

INSTRUCTIONS: HOW TO ASK THE COURT FOR A SINGLE TRANSACTION AUTHORIZATION

A single transaction authorization is a court order that allows one person to perform a specific financial or legal task for another person's benefit, without first getting that person's consent. You can request this court order on behalf of a person who does not have the ability to perform the transaction on their own, because of "mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, fraud, confinement, detention by a foreign power, or disappearance." AS 13.26.401(2)(A).

A single transaction authorization is a less restrictive alternative to a conservatorship or guardianship, because it is for a limited purpose and for a limited time period. You may also file for a single transaction authorization after a guardianship or conservatorship case is opened, but before the court makes a decision on whether to appoint a guardian or conservator (for example, if you need a particular task performed before the hearing will take place).

Some examples of situations to use a single transaction authorization are:

- A person needs help getting placed in an Assisted Living Facility (ALF) or with hiring a Personal Care Assistant (PCA). A single transaction authorization can be used to sign the contract and pay for this type of aid.
- A person needs a large amount of money for an emergency or unexpected medical care. A single transaction authorization can be used to sell that person's assets, or take out a mortgage or loan, to raise money for this one-time circumstance.
- A person needs help setting up a regular source of income. A single transaction authorization can be used to, for example, apply for government benefits, set up regular transfers from a retirement account, or create a trust.
- A person needs help paying bills to maintain their property or lifestyle when they are temporarily unable to handle it themselves, due to medical or other issues. A single transaction authorization can be used to allow another person to sign checks and make money transfers on their behalf.

These are just some common examples. The court can authorize a wide variety of financial transactions and contract actions, however, you must show that the transaction would benefit the other person, and that it is something the other person does not have the capacity to do on their own or is not able to make the decision to do it on their own.

These instructions explain how to fill out the *Petition for Authorization of a Single Transaction* (form [PG-106](#)) for an adult, although the procedure for filing on behalf of a minor is similar. If you believe that a person is being abused or taken advantage of financially (by fraud or otherwise), you can also file for a financial abuse protective order. Read more about financial abuse protective orders (including what forms to file) in form [PG-850](#). If you believe that a single transaction authorization is not enough to protect the person's money or other property, you can file for conservatorship (form [PG-104](#)) instead. You can also file the single transaction case first and later convert it into a conservatorship request if needed.

Lawyers and Representing Yourself

Before starting this process, it may help to talk to a lawyer. Many lawyers will do a free or low-cost consultation for a short period of time to help you decide if it is a good idea to have legal help in your case. If you do not know a lawyer, you can call or write:

Lawyer Referral Service of the Alaska Bar Association
P.O. Box 100279
Anchorage, AK 99510-0279
Anchorage Phone: 272-0352
Statewide Phone: 800-770-9999 (toll free within Alaska)

Read more about alternatives to guardianship and conservatorship on the court's self-help website at courts.alaska.gov/shc/guardian-conservator/index.htm. The website contains many links to classes and other resources.

Public court forms are available online at courts.alaska.gov/forms/index2.htm. You can also pick up paper copies of the forms at your local court or call and ask to have them mailed to you. Contact information for each court is available at ak-courts.info/dir.

The court has a Guardianship Helpline if you need more help: (907) 264-0520. The helpline is open Monday to Thursday from 8 AM to 5 PM, and Fridays from 8 AM to 12 Noon.

Who Are the People in the Case?

- Petitioner:** The person who starts the case and signs the petition asking the court to authorize the transaction.
- Respondent:** The person who will benefit from the transaction. The petitioner is asking to be able to perform a legal or financial transaction that will help the respondent.
- Protected Person:** A person who has a guardian or conservator appointed by the court. The "respondent" is called a "protected person" after the judge appoints a guardian or conservator for the person. In single transaction authorization cases, you will usually only see "respondent" used throughout the case.

NOTE: These terms are used differently in **financial abuse protective orders**. In these types of protective order cases, "respondent" refers to the person who is restrained by the protective order and "protected person" is used for the person who is helped by the protective order. This can be confusing, so read carefully the form you are filling out to make sure you are listing the correct person in each category.

How to File

- Step 1. Fill out *Petition for Authorization of a Single Transaction* (form [PG-106](#)). The instructions for this form begin on page 4.
- Step 2. Make a copy of the petition for yourself.
- Step 3. File the Petition.
- File the original, notarized petition at the superior court location nearest to where the respondent lives (a list of court addresses that accept these types of petitions is on form [CIV-127](#)) and pay the filing fee according to [Administrative Rule 9](#) (a list of current fees is available online at <https://courts.alaska.gov/shc/courtfees.htm>). You can deliver the petition to the court in person or mail it along with the filing fee. If you cannot afford this fee, fill out and file form [TF-920](#), *Request for Exemption from Payment of Fees*, with your petition.
- If you change your address, email, or phone number at any time after you file the petition, notify the court in writing. You can use form [PG-195](#), *Notice of Change of Contact Information*.
- Step 4. Appointment of Attorney and Court Visitor.
- The court clerk will either give you or mail you an *Order for Conservator Appointments, Hearing Notice, and Release of Records*. In this order, the court will schedule a hearing on your petition and appoint a lawyer for the respondent (unless the respondent already has a lawyer).

Depending on the specifics of your petition, the court may also decide to appoint a “court visitor.” The court visitor will investigate why the single transaction order is needed. The investigation may include interviews of you (the petitioner), the respondent, and other people who know about the respondent’s abilities and financial situation. The court visitor may also collect relevant medical, financial, or other records. After the investigation, the visitor will file a report for the court. In some cases, the visitor may not file a written report, but will testify and give an oral report at the court hearing instead.

Step 5. Notify Others about the Court Hearing.

As the petitioner, it is your responsibility to notify several other people about the hearing. **If you do not do this notification, your case could be delayed or dismissed (closed).** Once you receive the order in Step 4, do the following as soon as possible:

- a. On page 1 of the *Notice of Single Transaction Authorization Hearing* (form [PG-119](#)), fill in the date, time, and place of the hearing, and the name of the judge or master who will be holding the hearing.
- b. On page 2 of form PG-119, write the names of all the specified relatives of the respondent that you can locate. Also, write the names of these other persons:
 - the respondent’s attorney (ask the court for the name and address),
 - any other person that the court has ordered you to give notice to,
 - any person who filed a paper in the case requesting notice, and
 - any other “interested person” (for example: anyone the respondent owes money to, anyone who has a “power of attorney” for the respondent, the “representative payee” for the respondent’s social security benefits, the trustee of any trust the respondent is associated with, etc.).¹

Check the boxes showing how the notice will be delivered to each person.

- c. Make copies of the completed form PG-119 and send the copies to all the people you listed on page 2. You must do this at least 14 days before the hearing.
 - (1) If the respondent’s **spouse or parents are in Alaska**, you have to send their copy of form PG-119 by either certified mail with restricted delivery or by process server. See the booklet *How to Serve a Summons in a Civil Lawsuit* (form [CIV-106](#)) for instructions on both these methods. For any **spouse or parent outside Alaska**, you can send them form PG-119 by regular first-class mail.
 - (2) You can send form PG-119 to everyone else by either regular first-class mail or hand-delivery by you or any other adult. If you use hand-delivery, list who did the delivery.
- d. After you send or give form PG-119 to everyone on page 2, file proof with the court that you did this:
 - (1) Make a copy of the completed and signed form PG-119 for your records and **file the original with the court**. This is your proof of service for all notices you hand-delivered or sent by regular mail.

¹ See the definition of “interested person” in AS 13.06.050(26).

- (2) If you used a **process server**, the process server will give you a "Return of Service" that lists the documents delivered, to whom they were delivered, and when they were delivered. File this **original** "Return of Service" with the court. Keep a copy for yourself.
- (3) If you used **certified mail**, fill out *Certificate of Service by Certified Mail* (form [PG-117](#)). Fill out a separate form PG-117 for each person you served by certified mail. Attach the original green card you got back from the Post Office, showing that the certified mail was delivered to the person you sent it to. File the **original** form PG-117 (with green card attached) at the court. Keep a copy of each form PG-117 for yourself.

Step 6. Court Hearing.

If you believe the hearing needs to happen sooner, file *Motion for Hearing on Shortened Time under Probate Rule 14.1* (form [PG-108](#)).

The respondent has the right to be present at the hearing. Usually, these hearings are closed to the public, but the respondent can choose to have it open to the public. The respondent has the right to present evidence and to ask questions of any witness. The respondent can remain silent (and not answer any questions) if the respondent wishes to. If possible, the judge is required to consult with the respondent on what the respondent would like to do.

As the petitioner, you must prove by clear and convincing evidence that:

- (1) the respondent is unable to manage their own money or property effectively,**
- AND**
- (2) the proposed transaction is in the respondent's best interests.**

You can use evidence that was submitted by others in the case (for example, the visitor's report, if there is one), but do not assume that other parties will prove your case for you.

How to Fill out the Petition Form

Fill in the top of the form as follows:

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT <u>[Fill in city where court is located]</u>	
In the Matter of the Protective Proceeding of))) <u>[Fill in the respondent's name]</u>) Respondent (person who the transaction will benefit)) _____)	CASE NO. <u>[Leave blank for clerk to fill in]</u>
PETITION FOR AUTHORIZATION OF A SINGLE TRANSACTION	

Type or print clearly, using black ink.

The following is additional information about some sections of the form:

- a. **Section 6.** Petition for Guardian or Conservator. If there is already a pending petition (open case), you may want to file for the single transaction authorization as part of the other case. Even if you do not, the court may decide to combine the cases on its own.

- b. **Section 7.** Financial Abuse Petition. Check the box indicating whether a petition to protect the respondent from financial abuse has been filed. This petition can be filed if someone is illegally taking the respondent's money or property, or using the respondent's money or property in a way that does not benefit the respondent. The forms for asking for protection from this type of financial abuse are [PG-800](#), [PG-801](#), and [PG-810](#). See form [PG-850](#) for more detailed instructions on financial abuse protective orders.
- c. **Section 9.** Jurisdiction. The court needs to know the respondent's "home state" to decide whether Alaska courts have the authority to issue an order in this case. If Alaska is **not** the respondent's "home state," the court may need more information to determine whether the case can be filed here.
- d. **Section 10.** Venue. This section helps the court decide if you filed in the correct court location within Alaska. You can find which courts are in which judicial district at [ak-courts.info/dir](#).
- e. **Section 11.** Description of Transaction. Be as detailed as possible about what you want to happen. The court will use this information to help write the order if it is granted.
- f. **Section 12.** Respondent's Best Interests. Explain how your proposed transaction will help the respondent. It may also be helpful to explain the consequences to the respondent if the transaction does **not** happen.
- g. **Section 13.** Respondent's Incapacity. Under the law, the court can only order the transaction without the respondent's consent if the respondent is unable to make the decision or perform the transaction because of "mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, fraud, confinement, detention by a foreign power, or disappearance." In this section, explain which of these categories applies and why. It is helpful to provide examples of how this condition prevents the respondent from effectively managing their own money or property. The court will not authorize a transaction simply because you disagree with the respondent's financial choices.

Sign and date the petition. Complete the "Verification" section that follows your signature. You must sign in front of a notary public. A court clerk can provide this notary service for you for free when you bring the petition to court. Bring a photo ID for the notary. If you don't have access to notary or court clerk, you can instead fill out *Self-Certification (No Notary Available)* (form [TF-835](#)), swearing or affirming under penalty of perjury that everything you wrote in the petition is true and that you do not have access to a notary. Attach form TF-835 to your petition.