

BECOMING A COURT APPOINTED GUARDIAN

The department will not authorize and pay for personal care services provided by a personal care assistant (PCA) considered a "legally responsible individual" (such as a spouse) unless that individual is a court-appointed guardian to a ward and a court authorizes the guardian to provide personal care services.

(7 Alaska Admin. Code § 125.010)

BECOMING A GUARDIAN IS SERIOUS.

"The decision to remove civil rights from an incapacitated person by appointing a guardian for that person is one that the courts do not take lightly. The process of getting guardianship of another person is difficult, as it should be. The protections afforded to the Respondent may seem like a monumental hurdle to the Petitioner. However, the Petitioner must keep in mind that it should not be simple to take away rights. The protections that the statutes give to the Respondent are merely those guaranteed by the Alaska and U.S. constitutions." - Disability Law Center, Guardianship in Alaska

Key Points in Process

Petitioner is responsible for retaining their own council or representing themselves in hearing. It is a conflict of interest for Respondent's attorney to assist Petitioner.

- Petitioner fills out forms and pays \$75 fee
- Hearing scheduled no later than 4 months after filing
- Court appoints Visitor and Expert
- Petitioner must serve notice of proceedings to specific interested parties
- Visitor writes evaluation report. A new report must be submitted every 3 years.
- Court hearing
- Petitioner's report is due 90 days after guardianship is granted, annually thereafter