IN THE SUPERIOR COURT F AT	
In the Matter of the Protective Proceeding of)))
Respondent) CASE NO
) NOTICE OF GUARDIANSHIP HEARING (To Interested Persons)
The petitioner (the person sending this notice) as respondent named above. The court will hold a h	• • • • • • • • • • • • • • • • • • • •
Date and Time:	
Court Address:	
Courtroom: Judge or Master:	
You are not required to attend this hearing unless	you are called as a witness.
Purpose of Hearing	

At the hearing, the court will decide whether the respondent needs a guardian because the respondent's ability to understand information or communicate decisions has become so limited that it endangers the respondent's physical health or safety.

Possible Consequences

If the court decides to appoint a guardian, the guardian may have the power to make many decisions for the respondent, including decisions about where the respondent will live and what medical care the respondent will receive. The guardian may also have control of the respondent's finances and property. Alternatively, the court may decide to appoint only a partial guardian who will have more limited powers. Or, the court may decide not to appoint a guardian at all or to order a different form of protection.

The petitioner nominated to be the guardian(s) for the respondent. If the court decides to appoint a guardian, the court may appoint this/these person(s) or agency, or the court may choose to appoint a different person or agency.

Respondent's Rights

- a. **Visitor's Interview**. The court has appointed a "visitor" to interview the respondent, gather other information about the case, and report this information to the court before the hearing. Before being interviewed by the visitor, the respondent has the right to talk to an attorney or an expert in the field of the respondent's alleged incapacity.
- **Attorney**. The respondent has the right to be represented by an attorney. The b. respondent may hire an attorney. If the respondent is financially unable to hire an attorney, the court must appoint the Office of Public Advocacy to represent the respondent. If the respondent does not have an attorney, then before the visitor's interview, the visitor must give the respondent the name, address, and telephone number of the court-appointed attorney who will help the respondent. The visitor must offer to help the respondent contact the attorney.

- 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.

Dismissal of the Guardian. If a guardian is appointed, the respondent has the right

to request, at a later time, that the quardian be dismissed, that a different quardian be

appointed, or th	nat the guardianship order b	e changed.	
Date		Signature of Petitioner	
		Print or Type Name	
Mailing Address			
Phone	Email		

h.

Certificate of Service

	[Write names on the blank lines and check the boxes that show how notice was delivered.]
I cert	tify 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
	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
Ш	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 <u>AS 13.06.050</u> (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
Sign	ature 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.