

HB

5

<TARGET><BILL>HB 5</BILL><SUBJECT>HB
5</SUBJECT><COMM>SJUD29</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 2/27/15

FURTHER: Rules

DATE TURNED
IN TO OFFICE: 4/9/15

Judiciary Committee considered HOUSE BILL NO. 5

HB 5 CONSERVATOR OF PROTECTED PERSONS

"An Act relating to the persons who may be appointed conservators of a protected person."

and recommends:

be replaced with SCS HB 5 (JUD) [] Same Title [] Technical Title Change
 New Title/SCR No. 11

[] adopt previous SCS _____ (_____) [] Same Title [] Technical Title Change
 [] New Title/SCR No. _____

[] attached amendment(s)

[] adopt _____ Letter of Intent

[] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
ADM			✓	1

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Coghill	✓			
	MICCICHE	✓			
	CASTELLO			✓	
	wietachowski			✓	
CHAIR:	McGuire	✓			



REPRESENTATIVE MIKE HAWKER

ALASKA STATE LEGISLATURE • DISTRICT 28

Anchorage • Glen Alps • Rainbow • Indian • Bird • Girdwood • Portage

House Bill 5 Sponsor Statement

When an individual is unable to effectively manage the affairs of their estate, the court may appoint a conservator to protect the individual and their assets. Conservators serve a valuable role by acting as a trustee to a person's property and making decisions regarding the affairs of their estate.

Current statute outlines criteria for who may be a conservator and under what circumstances they may serve as such. This responsibility is limited to certain relatives, thereby excluding other relatives.

House Bill 5 helps families act in their own best interest by allowing an adult related by blood, marriage or adoption to serve as conservator. Expanding the pool of persons who could serve as a conservator will allow greater flexibility and choice for individuals and families needing this service.

House Bill 5 does not change the judicial process for appointing a conservator or weaken the court's authority to act in the "best interest" of the protected person.

29th Alaska State Legislature

SENATOR
LESIL MCGUIRE
CHAIR

State Capitol, Room 121
Juneau, Alaska 99801-1182
(907) 465-6443



SENATOR
JOHN COGHILL
VICE-CHAIR

State Capitol, Room 119
Juneau, Alaska 99801-1182
(907) 465-2997

Senate Judiciary Committee

Senate CS for House Bill 5

Explanation of Changes

Section 1 amends AS 13.26.145 (c)

Page 1: Lines 6-8

Deletes “the person is the spouse, adult child, parent, or sibling of the incapacitated person and”

Section 2 adds a new subsection AS 13.26.145

Page 2: Lines 1-4

(g) If the court makes the determination under (c) of this section, the court shall make appropriate written findings consistent with the requirements of (c) of this section about the nature and scope of the conflict of interest.

Section 3 amends AS 13.26.210(c)

Page 2: Lines 7-8

Deletes “the person is the spouse, adult child, parent, or sibling of the protected person and”

Section 4 adds a new subsection AS 13.26.210

Page 2: Lines 11-15

(h) If the court makes the determination under (c) of this section, the court shall make appropriate written findings consistent with the requirements of (c) of this section about the nature and scope of the conflict of interest.

Alaska Department of Health & Social Services – Division of Senior and Disabilities Services

Table 1.
Aggregate Count of Investigations: SFY2011 through SFY2015

Allegation	Fiscal Year					Total	%
	SFY11	SFY12	SFY13	SFY14	SFY15 (07/01/14 - 01/31/15)		
Self-Neglect	1,109	925	960	1,069	470	4,533	39.02%
Neglect	606	597	629	682	330	2,844	24.48%
Exploitation - Financial	447	354	270	492	244	1,807	15.55%
Exploitation - Person	53	45	86	79	83	346	2.98%
Abuse - Mental	213	171	154	194	111	843	7.26%
Abuse - Physical	202	135	141	208	119	805	6.93%
Abuse - Sexual	60	40	54	51	24	229	1.97%
Abandonment	47	43	43	64	14	211	1.82%

Notes.

- 1) There could be some cross-over in the number of number of investigations between the allegation types, because one investigation could have multiple allegation types.

Table 2.
Summary of Financial Exploitation Allegations: SFY2011 through SFY2015

Fiscal Year	Number of FE Investigation	Number of FE Allegations	Percent of Allegations Founded
SFY11	447	508	35.04%
SFY12	354	365	30.96%
SFY13	270	279	24.73%
SFY14	492	535	20.56%
SFY15 (07/01/2014 - 01/31/2015)	244	267	21.35%

Notes.

- 1) The overall percentage of financial exploitation allegations founded by APS during the course of the investigations is **26.97%**

Table 3.
Percentage of Financial Exploitation Allegations Against Family: SFY2011 through SFY2015

Fiscal Year	Percentage With Family as Perpetrator
SFY11	62.30%
SFY12	67.11%
SFY13	62.62%
SFY14	55.47%
SFY15 (07/01/2014 - 01/31/2015)	55.56%

Notes.

- 1) The percentage above displays the percentage of financial exploitation allegations with a perpetrator listed on the allegation and the perpetrator is a member of the vulnerable adult's family.
- 2) Family is defined as immediate family, extended family, spouse, and in-laws.
- 3) The overall percentage of financial exploitation allegations with perpetrators listed, and it is listed as a family member is **61.09%**

Sec. 13.26.145. Who may be guardian; priorities.

(a) The court may appoint a competent person, including a private professional guardian, or the public guardian, as the guardian of an incapacitated person.

(b) The court may not appoint a person to be a guardian of an incapacitated person if the person

(1) provides, or is likely to provide during the guardianship period, substantial services to the incapacitated person in a professional or business capacity, other than in the capacity as guardian;

(2) is, or is likely to become during the guardianship period, a creditor of the incapacitated person, other than in the capacity as guardian;

(3) has, or is likely to have during the guardianship period, interests that may conflict with those of the incapacitated person; or

(4) is employed by a person who would be disqualified under (1) - (3) of this subsection.

(c) A person may be appointed as the guardian of an incapacitated person notwithstanding the provisions of (b) of this section if the person is the spouse, adult child, parent, or sibling of the incapacitated person and the court determines that the potential conflict of interest is insubstantial and that the appointment would clearly be in the best interests of the incapacitated person. When appointing a relative or friend of the incapacitated person as the guardian of an incapacitated person, the court shall require that the proposed guardian complete one hour of mandatory education on the basics of guardianship before the appointment or within 30 days after the appointment.

(d) Subject to (e) and (f) of this section, qualified persons have priority for appointment as guardian in the following order:

(1) an individual or organization nominated by the incapacitated person if, at the time of the nomination, the incapacitated person had, in the opinion of the court, sufficient mental capacity to make an informed choice;

(2) the spouse of the incapacitated person;

(3) an adult child or parent of the incapacitated person;

(4) a relative of the incapacitated person with whom the incapacitated person has resided for more than six months during the year before the filing of the petition;

(5) a relative or friend who has demonstrated a sincere, longstanding interest in the welfare of the incapacitated person;

(6) a private professional guardian;

(7) the public guardian.

(e) When more than one person has equal priority under (d) of this section, the court shall select the person it considers to be the best qualified.

(f) When in the best interest of the incapacitated person, a court may decline to appoint a person who has priority under (d) of this section as guardian of an

incapacitated person and may appoint as guardian a person who has a lower priority than another person or who does not have a priority. If the court appoints a person with a lower priority under (d) of this section than another person, the court shall make appropriate written findings related to why the best interests of the respondent require appointment of the person with a lower priority.

Sec. 13.26.210. Who may be appointed conservator; priorities.

(a) The court may appoint a competent person, including a private professional conservator, private professional full guardian under AS 08.26.020, or the public guardian, as the conservator of the estate of a protected person.

(b) The court may not appoint a person to be a conservator of a protected person if the person

(1) provides, or is likely to provide during the conservatorship, substantial services to the protected person in a professional or business capacity, other than in the capacity of conservator;

(2) is or is likely to become, during the conservatorship, a creditor of the protected person, other than in the capacity of conservator;

(3) is likely to have, during the conservatorship, interests that may conflict with those of the protected person; or

(4) is employed by a person who would be disqualified under (1) - (3) of this subsection.

(c) A person may be appointed as the conservator of a protected person even if (b) of this section applies if the person is the spouse, adult child, parent, or sibling of the protected person and if the court determines that the potential conflict of interest is not substantial and that the appointment would clearly be in the best interests of the protected person.

(d) Subject to (e) and (f) of this section, qualified persons have priority for appointment in the following order:

(1) an individual or qualified conservator nominated by the protected person if the protected person is 14 or more years of age and had, in the opinion of the court, sufficient mental capacity to make an informed choice;

(2) the spouse of the protected person;

(3) an adult child or a parent of the protected person;

(4) a relative of the protected person with whom the protected person has resided for more than six months during the year before the filing of the petition;

(5) a relative or friend of the protected person who has demonstrated a sincere and longstanding interest in the welfare of the protected person;

(6) a private professional conservator;

(7) the public guardian.

(e) When more than one person has equal priority under (d) of this section, the court shall select the person it considers to be the best qualified.

(f) When in the best interest of the protected person, a court may decline to appoint a person who has priority under (d) of this section as conservator of the protected person and may appoint as conservator a person who has a lower priority than another person or who does not have a priority. If the court appoints a person with a lower priority under (d) of this section than another person, the court shall make appropriate written findings related to why the best interests of the respondent require appointment of the person with a lower priority.

(g) In addition to any other requirement of this section, when appointing a relative or friend of the protected person as the conservator of the protected person, the court shall require that the proposed conservator complete one hour of mandatory education on the basics of conservatorship before the appointment or within 30 days after the appointment. If the person is appointed based on the person's agreement to complete the mandatory education and the person fails to complete the mandatory education within the 30 days, the court shall remove the conservator and appoint a successor.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

ALASKA COMMISSION ON AGING

P.O. Box 110693
Juneau, Alaska 99811-0693
Main: 907.465.3250
Fax: 907.465.1398

February 3, 2015

Representative Mike Hawker
Alaska Capitol, Room 502
Juneau, Alaska 99801-1182

Regarding: ACoA Support HB 5, Conservator of a Protected Person

Dear Representative Hawker:

The Alaska Commission on Aging is pleased to express our support for HB 5, as authored by you and co-sponsored by Representative Shelley Hughes, to expand the pool of persons for individuals and families currently allowed by statute who require a court-appointed conservator to manage the estate of a protected person. Based on our understanding, HB 5 does not alter the current judicial process for appointing a conservator or diminish the court's authority to appoint a person who would act in the best interests of the protected person.

The Commission believes that this legislation offers a common sense approach for individuals and families requiring this service who often find themselves in a stressful and demanding situation of having to find a conservator who qualifies under current law particularly during times when a health crisis impairs a loved one to the extent that the person is unable to provide for their own health and safety. For a senior who has outlived their spouse, parents, or child or who has never married and had children having additional options to choose from to fill the conservator role provides greater flexibility and choice for that individual. Further, we would like to call your attention to the needs of older Alaskans and other adults who may live in non-traditional families and choose to live permanently outside of marriage. These Alaskans also require similar legal protection and flexibility to identify a trustee regarding the management of their estate affairs.

The Commission supports HB 5 and appreciates your sponsorship of this legislation that promotes greater flexibility in the criteria used to identify a conservator and helps families act in their own best interest by allowing relatives by law or adoption to serve as conservators.

Sincerely,


Mary F. Shields
Chair, Alaska Commission on Aging

Sincerely,


Denise Daniello
ACoA Executive Director

Cc: Representative Shelley Hughes



3601 C Street, #1420 | Anchorage, AK 99503
1-866-227-7447 | Fax: 907-341-2270 | TTY: 1-877-434-7598
aarp.org/ak | ak@aarp.org | twitter: @aarpalaska
facebook.com/AARPAK

February 9, 2015

Representative Mike Hawker
Alaska State Capitor, Room 502
Juneau, Alaska 99801

HB 5 – Support

Dear Rep. Hawker,

On behalf of AARP Alaska's 86,000 members, we are pleased to support passage and enactment of HB 5, which expands the list of relatives who may be appointed conservator of a vulnerable or incapacitated adult to include relatives by law or adoption. We believe the expanded list will provide increased flexibility and choice for individuals and families who look after loved ones with diminished capacity.

This small fix to existing statute will make a positive difference for many families. Thank you for sponsoring this bill.

Respectfully,

Ken Helander
Advocacy Director

Marie Darlin
Coordinator, AARP Capitol City Task Force

SENATE CS FOR HOUSE BILL NO. 5(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HAWKER, Hughes

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the persons who may be appointed guardians of incapacitated**
2 **persons or conservators of protected persons."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 13.26.145(c) is amended to read:

5 (c) A person may be appointed as the guardian of an incapacitated person
6 notwithstanding the provisions of (b) of this section if [THE PERSON IS THE
7 SPOUSE, ADULT CHILD, PARENT, OR SIBLING OF THE INCAPACITATED
8 PERSON AND] the court determines that the potential conflict of interest is
9 insubstantial and that the appointment would clearly be in the best interests of the
10 incapacitated person. When appointing a relative or friend of the incapacitated person
11 as the guardian of an incapacitated person, the court shall require that the proposed
12 guardian complete one hour of mandatory education on the basics of guardianship
13 before the appointment or within 30 days after the appointment.

14 *** Sec. 2.** AS 13.26.145 is amended by adding a new subsection to read:

addit.

1 (g) If the court makes the determination under (c) of this section, the court
2 shall make appropriate written findings consistent with the requirements of (c) of this
3 section about the nature and scope of the conflict of interest and why the appointment
4 should be made despite the existence of a conflict of interest.

5 * **Sec. 3.** AS 13.26.210(c) is amended to read:

6 (c) A person may be appointed as the conservator of a protected person even if
7 (b) of this section applies if [THE PERSON IS THE SPOUSE, ADULT CHILD,
8 PARENT, OR SIBLING OF THE PROTECTED PERSON AND IF] the court
9 determines that the potential conflict of interest is not substantial and that the
10 appointment would clearly be in the best interests of the protected person.

11 * **Sec. 4.** AS 13.26.210 is amended by adding a new subsection to read:

12 (h) If the court makes the determination under (c) of this section, the court
13 shall make appropriate written findings consistent with the requirements of (c) of this
14 section about the nature and scope of the conflict of interest and why the appointment
15 should be made despite the existence of a conflict of interest.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	HB 5
Fiscal Note Number:	1
(H) Publish Date:	2/20/2015

Identifier: HB005-DOA-OPA-02-06-15
 Title: CONSERVATOR OF PROTECTED PERSONS
 Sponsor: HAWKER
 Requester: House Judiciary Committee

Department: Department of Administration
 Appropriation: Legal and Advocacy Services
 Allocation: Office of Public Advocacy
 OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By:	Richard Allen, Director	Phone:	(907)269-3504
Division:	Office of Public Advocacy	Date:	01/30/2015 01:30 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	01/30/2015
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

This bill expands the class of people eligible to serve as conservators for protected person, subject to court approval.

The Office of Public Advocacy does not expect a substantive increase in caseload as a result of this legislation and therefore submits a zero fiscal note.

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	HB 5
Fiscal Note Number:	2 **CORRECTED**
(H) Publish Date:	2/20/2015

Identifier: HB005-DHSS-SDSA-02-08-15
 Title: CONSERVATOR OF PROTECTED PERSONS
 Sponsor: HAWKER
 Requester: House Judiciary Committee

Department: Department of Health and Social Services
 Appropriation: Senior and Disabilities Services
 Allocation: Senior and Disabilities Services Administration
 OMB Component Number: 2663

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This one page note zeroed out the agency's indeterminate note.
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Prepared By: Representative LeDoux
House Judiciary Committee

Phone: (907)465-4998
 Date: 02/18/2015

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	HB 5
Fiscal Note Number:	3
(H) Publish Date:	2/20/2015

Identifier: HB005-LAW-CIV-02-05-15
 Title: CONSERVATOR OF PROTECTED PERSONS
 Sponsor: HAWKER
 Requester: (H) JUDICIARY

Department: Department of Law
 Appropriation: Civil Division
 Allocation: Human Services
 OMB Component Number: 2962

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Prepared By:	Valerie Rose, Budget Analyst	Phone:	(907)465-3674
Division:	Administrative Services Division	Date:	02/05/2015 09:55 AM
Approved By:	Craig W. Richards, Attorney General	Date:	02/05/15
Agency:	Department of Law		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

Under the current statute, AS 13.26.210(b) prohibits individuals from being appointed a conservator of the estate of a protected person when a conflict of interest exists. However, the statute also provides that even when there is a conflict of interest, the court may appoint the "spouse, adult child, parent or sibling of" the protected person if the court determines that the conflict of interest is not substantial and the appointment is the best interest of the protected person. This bill would amend the statute to broaden the scope of persons who can be appointed by a court despite a conflict of interest to include "an adult related by blood, marriage, or adoption to" of the person being protected.

We foresee no fiscal impact to the Department of Law should this bill become law.

5. Alternatives Not Adequate.

As required by AS 13.26.195(d), the court has investigated the alternatives to appointing a conservator and concludes that a conservator should be appointed because the alternatives under AS 13.26.205 are not adequate to protect the respondent's estate.

6. Priority.

_____ is competent to act as respondent's **conservator**, and
 has priority for appointment under AS 13.26.210.
 is best qualified among those having equal priority for appointment.
 does not have priority for appointment, but this appointment is in the best interest of the respondent
 because _____

 for the reasons stated in the attached written findings. AS 13.26.210(f)

7. Consideration of Respondent's Preference.

Pursuant to the AS 13.26.195(d) requirement that the court, to the maximum extent possible, consult with the respondent in determining whether a conservator should be appointed, the court
 has consulted with respondent.
 has not consulted with respondent for the reasons stated on the record
 in the attached findings.

8. License. The conservator

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 conservator services in the course of this employment.
 is not engaged in the business of providing conservator services and, therefore, is not required to be licensed; and has has not satisfied the one-hour mandatory education requirement on the basis of conservatorship.
(AS 13.26.210(g))

ORDER

IT IS ORDERED:

1. _____ is appointed to be respondent's conservator, with
 all the powers and duties set forth in AS 13.26.245 - .315, except the following:
 The conservator cannot sell, transfer, destroy or otherwise dispose of _____
without prior written permission from the court.

only the following powers:

AS 13.26.116

In exercising these powers, the conservator must act as a fiduciary and must observe the standards of care applicable to trustees under AS 13.36.225 - 13.36.290. AS 13.26.245.

2. Mandatory Education (Non-Professional Conservators). If the conservator is not engaged in the business of providing conservator services, the conservator must complete one hour of mandatory education on the basics of 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 13.26.210(g). (Some ways to satisfy this requirement are explained at: <http://courts.alaska.gov/guardianship.htm#education>)

3. Bond. AS 13.26.215 - .220. The conservator
 must post a bond in the amount of \$_____ by _____
 is not required to post a bond for the reasons stated on the record in the attached findings.

4. Reporting Requirements. The conservator must file the following reports with the court:

a. *A Conservator Implementation Report and Inventory of the Estate* (on form PG-220) must be filed with the court within 90 days after distribution of this order. [AS 13.26.250; Probate Rule 17(e)]

Specific Due Date: _____

b. *Conservator Annual Reports* (on form PG-225) must be filed each year until the conservatorship is terminated. Unless specific dates are set below, the report must cover the 12-month period beginning the 1st of the month in which this appointment order is signed and ending 12 months later. The report is due 30 days after the end of the reporting period. [For example, if the order is signed anytime in January, the reporting period will be January 1 to December 31; and a report will be due each January 31.] [Probate Rule 17(e) and AS 13.26.255]

Specific Dates.

Reporting Period: From _____ To _____ each year.
Report is due 30 days after end of reporting period: _____

c. *A Final Conservatorship Report* (on form PG-230) must be filed when the conservatorship ends or when the conservator is replaced. [Probate Rule 17(f) and AS 13.26.255]

5. **If the conservator or the protected person changes his/her address, the conservator 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.courts.alaska.gov)

6. Term of Conservatorship. Unless previously terminated by the court, the conservatorship will end upon the death of the protected person or _____.

Once the conservator knows that the protected person has died, the conservator may not exercise authority over the protected person's affairs and estate except to pay reasonable burial expenses and to preserve, account for, and transfer control of assets to a personal representative, a temporary property custodian appointed by the court, or a person authorized to take custody of personal property by affidavit under AS 13.16.680.

Also, if the conservator has possession of the will of the deceased protected person, the conservator must deliver the will to the court for safekeeping and inform the executor or a beneficiary named in the will that it has been so delivered.

Probate Rule 17(h) and AS 13.26.285(e).

7. The appointment of respondent's attorney, the court visitor and any guardian ad litem terminate:

- on the date this order is signed.
 30 days after the conservatorship implementation report is filed, so that the attorney, visitor and guardian ad litem can review the report and file objections or other responses if appropriate.

8. Payment of Respondent's Court-Appointed Attorney.

The attorney for the respondent in the conservatorship proceedings will be paid by

- the respondent. (AS 13.26.230)
 the court because the respondent is indigent and AS 13.26.195(b) requires the appointment. (Administrative Rule 12(e)(1)(A)(iii)).
 Office of Public Advocacy

9. Compensation or Reimbursement of Conservator. [AS 08.26.110 and Probate Rule 17(d)]

- The conservator is entitled to fees for his/her services. However, he/she may not pay himself/herself more than the following amounts from the protected person's assets without a written court order approving such additional fees:
- a fee for conservator 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.
 - payment or reimbursement for room and board not to exceed \$ _____ per month without further written court order.
- The conservator is not authorized to charge any fees.

10. Financial Abuse Protective Orders. Financial Abuse Case No. _____

Ex Parte Order of Protection. Pursuant to AS 13.26.207(c), this appointment dissolves the 20-day ex parte financial abuse protective order in the above case(s).

Long-Term Order of Protection. If there is a long-term order of protection or a petition for a long-term order in the above case(s), the clerk must route a copy of this order to the judge in that case.

11. Powers of Attorney.

The power of attorney dated _____ and currently held by _____ is cancelled changed as follows:

12. Additional Orders.

13. Additional Persons Who Must Be Served With Documents. [AS 13.26.185. & .190 and Probate Rule 16(e)(3)] In addition to the parties in this case, the following persons must be served with copies of all pleadings, reports, and notices of hearing until further court order:

<u>Name</u>	<u>Mailing Address</u>	<u>Daytime Phone</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 conservator respondent's attorney _____

financial abuse protective order case file listed in paragraph 10 (Also distributed PG-815)

judge in case listed in paragraph 10 with PG-844 Routing Sheet and PG-845 Order

Clerk: _____

Notice to Protected Person
About Right to Request Changes in This Order

At any time in the future, you may ask the court to dismiss your conservator or change this conservatorship order. You may use court form PG-190 to ask the court to do this. Form PG-190 is available at any state court and on the court system's website: www.courts.alaska.gov/forms/index.htm

AS 13.26.310