



SENATOR JESSE KIEHL

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

Sectional Analysis

Sec. 66 adds new chapter **Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act** (p 30-147). This table outlines the provisions that are similar in the four articles establishing types of protective arrangements.

Subject	Article 1. Guardianship of Minor (p 30-41)	Article 2. Guardianship of Adult (p 41-66)	Article 3. Conservatorship (p 66-103)	Article 4. Other Protective Arrangements (p 103-115)
Basis for appointment	Sec. 13.29.005 (p 30)	Sec. 13.29.060 (p 41-42)	Sec. 13.29.155 (p 67-68)	Sec. 13.29.325 (p 104-105) Sec. 13.29.330 (p 105-107)
	The court is the sole authority to grant guardianship of a minor. Must be in best interest of minor and can only be granted with parental consent, termination of parental rights, or determination that no parent is able or willing.	The court must find the adult lacks the ability to care for themselves or make decisions, even with assistance. Court must consider less restrictive protective arrangement and guardianship powers before granting full guardianship.	The court may appoint a conservator when a minor or adult requires assistance in managing property or financial affairs.	The court may order other arrangements instead of granting guardianship or conservatorship, including financial or personal transactions, and restricting access to the individual or their property.



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Subject	Article 1. Guardianship of Minor (p 30-41)	Article 2. Guardianship of Adult (p 41-66)	Article 3. Conservatorship (p 66-103)	Article 4. Other Protective Arrangements (p 103-115)
Petition	Sec. 13.29.010 (p 30-31)	Sec. 13.29.065 (p 42-44)	Sec. 13.29.160 (p 68-71)	Sec. 13.29.335 (p 107-109)
	The individual or anyone interested in their welfare may petition. The petition must include certain information to ensure that interested parties are notified and able to participate and the court has all necessary information.			
Notice of Hearing	Sec. 13.29.015 (p 31-33)	Sec. 13.29.070 (p 44-45)	Sec. 13.29.165 (p 71)	Sec. 13.29.340 (p 109-110)
	The court must schedule a hearing when a petition was filed. The petitioner must provide notice to interested parties.			
Court Visitor		Sec. 13.29.075 (p 45-47)	Sec. 13.29.175 (p 72-74)	Sec. 13.29.345 (p 110-112)
		If the individual is an adult, the court must appoint a qualified visitor to meet with the individual, explain the process and rights, gather information, explore less restrictive alternatives, and report to the court with recommendations.		
Attorney Appointment	Sec. 13.29.020 (p 33)	Sec. 13.29.075 (p 45-47)	Sec. 13.29.180 (p 73-74)	Sec. 13.29.350 (p 112)
	The court must appoint an attorney to represent the individual upon the individual's request, guardian ad litem or court visitor's recommendation, or court determination.			
Professional Evaluation		Sec. 13.29.085 (p 47-48)	Sec. 13.29.185 (p 74)	Sec. 13.29.355 (p 112-113)
		The court must order a professional evaluation of the individual's abilities and needs if requested by the individual or found necessary by the court. The respondent has the right to refuse the evaluation.		



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Attendance and participation at hearing	Sec. 13.29.025 (p 33-34)	AS 13.29.090 (p 48-49)	AS 13.29.190 (p 75-76)	AS 13.29.360 (p 113-114)
	Unless the court determines otherwise, the minor and proposed guardian must attend the hearing. Parents have the right to attend. Any person can request to participate.	The individual's presence at the hearing is required, unless they refuse or there's no practicable way for them to attend, even with reasonable accommodations. The individual has the right to an attorney and participate in the hearing. The court may close the hearing. Any person can request to participate in the hearing.		
Confidentiality		Sec. 13.29.095 (p 49-50)	Sec 13.29.195 (p 76-77)	Sec. 13.29.370 (p 114-115)
		Proceeding records are public unless made confidential after dismissal or termination. The individual, their attorney, and those entitled to notice can access records; others may request access. Visitor reports and evaluations are confidential but shared with the court, the individual, attorneys, and certain authorized individuals.		
Order of priority	Sec. 13.29.030 (p 34-35)	Sec. 13.29.100 (p 50-51)	Sec. 13.29.200 (p 77-78)	
	When more than one guardian is proposed, priority given to parental wishes over minor who is at least 12 years old.	The court must consider a priority list when appointing a guardian but has the flexibility to appoint someone with lower priority. A person providing paid care for the adult subject to guardianship who is not related to them may not be appointed as a guardian.		



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Order of appointment	Sec. 13.29.030 (p 34-35)	Sec. 13.29.105 (p 51-53)	Sec. 13.29.205 (p 78-79)	
	The court may limit or grant additional powers. Rights retained by parents must be enumerated.	The court must find that less restrictive options won't meet the person's needs and that proper notice was given. Orders must state whether the arrangement is full or limited, define powers, and identify who gets notice of major actions. For guardianships, the order must address voting and marriage rights.		
Notice of Appointment/ Order		Sec. 13.29.110 (p 53-54)	Sec. 13.29.210 (p 79-80)	Sec. 13.29.365 (p114)
		When an appointment is ordered, the appointee must give interested parties copy of the order within 14 days. The court must also provide a statement of the rights of the adult subject to guardianship within 30 days. The statement must be easily legible, in plain language, and in the language in which the adult is proficient.		The court must give notice of an order to the individual, a person whose access has been restricted, and any other person they determine necessary.
Emergency appointment	Sec. 13.29.040 (p 38-39)	Sec. 13.29.115 (p 54-55)	Sec. 13.29.215 (p 80-81)	
	The court may make an emergency appointment through an expedited process. If no notice is given prior, notice must be made within 48 hours and a hearing must occur within five days. An emergency appointment is limited to 60 days and may be renewed only once.			



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Duties	Sec. 13.29.045 (p 39-40)	Sec. 13.29.120 (p 56-57)	Sec. 13.29.240 (p 84-87)	
	Appointees are fiduciaries required to act in the individual's best interest. They must maintain contact, consider the individual's views and wishes, care for their current and future needs, and report to the court. Conservators must manage assets as a prudent investor.			
Powers	Sec. 13.29.050 (p 40)	Sec. 13.29.125 (p 57-60)	Sec. 13.29.255 (p 88-91)	
	The powers of a guardian of a minor are similar to those of a parent, unless limited by the court. The guardian may apply for and receive funds, determine where the minor lives, sue for child support, consent to health care, delegate authority, consent to adoption, and consent to the marriage of a minor (if the minor is aged 16-18 and the court allows it).	The guardian may apply for and receive funds and benefits for the support of the adult, determine where they live, consent to health care, and sue for support. The court can also grant them the ability to consent to an adoption.	A conservator can manage and protect the conservatorship estate by using broad administrative powers, including handling assets, property, businesses, taxes, claims, and legal actions, as well as structuring finances, making distributions, and taking reasonable steps to meet fiduciary duties.	



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Plan		Sec. 13.29.135 (p 61-62) A plan must be filed within 60 days of appointment or when major change occur. The plan must reflect the individual's needs and preferences and include living arrangements, services, social activities, relationships, visit frequency, goals for restoring rights, and any fees. Notice must be given to the individual and others entitled to notice, who may object. The court may not approve the plan for at least 30 days.	Sec. 13.29.245 (p 87-88) A plan must be filed within 60 days of appointment or when major changes occur. The plan includes a budget, projected fees, steps to involve the individual in decisions, efforts to restore independence, and an estimated duration of the conservatorship. Notice must be given to the individual and others entitled to notice, who may object. The court may not approve the plan for at least 30 days.	



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Report, Monitoring		Sec. 13.29.140 (p 62-64)	Sec. 13.29.265 (p 92-95)	
		A guardian must file an annual report describing the adult's condition, living arrangements, services, visits, decision-making involvement, deviations from approved plan, future care plans, and recommendations on continuation or modification.	A conservator must file an annual report, and additional reports as directed, detailing the conservatorship's estate's accounting, services provided, deviations from approved plan, and recommendations on continuation or modification. Reports include financial statements and disclose any conflicts of interest.	
		Notice must be given to the individual and interested parties. The court must review reports to ensure compliance, monitor fees, and determine if changes or termination are necessary.		
Removal, replacement	Sec. 13.29.055 (p 40-41)	Sec. 13.29.145 (p 64-65)	Sec. 13.29.300 (p 99-100)	
	Can be removed for failure to perform duties or other good cause after a hearing, which can be initiated by petition or by the court. Notice requirements are provided for the hearing and order.			



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Termination	Sec. 13.29.055 (p 40-41) Guardianship terminates by court order or when the minor is adopted, is emancipated, becomes an adult, or dies. The minor or an interested party may petition for termination or modification of the guardianship or removal and replacement of the guardian.	Sec. 13.29.150 (p 65-66) The adult subject to guardianship, the guardian, or an interested party can petition for termination or modification of the guardianship or removal and replacement of the guardian.	Sec. 139.29.305 (p 100-103) Conservatorship for a minor terminates by court order or when the minor is emancipated, becomes an adult, or dies. Conservatorship for an adult terminates at death. The individual or interested party may petition for termination or modification of the conservatorship or removal and replacement of the conservator.	



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Unique provisions to each type of protective arrangement in Sec. 66:

Article 1. Guardianship of Minor (p 30-41)

Sec. 13.29.035. Standby guardian for minor. (p 35-38)

The court may appoint a standby guardian who has been nominated by a parent after proceedings initiated by petition from a parent or the standby guardian or the court's determination that no parent is able or willing to care for the minor for at least two years. The procedure includes notice and service requirements, opportunity to object, a hearing, determination by the court, and formal acceptance by the standby guardian.

Article 2. Guardianship of Adult (p 41-66)

Sec. 13.29.130. Special limitations on guardian's power. (p 60-61)

Unless specifically authorized by the court, a guardian doesn't have the power to revoke powers of attorney, commit the individual to a mental health facility, restrict the adult's interactions with others, or prohibit the right of the individual to marry or divorce.

Article 3. Conservatorship. (p 66-103)

Sec. 13.29.170. Order to preserve or apply property while proceeding pending. (p 71-72)

After a preliminary hearing, the court can issue an order preserve and apply property to support the respondent and dependents.

Sec. 13.29.220. Power of conservator requiring court approval. (p 81-83)

A conservator must get court approval before major actions like gifting property, selling a home, creating or changing trusts, altering insurance or wills, or exercising inheritance rights.

Sec. 13.29.225. Petition for order after appointment. (p 83)

An individual subject to conservatorship or interested party may petition the court for additional orders, such as requiring a bond, requiring an accounting, directing distributions, removing or replacing the conservator, changing the conservator's powers, and rejecting or modifying the conservator's plan or reports.



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Sec. 13.29.230. Bond; alternative asset protection arrangement. (p 83-84)

A conservator must provide a bond or other arrangement that ensures the protection of the assets under the conservatorship.

Sec. 13.29.235. Terms and requirements of bond. (p 84)

The conservator and their surety are jointly and severally liable under the bond. Anyone harmed by a breach can bring a claim against the surety until the bond's liability is exhausted, unless claims against the conservator are barred. If the bond is not renewed, the surety must notify the court and the individual under conservatorship.

Sec. 13.29.250. Inventory; records. (p 88)

A conservator must file an inventory within 60 days of appointment, with notice required to the individual and interested parties within 14 days of filing. The conservator must keep and make available records of the administration of the conservatorship estate.

Sec. 13.29.260. Distribution from conservatorship estate. (p 91-92)

A conservator may spend or distribute funds from the estate for the support, care, education, health, or welfare of the individual or their dependents, taking into consideration recommendations from a guardian or parent, the estate's size and duration, the person's standard of living, other resources, and the individual's preferences.

Sec. 13.29.270. Attempted transfer of property by individual subject to conservatorship. (p 95)

A person under conservatorship cannot transfer or assign property in the conservatorship estate, and that property cannot be taken for claims unless allowed by Sec. 13.29.290 of this act. Contracts made after the appointment are void against them but still bind the other party, who retain all other protections under Alaska law.

Sec. 13.29.275. Transaction involving conflict of interest. (p 95)

If a transaction creates a conflict between the conservator's fiduciary duties and personal interests, it is voidable unless the court authorizes it and interested parties are notified.



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Sec. 13.29.280. Protection of person dealing with conservator. (p 95-96)

If there's an issue with a transaction, the person assisting or dealing with the conservator is protected as if it were properly executed by the conservator.

Sec. 13.29.285. Death of individual subject to conservatorship. (p 96-97)

When the individual dies, the conservator must deliver any will they hold to the court and notify the named personal representative or a beneficiary and close the conservatorship estate. If no personal representative is appointed within 40 days, the conservator may apply to serve as a personal representative to administer and distribute the estate.

Sec. 13.29.290. Presentation and allowance of claim. (p 97-98)

A conservator may pay or secure claims against the conservatorship estate or the individual, following priority rules. Claims can be submitted to the conservator or filed with the court, with 60 days to disallow the claim. Unpaid claims can be taken to court. A prioritization list is provided if the estate cannot cover all claims.

Sec. 13.29.295. Personal liability of conservator. (p. 98-99)

A conservator is not personally liable for contracts made in a fiduciary role, unless they fail to disclose that role. They are personally liable only if an obligation or harm arises due to their own fault.

Sec. 13.29.310. Payment of debt and delivery of property to foreign conservator without local proceedings. (p 102)

If someone owes money or holds property for an individual subject to conservatorship in another state, they can give it to that state's conservator.

Sec. 13.29.315. Transfer for benefit of minor without appointment of conservator. (p 102-103)

Unless a conservator has been appointed or is pending, transfers of up to \$15,000 a year may be made to a minor's caretaker, guardian, custodian, or financial institution to be used solely for the minor's care.



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Article 4. Other Protective Arrangements. (p 103-115)

Sec. 13.29.320. Authority for protective arrangement. (p 103-104)

The court may order a protective arrangement as a less restrictive alternative to a guardianship or conservatorship. An individual or interested party may petition for a protective arrangement instead of a guardianship or conservatorship.

Sec. 13.29.375. Appointment of master. (p 115)

Allows the court to appoint a master to implement protective arrangements.

Additional articles in Sec. 66:

Article 5. Forms. (p 115-126)

Sec. 13.29.380 makes the use of statutory forms optional. (p 115-116)

Sec. 13.29.385 provides a form for petition for guardianship for minor. (p 116-118)

Sec. 13.29.390 provides a form for petition for guardianship, conservatorship, or protective arrangement. (p 118-126)

Article 6. Miscellaneous Provisions. (p 126)

Sec. 13.29.400 encourages uniformity amongst other states that adopt the uniform act.

Sec. 13.29.405 establishes this act's precedence over the Electronic Signatures in Global and National Commerce Act, but not sections on consumer disclosures and exemptions.

Article 7. General Provisions. (p 126-147)

Sec. 13.29.410 provides that principles of law and equity supplement this act unless specifically displaced. (p 126)

Sec. 13.29.415 establishes the court's jurisdiction over protective arrangements, unless precluded by AS 25.30 (Uniform Child Custody Jurisdiction and Enforcement Act). (p 126-127)



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Sec. 13.29.420. Transfer of proceedings. (p 127-128)

The court may transfer the case to another court. If a similar case is pending elsewhere, the courts must consult and decide jurisdiction. A guardian or conservator from another state or country can petition for appointment, with notice requirements for the hearing and order.

Sec. 13.29.425. Venue. (p 128-129)

The venue is the judicial district where the individual resides or is currently present, unless custody, parental rights, or child-in-need-of-aid proceedings are pending in another district or property in question is in another district. If cases under this act are pending in more than one district, the district with the first proceeding is the venue unless the court determines otherwise.

Sec. 13.29.430. Practice in court. (p 129)

Proceedings may be consolidated, and an individual may demand a jury trial on whether the basis exists to make an appointment.

Sec. 13.29.435. Letters of office. (p 129-130)

The court issues letters of office to guardians and conservators when they accept an appointment. Limitations on their powers must be stated.

Sec. 13.29.440. Effect of acceptance of appointment. (p 130)

By accepting an appointment, the guardian or conservator submits to the jurisdiction of the court.

Sec. 13.29.445. Co-guardian; co-conservator (p 130)

The court may appoint co-guardians and co-conservators, who must make decisions jointly.

Sec. 13.29.450. Judicial appointment of successor guardian or successor conservator. (p 130-131)

The court may appoint a successor to serve immediately or when a designated event occurs. An individual or interested party may petition for appointment of a successor. The successor has the same powers unless the court provides otherwise.



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Sec. 13.29.455. Effect of death, removal, or resignation of guardian or conservator. (p 131)

Appointment terminates on death, removal, or resignation approval by the court. A guardian or conservator must petition to resign. Termination does not affect liability for acts or obligations while appointed.

Sec. 13.29.460. Notice of hearing generally. (p 131)

If a hearing notice is required, it must include date, time, and place of the hearing and comply with general probate hearing requirements. Proof of notices served must be given before or at the hearing. Notices must be easily legible, in plain language, and in the language in which the individual is proficient.

Sec. 13.29.465. Waiver of notice. (p 131)

The individual may not waive notice.

Sec. 13.29.470. Guardian ad litem. (p 131-132)

The individual's attorney can't also be their guardian ad litem. Duties and reason for appointment of guardian ad litem should be stated by the court. The office of public advocacy provides guardian ad litem services.

Sec. 13.29.475. Request for notice. (p 132)

Interested parties who aren't already entitled to notice may request notice with the court. If approved, the court must notify the individual or their guardian or conservator.

Sec. 13.29.480. Disclosure of bankruptcy or criminal history. (p 132-133)

A guardian or conservator must disclose any bankruptcies, felonies, and other relevant crimes, as well as those of an agent.

Sec. 13.29.485. Multiple nominations. (p 133)

If more than one nomination is made by a person, the last one nominated governs.



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Sec. 13.29.490. Compensation and expenses; in general. (p 133)

Attorneys and other individuals who provide services related to the proceedings are entitled to compensation and reimbursement from the individual if they're not otherwise provided for. The court must approve before payment is made. If a petition is determined to be filed in bad faith by the court, the court may assess the cost of any professional evaluation or court visitor.

Sec. 13.29.495. Compensation of guardian or conservator. (p 133-134)

Subject to court approval, a guardian or conservator is entitled to compensation for their services, reimbursement for expenses advanced for the individual, and time and expenses spent opposing a petition to modify or terminate the appointment.

Sec. 13.29.500. Liability of guardian or conservator for act of individual subject to guardianship or conservatorship. (p 134-135)

A guardian or conservator is not liable for acts or omissions of the individual.

Sec. 13.29.505. Petition after appointment for instruction or ratification. (p 135)

A guardian or conservator may petition the court for instruction on fiduciary responsibility or ratification of an action taken by the guardian or conservator.

Sec. 13.29.510. Third-party acceptance of authority of guardian or conservator. (p 135-136)

A person must not honor a guardian's or conservator's authority if they know or reasonably believe the authority is invalid, being misused, or the individual is being abused or exploited. They may also refuse if a proposed action violates law or they have reported suspected abuse to the proper agency. A guardian or conservator can petition the court to require a third party to accept their decision.

Sec. 13.29.515. Use of an agent by guardian or conservator. (p 136-137)

A guardian or conservator can delegate certain powers to an agent for up to one year, with careful selection, definition, monitoring, and correction of the agent's actions. Agents must act with reasonable care and follow the same standards as the guardian or conservator. By accepting, the agent submits to the court's jurisdiction. If the guardian or conservator complies with these rules, they are not liable for the agent's actions.



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Sec. 13.29.520. Temporary substitute guardian or conservator. (p 137-138)

The court may appoint a temporary substitute guardian or conservator for up to six months if a proceeding to remove is pending or the court finds the guardian or conservator is not fulfilling their duties. The temporary substitute assumes the powers in the current order of appointment. Notice shall be given within five days to the individual, the guardian or conservator, and the parents or person with custody of a minor.

Sec. 13.29.525. Grievance against guardian or conservator. (p 138-139)

Grievances may be filed by the individual or interested parties if they believe the guardian or conservator is acting in a manner inconsistent with this act. The court must schedule a hearing if a review finds there is reasonable belief that the grievance is supported. The court may take appropriate action supported by evidence, including requiring reports and information, appointing a guardian ad litem or attorney, or holding a hearing. The court may decline to act if a similar grievance has been filed and acted upon within the last six months.

Sec. 13.29.530. Adoption of standards of practice. (p 139)

Guardians and conservators should abide by highest ethical standards and adopted standards of practice.

Sec. 13.29.535. Delegation of powers over minor child by parent. (p 139-143)

A parent may delegate powers regarding care and custody of a minor through a power of attorney, which can be revoked by either parent at any time. A power of attorney may only be effective for one year, except that a power of attorney made by a military parent may be effective for the lesser of two years or the length of active duty plus 30 days. A power of attorney doesn't change the parent's rights, obligations, or authority.

Sec. 13.29.540. Psychotropic medication influencing individuals subject to guardianship or respondents at judicial hearings. (p 143-144)

An individual has the right to be free from the influence of psychotropic medications during judicial proceedings. The attorney for the individual must notify the court if the individual is being treated with psychotropic medications and the court may order a medical examination, determine the advisability of continuing or suspending treatment, and make necessary orders.



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Sec. 13.29.545. Emergency authorization of services. (p 144)

The court may authorize emergency life-saving services if someone is incapacitated and no guardianship petition is pending.

Sec. 13.29.590. Definitions. (p 144-147)

Sec. 13.29.595. Short Title (p 147)

The rest of the bill:

Secs. 1-65 (p 1-30) and **Secs. 67-100** (p 147-160) update terminology and references throughout Alaska statute and make conforming changes.

Sec. 101 (p 160-161) repeals current law regarding guardianships, conservatorships, and other protective arrangements, along with definitions that are replaced or no longer necessary.

Secs. 102 and 103 (p 161) indicate that sections of this bill have the effect of indirectly changing the Alaska Rules of Probate Procedure and the Alaska Rules of Civil Procedure.

Sec. 104 (p 161) indicates that changes in this act apply to proceedings, offenses, and appointments on or after the effective date of this act.

Secs. 105-107 (p 162) provide transition language for powers of attorney, guardianships and conservatorships, and protective orders in place before the effective date of this act. They remain in place as is until their status changes and after that must comply with this act.

Sec. 108 (p 162) makes the passage of this act conditional on the indirect court rule changes passing by a two-thirds majority vote of each house.

Sec. 109 (p 162) provides an effective date of July 1, 2026.