:	<p>A representative payee is an individual or organization that receives Social Security and/or SSI payments for someone who cannot manage his/her money. Payees should use the funds for the current and foreseeable needs of the beneficiary and save any remaining funds for the beneficiary's future use.</p>
Respondent:	<p>The respondent is the person who is alleged to be incapacitated and in need of a guardian. (Note: After a guardian is appointed, the "respondent" is called a "ward.")</p>
Visitor:	<p>A visitor is a person trained or experienced in law, medical care, mental health care, pastoral care, education, rehabilitation, or social work, who is an officer, employee, or special appointee of the court with no personal interest in the proceedings. The "visitor" reports to the court about the guardianship.</p>
Ward/Protected person:	<p>A protected person is a person for whom a guardian has been appointed.</p>

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<sup>16</sup> Several of these definitions come from AS 13.26.005



**NOTICE OF CHANGE OF ADDRESS**

Case Number: \_\_\_\_\_

Court Location: Superior Court at \_\_\_\_\_, Alaska

Case Name: In the Matter of the Protective Proceeding of \_\_\_\_\_  
(Name of Protected person or Protected Person)

I am the  guardian  conservator of the protected person or protected person named above. I hereby notify the court that

the protected person or protected person’s address has changed. His/her new address is:

Residence Address: \_\_\_\_\_  
(street address) (city) (state) (ZIP)

Mailing Address: \_\_\_\_\_  
(box or street number) (city) (state) (ZIP)

my mailing address has changed as noted below my signature.

_____	_____
Date	Signature of Guardian or Conservator
	_____
	Type or Print Name
	_____
	Mailing Address
	_____
	City, State, and Zip Code
	_____
	Daytime Telephone

I certify that on \_\_\_\_\_,

I sent a copy of this notice to:

- the court listed above
- protected person or protected person
- protected person or protected person’s attorney or guardian ad litem (if currently representing protected person):

parent or guardian with whom protected person or protected person resides (if any): \_\_\_\_\_

protected person or protected person’s conservator or guardian(if a separate one has been appointed): \_\_\_\_\_

the following person(s) designated by court order: \_\_\_\_\_

Signature of Guardian or Conservator: \_\_\_\_\_

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NOTICE OF CHANGE OF ADDRESS

**Proposed Monthly Budget for \_\_\_\_\_**  
**(name of protected person)**

**Monthly Income**

SSA \$ \_\_\_\_\_  
 SSI \$ \_\_\_\_\_  
 Public Assistance \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**Monthly Total \$ \_\_\_\_\_**

**Monthly Expenses**

Cost of Care \$ \_\_\_\_\_  
 Rent \$ \_\_\_\_\_  
 Food \$ \_\_\_\_\_  
 Utilities \$ \_\_\_\_\_  
 Telephone \$ \_\_\_\_\_  
 Medical \$ \_\_\_\_\_  
 Cable \$ \_\_\_\_\_  
 Allowance \$ \_\_\_\_\_  
 Guardian's Fees \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
**Total Expenses \$ \_\_\_\_\_**

**Non-Monthly Income**

Permanent Fund \$ \_\_\_\_\_  
 Native \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**Non-Monthly Total \$ \_\_\_\_\_**  
**This Total Divided By 12 = \_\_\_\_\_**

**Debts**

	<i><b>Owed to/For Total Amount</b></i>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>Total Debts</b>	<b>\$ _____</b>
Monthly Debt Repayment:	
	\$ _____