

- c. **Expert.** The court must appoint a person with expertise in the area of the respondent's alleged incapacity (for example, a medical doctor, neurologist, or psychologist). The expert will examine the respondent and report to the court. If appropriate, the court may designate an expert who has already examined the respondent in the past. The respondent may hire or ask the court to appoint a different expert to testify on the respondent's behalf.
- d. **Examinations and Evaluations.** The respondent has the right to refuse to respond to questions during examinations and evaluations. However, the respondent may be required to submit to interviews to determine whether the respondent is able to make informed decisions about care and treatment services. The respondent has the right to have the respondent's own attorney or expert present during interviews and tests.
- e. **Evaluation Report.** After the reports of the visitor and the expert are filed with the court, the respondent may file responses to these reports.
- f. **Guardian Ad Litem.** The respondent can ask the court to appoint a "*guardian ad litem*" (often called a "GAL") if the respondent cannot determine the respondent's own best interests without assistance (for example, because the respondent's ability to understand the guardianship proceedings or make decisions about them is impaired). If appointed, the GAL will help the respondent determine what is best for the respondent in this legal case. If the respondent is entirely incapable of making that determination, the GAL will make it. The Office of Public Advocacy will provide this service at state expense if the court determines that the respondent cannot afford it.
- g. **Rights at the Hearing.** At the hearing, the respondent has the right to (1) present the respondent's own evidence, (2) ask questions of any witnesses who testify, (3) remain silent, (4) choose whether the hearing is open or closed to the public, (5) be present (unless the court determines that the respondent's conduct in the courtroom is so disruptive that the hearing cannot reasonably continue), and (6) choose to have a jury (instead of the judge) decide whether the respondent is incapacitated.

The respondent has a right to participate to the maximum extent possible in all judicial proceedings in this case. The respondent has the right to be free from the influence of psychotropic medication during the proceedings. If the respondent is taking such medication, the court must decide whether to continue or suspend the medication during the court proceedings.
- h. **Dismissal of the Guardian.** If a guardian is appointed, the respondent has the right to request, at a later time, that the guardian be dismissed, that a different guardian be appointed, or that the guardianship order be changed.

_____ Date _____ Signature of Petitioner

 _____ Print or Type Name

Mailing Address _____
 Phone _____ Email _____

Certificate of Service

[Write names on the blank lines and check the boxes that show how notice was delivered.]

I certify that on _____ *[date]*, a copy of this notice was mailed or delivered to:

Respondent's spouse: _____ *[name]* by certified mail* process server

Respondent's parents: _____ *[names]*
by certified mail* process server

All of Respondent's adult children: *[list names]*
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____

None of the above relatives of Respondent could be notified, so I sent notice to the following close adult relative: _____ *[name & relationship]*
by first-class mail hand-delivery by _____

Respondent's conservator (if one has been appointed): _____
by first-class mail hand-delivery by _____

The person who currently has care and custody of Respondent: _____
by first-class mail hand-delivery by _____

Respondent's attorney: _____
by first-class mail hand-delivery by _____

Respondent's guardian ad litem (if one has been appointed): _____
by first-class mail hand-delivery by _____

Expert (if already appointed): _____
by first-class mail hand-delivery by _____

Guardian(s) nominated by Petitioner (if not already included above)
by first-class mail hand-delivery by _____

The following additional persons the court has ordered me to give notice to: *[list names]*
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____

Because I am asking the court to appoint a guardian with conservator powers (authority over money/property), I sent notice to the following persons with an interest in Respondent's finances: *[See AS 13.06.050 (scroll down to #26) for the legal definition of "interested persons"]*
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____
_____ by first-class mail hand-delivery by _____

Signature of Petitioner _____

* If the spouse or parents are outside Alaska, you can send this notice to them by ordinary first-class mail instead of certified mail. AS 13.26.296(b). File form [PG-117](#) if you use certified mail.