In the Supreme Court of the State of Alaska

Glenn Bohn & Lorraine Phillips,)
Petitioners,))
) Supreme Court No. S-15409
In the Matter of the Protective Proceedings)
for Bret Byron Bohn) • Order
) Petition for Review
)
	_) Date of Order: 1/15/14

Trial Court Case # 3AN-13-02737PR

Before:

Fabe, Chief Justice, Winfree, Stowers, Maassen, and Bolger,

Justices.

On consideration of the Petition for Review filed on 12/24/13, and the responses filed on 12/26/13,

IT IS ORDERED:

The Petition for Review is GRANTED IN PART and DENIED IN PART.

We GRANT the request for a de novo temporary guardianship hearing in the superior court on whether there is a less restrictive alternative to the temporary guardianship, and if not, who should be appointed guardian. We REMAND with clarification that the evidentiary burden of clear and convincing evidence remains on the State. Given the time-sensitive nature of these proceedings, we recognize that a hearing on these issues may already be in progress.

We **DENY** the requests to: (1) reinstate Bohn's advance health care directive; (2) remove the State as guardian; and (3) vacate the current guardianship.

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Jurisdiction is not retained.

Entered by direction of the court.

Clerk of the Appellate Courts

Mari

cc:

Supreme Court Justices Judge Marston Trial Court Clerk

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