

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

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

CASE NO. _____

ORDER APPOINTING TEMPORARY
CONSERVATOR UNDER AS 13.26.206

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 _____

Physician _____ Petitioner _____

Guardian Ad Litem _____ Others: _____

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

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. Respondent was given notice of the hearing.
 was **not** given notice for the reasons stated on the record.

2. Subject Matter Jurisdiction. The court has jurisdiction under
 - AS 13.27.110 because Alaska is 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)(1) to make an emergency appointment lasting no more than 90 days because the respondent is physically present in Alaska.

3. Venue.

Venue is proper because the respondent

 - resides here.
 - does not reside in Alaska, but has property here. AS 13.26.175

4. Pending Petition for Conservator or Full Guardian.

- A petition for appointment of a conservator or full guardian (with conservator powers) for the respondent has been filed, but a hearing on the matter has not been held.

5. Need For Temporary Conservator.

Respondent needs a temporary conservator to

- protect the respondent against waste or dissipation of the following money or property which the respondent is not capable of protecting:

- manage the following personal financial affairs or business affairs which the respondent cannot manage:

- obtain the following funds that are needed for the immediate support, care, and welfare of the respondent or persons entitled to be supported by the respondent and which the respondent is not capable of obtaining:

6. Alternatives Not Adequate.

- As required by AS 13.26.195(d), the court investigated alternatives to appointing a conservator and concludes that a conservator should be appointed because the alternatives under AS 13.26.205 are not adequate to protect the respondent's estate.

7. Consideration of Respondent's Preference.

Pursuant to the AS 13.26.195(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 respondent.
 has not consulted with respondent for the reasons stated
 on the record.
 in the attached findings.

8. Priority.

- _____ is competent to act as respondent's **conservator**, and
- has priority for appointment under AS 13.26.210.
 - is best qualified among those having equal priority for appointment.
 - does not have priority for appointment, but this appointment is in the best interest of the respondent
 - because _____
 - _____
 - _____ for the reasons stated in the attached written findings. AS 13.26.210(f)

9. License. The temporary 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 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 conservatorship. (AS 13.26.210(g))

10. Other Findings.

ORDER

IT IS ORDERED:

1. _____ is appointed to be respondent's temporary conservator.
2. The temporary conservator is granted the following authority that is least restrictive upon the liberty of the respondent:
 - To protect the respondent's funds or property against waste or dissipation, the temporary conservator is authorized to: _____
 - To manage the respondent's personal financial affairs or business affairs, the temporary conservator is authorized to: _____

To obtain money that is needed for the immediate support, care, and welfare of the respondent or persons entitled to be supported by the respondent, the temporary conservator is authorized to: _____

All the powers and duties of a full conservator as set forth in AS 13.26.245 - .315, with any exceptions stated below.

The temporary conservator **shall not**

sell, transfer, destroy or otherwise dispose of
 any of respondent's property

without prior written permission from the court.

3. **Mandatory Education (Non-Professional Conservators).** If the temporary conservator is not engaged in the business of providing conservator services, the temporary 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. AS 13.26.210(g) (*Use the PG-120 Affirmation form. Some ways to satisfy this requirement are explained at: <http://courts.alaska.gov/guardianship.htm#education>*)

4. **If the protected person or temporary conservator changes his/her address, the temporary 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*)

5. **Term of Temporary Conservatorship.**

Unless previously terminated by the court, the temporary conservatorship will expire when a full or partial conservator or a full guardian (with conservator powers) is appointed or when the petition for conservatorship or full guardianship is dismissed. AS 13.26.206(c)

The temporary conservatorship will expire _____

6. **Payment of Respondent's Court-Appointed Attorney.**

The attorney for the respondent in the conservatorship proceedings will be paid by

the respondent. (AS 13.26.230)

the court because the respondent is indigent and AS 13.26.195(b) requires the appointment. (Administrative Rule 12(e)(1)(A)(iii)).

Office of Public Advocacy.

7. Compensation or Reimbursement. [AS 08.26.110 and Probate Rule 17(d)]

- The temporary conservator is entitled to fees for his/her services. However, he/she may not pay himself/herself more than the following amounts from the protected person's assets without a written court order approving such additional fees:
 - a fee for temporary conservator services of \$ _____ per hour, not to exceed \$ _____ per month.
 - a case opening fee/reimbursement 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 conservator is not authorized to charge any fees.

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

- Ex Parte Order of Protection. Pursuant to AS 13.26.207(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.

9. Powers of Attorney.

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

[AS 13.26.200]

10. Additional Orders.

11. Additional Persons Who Must Be Served With Documents. [AS 13.26.185. & .190 and Probate Rule 17(e)(3)]

In addition to the parties in this case, the following persons must be served 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 on _____

by _____
Standing Master _____ 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 temporary conservator

respondent's attorney _____

financial abuse protective order case file listed in paragraph 8 (Also distributed PG-815)

judge in case listed in paragraph 8 with PG-844 Routing Sheet and PG-845 Order

Clerk: _____

Notice to Protected Person
About Right to Request Changes in This Order
AS 13.26.310

At any time in the future, you (the protected person) may ask the court to dismiss your temporary conservator or change this temporary conservatorship 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 (in the Guardianship/Conservatorship forms): www.courts.alaska.gov/forms/index.htm