

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1674

Amending Probate Rules 4,
16, and 17.

IT IS ORDERED:

1. Probate Rule 4 is amended to read as follows:

Rule 4. Attorneys.

(a) **Entry of Appearance.** An attorney representing the personal representative or any other interested person shall file an entry of appearance with the court. Unless otherwise stated in the entry of appearance, an attorney representing the personal representative represents the personal representative only in the personal representative's fiduciary capacity and does not represent the beneficiaries of the estate.

(b) **Withdrawal.** Civil Rule 81(e) governs the withdrawal of attorneys from cases under these rules.

2. Probate Rule 16(c) is amended to read as follows:

Rule 16. Guardianship of Incapacitated Persons.

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(c) **Letters of Guardianship and Mandatory Education.** Letters of guardianship may not issue without the written acceptance of the person to be named guardian. The acceptance must state that the person ~~has read and~~

understands the duties and powers of a guardianship under AS 13.26.150, with any restrictions imposed by the court, as well as the reporting requirements, of AS 13.26.117 and AS 13.26.118. A relative or friend of the ward who is appointed as a guardian must complete one hour of mandatory education on the basics of guardianship before the appointment or within 30 days after the appointment as provided by AS 13.26.145(c).

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3. Probate Rule 17(b) and (c) and its title are amended to read as follows:

Rule 17. Conservatorships, Protective Proceedings, and Minor Settlements.

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(b) **Notice.** In conservatorships and other protective proceedings, Notice must be given as provided by AS 13.26.185 and AS 13.06.110.

(c) **Letters of Conservatorship and Mandatory Education.** Letters of conservatorship may not issue without the written acceptance of the person to be named conservator. The acceptance must state that the person ~~has read and~~ understands the duties and powers of conservatorship under AS 13.26.245–13.26.320, with any restrictions imposed by the court, as well as the reporting requirements of AS 13.26.250 and AS 13.26.255. A relative or friend of the protected person who is appointed as a conservator must complete one hour of mandatory education on the basics of conservatorship before the appointment or within 30 days after the appointment as provided by AS 13.26.210(g).

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DATED: October 28, 2008

EFFECTIVE DATE: April 15, 2009

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree