

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

In the Matter of:

**Alaska Court System Guardianship
Mentoring & Monitoring Program**

In order to improve the administration and oversight of guardianship and conservatorship matters across the State, the Alaska Court System initiated a multi-year, grant-funded pilot project in Anchorage, Bethel, Homer, and Kenai designed to provide mentoring and monitoring of court-appointed guardians and conservators.

The court system now plans to expand this program by opening it statewide to all court locations over the coming year. Specialized monitoring positions will provide assistance and oversight to newly-appointed and existing guardians and conservators across the State. By centralizing this work with these new positions and using the new protocols identified in this order, the cases will be able to be addressed more efficiently, which will allow for better outcomes for protected persons.

The purpose of this order is to identify the work that will shift from individual court locations to these specialized statewide positions.¹

Statewide Guardianship Compliance Officer

The Statewide Guardianship Compliance Officer is authorized to:

¹ The court system is creating a schedule outlining when new court locations will be added. Until a new court is added to the program, all current protocols to review reports filed by guardians and conservators remain in place.

1. Oversee the Monitors with regards to the program;²
2. Hold monthly telephonic compliance conferences for guardians and conservators who have not filed required reports;
3. Appoint court visitors for compliance reviews;
4. Schedule status hearings or review hearings with the appropriate judicial officer;
5. Adjust reporting periods and due dates within 90 days from the original dates if warranted when requested by a guardian or conservator. If more than 90 days are requested, the Compliance Officer will obtain the information necessary to allow for efficient judicial officer review;
6. Review requests to change venue, or to authorize or modify the room and board amount, authorize paid caregiver status or other financial requests made by guardian or conservator using form PG-179, by reviewing the file and contacting the guardian or conservator to confirm the location of the protected person and get information about the request.
7. Draft appropriate orders, such as to change venue, or to authorize or modify the room and board amount, authorize paid caregiver status or other financial requests from PG-179, using the assigned judge's judicial stamp.
 - a. If further investigation is necessary, the Compliance Officer is authorized to appoint a court visitor to file a short update.
 - b. If the request made by the guardian or conservator is significant, the filing must be forwarded to the assigned judicial officer for advisement.
8. Review the filing of a petition to transfer guardianship or conservatorship into Alaska for completeness, and
 - a. Draft a provisional order to accept the guardianship into Alaska for judicial signature;
 - b. Appoint a court visitor to complete a baseline court visitor report for long term appointment in Alaska and address any conflicts of interest;
 - c. Schedule a hearing if necessary.

² Including having discussions with Monitors when questions arise

9. Order a Three-Year Review using the assigned judge's judicial stamp;
10. Review reports filed by Anchorage Court Visitors for the purpose of the three-year reviews and determine using PG-245 form:
 - a. If the report is sufficient and can be approved. If approved, the Compliance Officer can terminate the court visitor appointment;
 - b. If there is information lacking in the report, work with the court visitor to address prior to final review;
 - c. If judicial review is recommended by the court visitor and the requests fall within the parameters of duties outlined in this administrative order, the Compliance Office may either take the action authorized in this order or set a full review hearing with a judicial officer;
 - d. If judicial review is recommended with respect to an issue or requesting action that is not authorized by this administrative order, or if the visitor's report should be denied for any reason, the Compliance Officer will draft appropriate paperwork and provide to the judicial officer;
 - e. If the Compliance Officer believes anything in the court visitor's report rises to the need of a judicial review, even if a request for judicial review was not made by the visitor, the Compliance Officer will inform the judicial officer;
 - f. The Compliance Officer may approve or deny a request by the court visitor to waive the three-year review due to the recency of a full review.
11. The Compliance Officer, with assistance from the Monitors, will review and process any filed complaints about guardians or conservators and will recommend next steps to the assigned judicial officer, which could include whether to make the complaint confidential, refer to the appropriate investigative entity, appoint a court visitor, or schedule a hearing.

Guardianship Monitor Authorizations

Monitors in guardianship and conservatorship cases, under the direction of the Statewide Guardianship Compliance Officer, are authorized to:

1. Track new appointments for monitoring and mentoring. The Monitor is authorized to review new appointments in adult guardianship and conservatorship matters to

ensure timely filing of required documents such as the Affirmation of Education, Guardianship Plan, and Implementation and Inventory. The Monitor shall conduct outreach to new guardians and conservators to notify them about the guardianship support resources available in Alaska.

2. With respect to ensuring compliance with reporting requirements, the Monitor is authorized to:
 - a. Draft and send reminder notices about required filings, including second reminders;
 - b. Draft and send scheduling notices for compliance conferences with the Compliance Officer regarding annual reports, implementation reports, affirmations of education requirement, and other appropriate hearings to address deficiencies identified in the report review;
 - c. Draft and send correspondence with guardians and conservators to provide information about complying with requirements for annual reports, implementation reports, affirmations of education, and curing deficiencies.
 - d. Extend due dates for the filing of required documents or reports, but by no more than 90-120 days of a required filing deadline. After 120 days, the Monitor shall refer the case to the Compliance Officer who must try and identify the protected person or guardian's location, appoint a visitor for a review, or refer to the assigned judge for a status hearing or a full review hearing.

3. In monitoring the cases, the Monitor is authorized to:
 - a. Review filed documents such as the implementation report and annual reports to determine if approved or deficient using the ACS Monitoring Tool and forms;
 - b. Contact guardians or conservators to clarify reported information, or to offer guidance as to how to remedy identified deficiencies in the report;
 - c. Review and process filed complaints about a guardian or conservator under the direction and supervision of the Compliance Officer, by conducting a file review and referral to the Compliance Officer for next steps;
 - d. Upon receipt of a Petition for Review (form PG-190) from the Office of Public Advocacy Public Guardian, the Monitor shall file a report within 90 days that includes:

- i. A summary of the protected person's current situation regarding medical, housing, school/work and finances;
- ii. Any existing supportive services, and or changes in their condition; and
- iii. Recommendations for next steps such as:
 - dismissal of the guardianship case;
 - reduction in the scope of the order;
 - mediation on a specified issue;
 - need for new capacity assessment; or
 - a finding that no change is warranted and that the order should remain in effect unchanged.

The Compliance Officer will review the Monitor's report which will be submitted to the Judicial Officer.

4. Upon receiving a request for a change in venue or transfer of a case out of Alaska, the Monitor is authorized to:
 - a. Review the file when a request to transfer from out-of-state to Alaska is filed, to determine if the petition is complete;
 - b. Draft the Provisional Order to Transfer Protective Appointment using form PG-754 under direction of the Compliance Officer and send to the assigned judicial officer for review and signature;
 - c. Distribute the signed Provisional Order to Transfer and ensure that the transfer moves forward and required filings are completed as necessary;
 - d. Call or send any necessary deficiency memos to the guardian or conservator to remedy; and
 - e. Route the case to the assigned judicial officer if the case is not in good standing or if there are other concerns.
5. Upon receiving a request to change venue from one court location to another within Alaska, or if the Monitor determines that a change of venue may be warranted after reviewing the implementation report or annual report, the Monitor is authorized to contact the guardian or conservator to determine if a change of venue is needed based on the protected person's relocation from the original filing location. Upon confirmation that the protected person has moved, the Monitor shall discuss whether

the guardian or conservator agrees to a change of venue to a different court location (if the request was not initiated by the guardian or conservator) and will provide the response to the Compliance Officer.

6. The monitor shall route requests for room and board or to authorize other payments to the guardian or conservator to the Compliance Officer.

This administrative order will be revised as needed.

Dated August 20, 2024.

s/ Amy Mead _____
Amy Mead
Presiding Judge First Judicial District

s/ Paul Roetman _____
Paul A. Roetman
Presiding Judge Second Judicial District

s/ Thomas Matthews _____
Thomas Matthews
Presiding Judge Third Judicial District

s/Brent Bennett _____
Brent Bennett
Presiding Judge Fourth Judicial District

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