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Bannister
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SENATE CS FOR HOUSE BILL NO. 5(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES HAWKER, Hughes

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the persons who may be appointed guardians of incapacitated
2 persons or conservators of protected persons."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 13.26.145(c) is amended to read:

5 (c) A person may be appointed as the guardian of an incapacitated person
6 notwithstanding the provisions of (b) of this section if [THE PERSON IS THE
7 SPOUSE, ADULT CHILD, PARENT, OR SIBLING OF THE INCAPACITATED
8 PERSON AND] the court determines that the potential conflict of interest is
9 insubstantial and that the appointment would clearly be in the best interests of the
10 incapacitated person. When appointing a relative or friend of the incapacitated person
11 as the guardian of an incapacitated person, the court shall require that the proposed
12 guardian complete one hour of mandatory education on the basics of guardianship
13 before the appointment or within 30 days after the appointment.

14 * **Sec. 2.** AS 13.26.145 is amended by adding a new subsection to read:

1 (g) If the court makes the determination under (c) of this section, the court
2 shall make appropriate written findings consistent with the requirements of (c) of this
3 section about the nature and scope of the conflict of interest and why the appointment
4 should be made despite the existence of a conflict of interest.

5 * **Sec. 3.** AS 13.26.210(c) is amended to read:

6 (c) A person may be appointed as the conservator of a protected person even if
7 (b) of this section applies if [THE PERSON IS THE SPOUSE, ADULT CHILD,
8 PARENT, OR SIBLING OF THE PROTECTED PERSON AND IF] the court
9 determines that the potential conflict of interest is not substantial and that the
10 appointment would clearly be in the best interests of the protected person.

11 * **Sec. 4.** AS 13.26.210 is amended by adding a new subsection to read:

12 (h) If the court makes the determination under (c) of this section, the court
13 shall make appropriate written findings consistent with the requirements of (c) of this
14 section about the nature and scope of the conflict of interest and why the appointment
15 should be made despite the existence of a conflict of interest.