



SENATOR JESSE KIEHL

## SB 190: Uniform Act: Guardianship/Conservatorship 34-LS0496\A

### Summary

#### Outline

**Secs. 1-65** (pages 1-30) and **Secs. 67-100** (pages 147-160) are conforming language and statute reference updates.

**Sec. 66** adds the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA) as a new chapter with seven articles:

**Article 1** (pages 30-41, AS 13.29.005-AS 13.29.055) addresses guardianship of minors.

**Article 2** (pages 41-66, AS 13.29.060-AS 13.29.150) addresses guardianship of adults.

**Article 3** (pages 66-103, AS 13.29.155-AS 13.29.315) addresses conservatorships.

**Article 4** (pages 103-115, AS 13.29.320-AS 13.29.375) addresses other protective arrangements that can address an individual's specific needs in the least restrictive way.

**Article 5** (pages 115-126, AS 13.29.380-AS 13.29.395) provides forms that may be used.

**Articles 6-7** (pages 126-147, AS 13.29.400-AS 13.29.595) contain miscellaneous and general provisions that apply to all four types of protective arrangements.

**Sec. 101** (pages 160-161) repeals sections of law being replaced by UGCOPAA and definitions that are no longer necessary.

**Secs. 102-108** (page 161-162) are sections of uncodified law that provide for court rule amendments, applicability, and transition.

**Sec. 109** (page 162) provides for an effective date of July 1, 2026.

May 14, 2025

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## Key Provisions

### General

- Replaces the outdated terminology.
- Eliminates the term “incapacitated,” recognizing that individuals have a range of abilities and needs, while keeping the underlying functional test that focuses on the individual’s ability to meet their essential needs with supportive services, assistive technology, and supported decision-making.
- Codifies current underlying principles of protective arrangements, ensuring focus on meeting the individual’s specific needs in the least restrictive way while maintaining their wishes and rights.
- Grants the court broad latitude to direct proceedings according to the best interests and/or wishes of the individual while setting statutory defaults to provide for transparency and due process.
- Describes information that must be included when filing a petition.
- Expands notification requirements, both in content and who must be notified.
- Ensures confidentiality of sensitive personal information.
- Ensures that individuals are notified of their rights throughout the process.
- Requires annual reporting from guardians and conservators for continued oversight by the courts.
- Changes temporary guardianships to emergency guardianships and limits them to 60 days.

### Specific to Guardianship of Minors

- Ensures all minor guardianship appointments are subject to court oversight, including formal approval of testamentary appointments made by parents.
- Lowers the age at which the minor is entitled to more agency from 14 to 12 and increases their ability to request court visitors and their own attorney.

### Specific to Guardianship of Adults

- Expands what must be included in a guardianship plan to ensure that the individual’s specific needs are being addressed and the guardian is fulfilling their duties. Ensures that plans evolve as an individual and their needs change over time.
- Focuses on maintaining the adult’s values and preferences and supported decision-making.

### Specific to Conservatorship

- Removes the practice of vesting title of property in the conservator, ensuring the individual retains title to their own property.

### Other Protective Arrangements.

- Increases flexibility to tailor protective arrangements that address an individual’s specific needs.
- Before granting a full guardianship or conservatorship, the court must find that other protective arrangements can’t meet the specific needs of the individual.