

Alaska Guardianship by the Numbers

- Petitions increased 59% between 2010-2016
 - Total for 2016 was 723 petitions
 - Approximately doubled the number in the last seven years
- Nat'l Core Indicators data shows 96% of Alaskan respondents had full guardianship
 - NCI average = 55% had full guardianship
- Assets controlled by guardians = \$100 million in the annual reporting (2017)

Alaska Guardianship by the Numbers, cont'd

- Elder population doubling between 2012-2042
- Average life expectancy for person who experiences I/DD
 - 22 years old in 1930s; now 70 years old
- Office of Public Advocacy (1500 wards (2017) statewide)
 - "Fully staffed": 1 guardian to 90 ward
 - 2/2017 report: 1 guardian to 100 wards
 - 1:109+ as of 1/2018
 - Lawsuit alleging failure to visit wards

Nationally recommended
Maximum: 1:40
(Nat'l Guardianship Assn.)

Legal Capacity in Alaska

- “Incapacitated person”
 - Impairment of ability
 - to receive and evaluate information or
 - to communicate decisions
 - That causes a lack of ability
 - to provide the essential requirements
 - for physical health or safety
 - without court-ordered assistance

Legal Capacity in Alaska, cont'd

- “essential requirements” for health and safety
 - health care, food, shelter, clothing, personal hygiene and protection
 - without which serious physical injury or illness is more likely than not to occur

Alaska Guardians' Authority

- A full guardian of an incapacitated person has the same powers and duties respecting the ward that a parent has respecting an unemancipated minor
- Except:
 - Least-restrictive abode
 - Institutionalize w/o commitment proceedings
 - Abortion, sterilization, removal of organs
 - Withhold life-saving procedures
 - Prohibit voting
 - Terminate parental rights
 - Prohibit marriage or divorce
 - others