

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 _____
Respondent was present. not present for the reasons stated on the record.

Also present were:

- Respondent's Attorney Court Visitor Petitioner Guardian Ad Litem
- Expert(s): _____
- 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 serving the respondent (form PG-116).
 - except the respondent, who was served notice by the court visitor per AS 13.26.296(a)(1). *[For example, in cases filed initially as guardianship petitions.]*
2. Subject Matter Jurisdiction. The court has jurisdiction because
 - under AS 13.27.110, 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)(2), the real or tangible personal property that will be affected by the court's order is located in Alaska.
3. Venue.

This judicial district is the proper location for the conservatorship, because the respondent lives here. does not live in Alaska, but has property in this judicial district. AS 13.26.411 and Probate Rule 14(g)(1)(C).
4. Need for Management by a Conservator. A conservator should be appointed, because the respondent
 - (1) is unable to manage the respondent's money or property effectively, and
 - (2) has property that will be wasted or used up unless someone manages it, or has funds that are needed for the support, care, and welfare of the respondent or those entitled to be supported by the respondent.

AS 13.26.430(c) and 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, including the services of a special conservator, and concludes that a full 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 or co-conservators, and

- has priority for appointment under AS 13.26.465(d).
- 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 required to be licensed, because the conservator is not engaged in the business of providing conservator services. The conservator has has not satisfied the one-hour mandatory education requirement on the basis 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/are appointed to be the respondent's conservator or co-conservators.
 - Each co-conservator has individual signature authority—it is **not** required that all co-conservators sign a document on behalf of the respondent for it to be effective.

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 conservator cannot sell, transfer, destroy, or otherwise dispose of the following accounts, items, or property without the court's written permission: _____
 - _____
 - _____
 - only the following powers:
 - _____
 - _____
 - _____
 - Large Expenditures.
 - The conservator may manage the respondent's estate to benefit the respondent without getting 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 use the respondent's funds for any non-budgeted expense greater than \$_____ without first getting the court's permission.

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 for 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://courts.alaska.gov/shc/guardian-conservator/index.htm>.]*

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. *Conservatorship Implementation Report and Inventory* (form [PG-220](#)) **within 90 days** after the court distributes this appointment order. AS 13.26.505 and Probate Rule 17(g)(1).
Specific Due Date: _____

- b. Budget.
- The conservator shall create a budget for the respondent. The budget shall be filed with the court no later than
- this date: _____
- the date of filing the *Conservatorship Implementation Report and Inventory* (see section a above).
- The court finds good cause to allow the conservator to not create a budget.

- c. *Conservatorship Annual Report* (form [PG-225](#)) **each year** until the conservatorship ends. 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, unless different specific dates are set below. 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.]*
AS 13.26.510 and Probate Rule 17(g)(1).

Specific Dates.

Reporting Period: From _____ to _____ each year.

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

- d. *Final Conservatorship Report* (form [PG-230](#)) **within 90 days of when the conservatorship ends, when the conservator is replaced, or when the respondent dies.** AS 13.26.510 and Probate Rule 17(h).
6. **If the conservator or the respondent changes name or contact information, the conservator must immediately provide written notice to the court and all parties.** *[Include your case number. You can find a "Change of Contact Information" (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 respondent's death 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 special administrator under AS 12.65.110, a temporary property custodian under AS 12.65.105, or someone 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. AS 13.26.545(e) and Probate Rule 17(j).

8. The appointments 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 respondent’s attorney 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. But, the respondent must reimburse the court as provided in Administrative Rule 12(e)(6). Administrative Rule 12(e)(1)(A)(iii).
- Office of Public Advocacy.
- _____

10. Compensation or Reimbursement of the Conservator.

- The conservator is entitled to fees for the conservator’s services. However, the conservator may not pay her/himself 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 filing fee in the amount of \$_____.
 - the monthly fees, case filing fee, property management fees, and other fees that the Office of Public Advocacy is required to charge by 2 AAC 60.080.
 - a fee to manage the respondent’s property of \$_____ per month.
 - payment or reimbursement for room and board not more than \$_____ per month without further written court order.
- The conservator is not authorized to charge any fees.
AS 08.26.110 and Probate Rule 17(f).

11. Financial Abuse Protective Orders. Financial Abuse Case No. _____

- Ex Parte Order of Protection. Pursuant to AS 13.26.450(c), this conservator appointment dissolves any ex parte financial abuse protective orders 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 conservatorship order to the judge in the financial abuse case(s).

12. Powers of Attorney.

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

13. Other Orders.

14. Additional Persons Who Must Be Served with Documents.

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:

- 1. Name: _____ Email: _____
Mailing Address: _____ Phone: _____
- 2. Name: _____ Email: _____
Mailing Address: _____ Phone: _____
- 3. Name: _____ Email: _____
Mailing Address: _____ Phone: _____

AS 13.26.425 and Probate Rule 14(h).

Recommended for Approval by

Standing Master on _____

Superior Court Judge Date

Type or Print 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
- guardian (if appointed) _____
- 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:
Right to Request Changes in This Order**

AS 13.26.570

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 in paper copy at any state court and online at the court system's website: <http://www.courts.alaska.gov/forms/index.htm#pg>.