

INFORMATION FOR FAMILY CAREGIVERS



Who is a family caregiver?

Family caregivers are those people who are responsible for a disabled or elderly family member. Sometimes these people are also legal guardians or conservators. Sometimes these caregivers have powers of attorney to act for the disabled or elderly family member. However, often caregivers simply assume the responsibility out of love or family responsibility and do not have court documents.

What is a Guardianship?

A guardianship is where a court appoints a person to be responsible for the physical and financial needs of the disabled or elderly family member who is incapacitated or incompetent. A court grants the guardian authority to make decisions involving medical care, legal issues, nursing home or other in-home care, and financial decisions. The guardian must report each year to the court about the actions taken on behalf of the incapacitated person.

What is a Conservatorship?

A conservatorship is where a court appoints a person to be responsible for the finances of a person who cannot make those decisions for himself. A conservator does not have the authority to make decisions about physical needs or medical care. Instead, the conservator collects and deposits the person's income, pays bills and taxes, and takes care of assets.

What is a Power of Attorney?

A power of attorney is where a competent person grants certain powers to another, to act as his agent or "attorney-in-fact". Powers of attorney can be as broad or narrow as the grantor wishes. Sometimes the power of attorney is only for making decisions about money; sometimes the power of attorney grants authority to make decisions about medical care. A power of attorney does not require court action. It can be revoked at any time by the grantor.

What is a Durable Power of Attorney?

This power of attorney is like any other. However, it will remain in effect even if the grantor becomes incapacitated.

Which is Right for Your Situation — Guardianship, Conservatorship or Power of Attorney?

A GUARDIANSHIP is appropriate when:

- the person is incapacitated or incompetent
- the family caregiver is willing to make decisions about physical, medical, and financial needs for the person

A CONSERVATORSHIP is appropriate when:

- the person cannot make financial decisions responsibly
- the person can still make decisions about his physical and medical needs
- the family caregiver is willing to and capable of making decisions about the person's finances

A POWER OF ATTORNEY is appropriate when:

- the person is competent, but wants someone else to be responsible for certain decisions, such as finances or medical decisions
- the family caregiver is willing to make these decisions

RESOURCES AVAILABLE TO FAMILY CAREGIVERS

Office of Public Advocacy Family Guardian Program

Provides information and assistance to private individuals who are, or are considering becoming, guardian or conservator for a family member or friend. The program does not provide legal advice.

Messages regarding questions related to guardianship or conservatorship may be left at (907) 269-3525. Messages are retrieved on a weekly basis. You can also e-mail the Family Guardian Program at Family.Guardian@alaska.gov

Alaska Legal Service Corporation

Provides community education materials and workshops on relevant topics, as well as representation and legal services for family caregivers.

AARP

1-800-424-3410

www.aarp.org

AARP is a national organization that provides information and support to Americans over 55. Information about topics such as money management, health care, Medicare, Social Security, and others is available.