

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

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

CASE NO. _____

ORDER APPOINTING TEMPORARY
GUARDIAN UNDER AS 13.26.140

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 has 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 Hearing on Temporary Appointment.

- a. The court gave notice of the hearing to the petitioner, respondent's attorney and the court visitor.
- b. The visitor served notice of the hearing on the respondent.

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.
- under 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)
- under 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 for the guardianship is proper because the respondent resides here
 is present here. AS 13.26.100

4. Pending Petition For Full or Partial Guardianship.

A petition for appointment of a guardian for the respondent has been filed, but a hearing on the matter has not been held.

5. Immediate Need For Guardian.

Petitioner has shown by clear and convincing evidence that respondent is in need of immediate services to protect respondent against serious injury, illness or disease, and the respondent is not capable of procuring the necessary services.

6. License. The guardian

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 guardianship and conservatorship. (AS 13.26.145(c) and 13.26.210(g))

ORDER

IT IS ORDERED:

1. _____ is appointed to be respondent’s temporary guardian.

2. The temporary guardian is granted the following authority in order to provide the emergency services necessary to protect the respondent from serious injury, illness or disease:

all the powers and duties of a full guardian as set forth in AS 13.26.150(c), including the powers and duties of a conservator under AS 13.26.245 - .315 except the following:

The temporary guardian cannot move the ward out of the ward’s current home without written permission from the court.

The temporary guardian cannot sell _____

without prior written permission from the court.

only the following powers and duties: _____

3. Emergency Powers. Notwithstanding the limits of the temporary guardian’s authority set forth above, the temporary guardian has, at all times, the right to authorize the provision of emergency life-saving services. AS 13.26.141

4. Mandatory Education (Non-Professional Guardians). If the guardian is not engaged in the business of providing guardian services, the guardian 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 this appointment order is distributed. (Use the PG-120 *Affirmation* form.) AS 13.26.145(c) and 13.26.210(g).

5. **If the ward or the guardian changes his/her address, the guardian 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.state.ak.us/courts)*

6. Term of Guardianship.

Unless previously terminated by the court, the temporary guardianship will expire when a full or partial guardian is appointed or when the petition for guardianship is dismissed. AS 13.26.140(e)

The temporary guardianship will expire in 90 days pursuant to AS 13.27.120(a)(1).

7. Compensation or Reimbursement. [AS 08.26.110 and Probate Rules 16(d) & 17(d)]

The temporary guardian is entitled to fees for his/her services. However, he/she may not pay himself/herself more than the following amounts from the ward’s assets without a written court order approving such additional fees:

a fee for temporary guardian 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.

The temporary guardian is not authorized to charge any fees.

8. Additional Orders. _____

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 guardian
 respondent's attorney _____

Clerk: _____

Notice to Ward
About Right to Request Changes in This Order
AS 13.26.113(h)

At any time in the future, you (the ward) may ask the court to dismiss your guardian or change this guardianship 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: <http://www.state.ak.us/courts/forms.htm>