

IMPORTANT INFORMATION FOR GUARDIANS AND CONSERVATORS

This is an information sheet for people thinking about serving as a guardian or conservator. This sheet is only an overview of some of the responsibilities an individual takes on when becoming a guardian or conservator. As explained below, within 30 days of appointment by the court, a guardian or conservator must do a training to learn more about these duties.

The Alaska Court System has a **Guardianship Helpline**, open from 8 AM to 5 PM Monday to Thursday, and 8 AM to 12 Noon on Fridays. If you have questions about guardianship or conservatorship, or need help finding or filling out any forms, call **(907) 264-0520** to speak with a facilitator. There is also helpful information on the court's website at ak-courts.info/gc. Information on regular Zoom classes on topics related to guardianship and conservatorship: <https://courts.alaska.gov/shc/guardian-conservator/classes.htm>.

Any person who wishes to serve as a guardian or conservator must comply with the following:

- 1. Duties to the Court.** By accepting appointment, a guardian or conservator agrees to the authority of the court. The guardian or conservator will need to follow all court orders and respond to any communication from the court.

The guardian or conservator must notify the court of any change in address or other contact information by filing *Notice of Change of Contact Information*, form [PG-195](#).

If the guardianship or conservatorship needs a change or clarification, they can file *Petition for Review of Guardianship/Conservatorship*, form [PG-190](#). A guardian or conservator cannot simply stop performing their duties. They must first get permission from the court to end the guardianship/conservatorship or change to a different guardian/conservator. If the court approves the end of the guardianship or conservatorship, or a change in who is the guardian or conservator, a final report must be filed (form [PG-215](#) or form [PG-230](#)).

- 2. Ethical Duties.** Alaska Statute 13.26.001 requires guardians and conservators to "abide by the highest ethical standards of decision making" when making decisions for protected persons. The ethical guidelines adopted by the National Guardianship Organization are available at www.guardianship.org/standards/.

- 3. Education Requirement.** Alaska Statute 13.26.311(c) requires all newly appointed guardians and conservators to complete **at least 1 hour of education** within 30 days of the court appointment to teach them the basics of their new duties. This requirement can be fulfilled by

- completing the court's free online course, available at www.courts.alaska.gov/shc/guardian-conservator/index.htm (scroll down and watch Part 3).
- attending the "Fundamentals of Adult Guardianship and Conservatorship" Zoom class, provided by the court's Guardianship Self-Help Department each month (register at <https://courts.alaska.gov/shc/guardian-conservator/classes.htm>).
- reading the booklet *Powers and Duties of Guardians and Conservators of an Adult*, form [PG-510](#).

Guardians and conservators are only required to choose one of these options, although they may do more if they wish to. Once the education requirement is complete, the guardian or conservator must file an *Affirmation of Completion of Mandatory Education Requirement*, form [PG-120](#), with the court.

4. Mandatory Reports. **Within 30 days** of appointment, a guardian must file *Guardianship Plan*, form [PG-401](#). Conservators are not required to file a plan at this stage of the case.

Within 90 days of appointment, a guardian must file *Guardianship Implementation Report and Inventory*, form [PG-205](#), and a conservator must file *Conservatorship Implementation Report and Inventory*, form [PG-220](#).

Each year, a guardian must file *Guardianship Annual Report*, form [PG-210](#), and a conservator must file *Conservatorship Annual Report*, form [PG-225](#). This report tells the court what has happened in the twelve months of the previous reporting period. Annual reports are due the last day of the month that the original order was signed. For example, if the order was signed by a judge any day in April 2020, then a report is due by April 30, 2021 and by April 30 every year thereafter. In this example, the report due April 30, 2022, covers events from April 1, 2021 to March 30, 2022.

If you would like an emailed report reminder, you can sign up for this free service at www.asaga.info.

The court will review the annual report and notify the guardian or conservator if there are any problems or questions. Please keep any documentation supporting the information in the annual report, especially financial documents. The court system has a monthly Zoom class on completing the annual report (see contact information in text box on previous page).

Every three years, the court will appoint a court visitor to review the annual reports and make sure they are accurate. The visitor will also make sure the guardian or conservator is handling the protected person's finances appropriately, and that the order is working well.

5. Accounting Duties. The guardian or conservator will need to open and manage a separate bank account, called a conservatorship account, for the protected person. This account is for the money belonging to the protected person only. A guardian or conservator should **never** store the protected person's money in an account belonging to anyone but the protected person (especially an account belonging to the guardian or conservator) unless the court specifically gives them permission for this in writing. **Guardians and conservators must be more careful with the protected person's finances than with their own.**

6. Legal Penalties. When the court appoints a guardian or conservator, it places that person in a special role of trust. The special role of a guardian or conservator makes that person a "fiduciary." AS 13.26.500 and AS 13.26.316(c)(6). Fiduciaries must abide by very high standards. AS 13.26.225 - .290. A guardian or conservator who falls below these standards may be removed, sued, or even arrested and charged criminally.

If sued for acts taken in their special role, **fiduciaries are at a disadvantage** in defending themselves compared to non-fiduciaries. *Williams v. Baker*, 446 P.3d 336, 340 (Alaska 2019). **It is a crime for a fiduciary to misuse money or property** belonging to a protected person. Alaska criminal law presumes that a fiduciary understands all of the fiduciary's legal responsibilities toward a protected person. AS 11.46.210 and AS 11.46.620. Misusing property or money as a fiduciary can be punishable by up to 10 years in jail and a \$100,000 fine. AS 11.46.120, AS 12.55.035(b), and AS 12.55.125(d).