

## **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 they become a guardian or conservator. As explained below, within 30 days of their appointment a guardian or conservator must undergo additional training to learn more about their duties. Additional information is available at [www.courts.alaska.gov/shc/guardian-conservator/index.htm](http://www.courts.alaska.gov/shc/guardian-conservator/index.htm)

**The Alaska State Association for Guardianship and Advocacy (ASAGA)** is a resource for guardians that answers questions and provides training. ASAGA teaches a monthly class in Anchorage (also available online) that satisfies the court's education requirement for newly appointed guardians (see item #3, below).

To reach ASAGA, call 907-444-4015, email [asagaak@gci.net](mailto:asagaak@gci.net), or visit [www.asaga.info](http://www.asaga.info).

Any person who wishes to serve as a guardian should take note as of the following:

- 1. Duties to the Court.** By accepting appointment, a guardian or conservator agrees to the jurisdiction 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 if they change their address or other contact information by filing form [PG-195](#), *Notice of Change of Address*.

If the guardianship or conservatorship needs a change or clarification, file a *Petition for Review of Guardianship/Conservatorship*, [PG-190](#). If the guardianship is no longer needed, a guardian should file a *Final Guardianship Report*, [PG-215](#). If a conservatorship is no longer needed, the conservator should file a *Final Conservatorship Report*, [PG-230](#).

- 2. Ethical Duties.** Alaska law requires guardians and conservators to "abide by the highest ethical standards of decision making" when making decisions for protected persons. AS 13.26.001. The ethical guidelines adopted by the National Guardianship Organization are available at [www.guardianship.org/standards/](http://www.guardianship.org/standards/) or by contacting ASAGA using the information at the top of this page.

- 3. Education Requirement.** Alaska law 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. AS 13.26.311(c). This requirement can be fulfilled by:

- completing the court's free online course, available at [www.courts.alaska.gov/shc/guardian-conservator/index.htm](http://www.courts.alaska.gov/shc/guardian-conservator/index.htm) (scroll down and watch Part 3);
- attending a monthly ASAGA class, either in person or online; or
- reading the booklet *Powers and Duties of Guardians and Conservators of an Adult*, [PG-510](#).

Once the education requirement is complete, the guardian or conservator must file an *Affirmation of Completion of Mandatory Education Requirement*, [PG-120](#) with the court.

- 4. Mandatory Reports:** Within 30 days of appointment, a guardian must file a *Guardianship Plan*, [PG-401](#). (No filing is required within 30 days for conservators).

Within 90 days of appointment, a guardian must file a *Guardianship Implementation Report and Inventory*, [PG-205](#). AS 13.26.271. A conservator must file a *Conservatorship Implementation Report and Inventory*, [PG-220](#). AS 13.26.505.

Each year, a guardian must file a *Guardianship Annual Report*, [PG-210](#). AS 13.26.276. Each year a conservator must file a *Conservator's Annual Report*, [PG-225](#). AS 13.26.510. These 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. The report should inform the court of anything that has happened in the twelve months of the previous reporting period. For example, the report due April 30, 2022, report should cover events from April 1, 2021 to March 30, 2022. The Court Visitor encourages the court to include the reporting deadline in the order.

The court will review the annual report and notify the guardian if there are any problems or questions. Please keep any documentation supporting the information in the annual report, especially financial documents. ASAGA provides a class on completing an annual report (see contact information on previous page).

Every three years, the court will appoint a court visitor to review the annual reports and ensure they are accurate. The visitor will also ensure the guardian is handling the protected person's finances appropriately, and 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 into an account belonging to anyone but the protected person (especially an account belonging to the guardian or conservator) without approval from the court. The guardian should be more careful with the protected person's finances than they are with their own.

- 6. Legal Penalties.** When the court appoints a guardian or conservator, it places that person in a special role of trust. A guardian or conservator's special role makes them a "fiduciary". AS 13.26.500; .316(c)(6). Fiduciaries must abide by very high standards. AS 13.26.230, .245. A guardian or conservator who falls below these standards may be removed, sued, or arrested and charged criminally.

If sued for acts taken in their special role, a fiduciary is at a disadvantage in defending themselves compared to a non-fiduciary. *Williams v. Baker*, 446 P.3d 336, 340 (Alaska 2019). Alaska law also makes it 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 their legal responsibilities toward a protected person. AS 11.46.210, .620. Misusing property or money as a fiduciary is punishable by up to 10 years in jail and a \$100,000 fine. AS 11.46.120; AS 12.55.035(b), .155(d).