

Adult Guardianship Petition Packet

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These instructions explain how to ask the court to appoint a guardian for an adult. They do not cover conservatorships or guardianships of minors.

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Alaska Court System

The forms in this packet are available on the court system's website:

www.courts.alaska.gov/forms.htm

Another helpful website is the Alaska Public Guardian's:

www.doa.alaska.gov/opa/pg/home.html

What is a Guardian?

A guardian is a person appointed by the court to manage the affairs of another, called the “ward.” A guardian has authority to make personal decisions for the ward, such as where the ward will live and under what conditions. A guardian may also manage the finances of the ward if a conservator (someone to manage the ward’s money and property) has not been appointed by the court.

When Can a Guardian Be Appointed?

The court can appoint a guardian only if the court determines that a person is incapacitated and the services of a guardian are necessary (that is, alternative methods of providing services are not adequate). A person is “incapacitated” if his (or her) ability to receive and evaluate information or communicate decisions is so impaired that the person cannot take care of his or her own physical health or safety (meaning provide the healthcare, food, shelter, clothing, etc. the person needs to avoid serious physical injury or illness).

AS 13.26.116
AS 13.26.005

Who Can Be a Guardian?

Almost anyone (except a minor) willing to take on the responsibility can be appointed. The guardian can be a relative or friend, a private professional guardian, or the public guardian.

AS 13.26.145

The guardian cannot be someone who

1. provides substantial professional or business services to the incapacitated person,
2. is a creditor of the incapacitated person,
3. has interests that may conflict with those of the incapacitated person, or
4. works for a person who would be disqualified under (1) – (3).

These restrictions do not necessarily apply to the respondent’s spouse, adult child, parent, brother or sister if the court determines that the potential conflict of interest is insubstantial and the appointment would clearly be in the best interests of the incapacitated person.