

HOUSE CS FOR CS FOR SENATE BILL NO. 57(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/21/99

Referred: Rules

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to vulnerable adults; and providing for an effective date."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 47.24.015(c) is amended to read:

4 (c) The department, or its designee, shall immediately terminate an  
5 investigation under this section upon the request of the vulnerable adult who is the  
6 subject of the report made under AS 47.24.010. However, the department or its  
7 designee may not terminate the investigation if the investigation to that point has  
8 resulted in probable [REASONABLE] cause to believe that the vulnerable adult is in  
9 need of protective services and the request is made personally by the vulnerable  
10 adult and the vulnerable adult is not competent to make the request on the  
11 adult's own behalf, or the request is made by the vulnerable adult's guardian,  
12 attorney-in-fact, or surrogate decision maker and that person is the alleged  
13 perpetrator of the abandonment, exploitation, abuse, or neglect of the vulnerable  
14 adult and is being investigated under this chapter. If the department has  
15 probable cause to believe that the vulnerable adult is in need of protective

1 services,

2 (1) the department may petition the court as set out in AS 47.24.019;

3 or

4 (2) the department or its designee may refer the report made to the  
5 department under AS 47.24.010 to a police officer for criminal investigation.

6 \* **Sec. 2.** AS 47.24.019(a) is amended to read:

7 (a) If, after investigation under AS 47.24.015, the department has reasonable  
8 cause to believe that a vulnerable adult is in need of protective services and is an  
9 incapacitated person, the department may petition the court under AS 13.26 for  
10 appointment of a guardian or temporary guardian, **or for a change of guardian,** for  
11 the vulnerable adult for the purpose of deciding whether to consent to the receipt of  
12 protective services for the vulnerable adult.

13 \* **Sec. 3.** AS 47.24.019(c) is amended to read:

14 (c) If a vulnerable adult who has consented to receive protective services, or  
15 on whose behalf consent to receive protective services has been given, is prevented by  
16 a caregiver, **guardian, attorney-in-fact, or surrogate decision maker** from receiving  
17 those services, the department may [ASSIST THE VULNERABLE ADULT OR THE  
18 PERSON WHO CONSENTED TO THE VULNERABLE ADULT'S RECEIPT OF  
19 THE SERVICES TO] petition the superior court for an injunction restraining the  
20 caregiver, **guardian, attorney-in-fact, or surrogate decision maker** from interfering  
21 with the provision of protective services to the vulnerable adult.

22 \* **Sec. 4.** AS 47.24.050(b) is amended to read:

23 (b) The department shall disclose a report of the abandonment, exploitation,  
24 abuse, neglect, or self-neglect of a vulnerable adult if the vulnerable adult who is the  
25 subject of the report **or the vulnerable adult's guardian, attorney-in-fact, or**  
26 **surrogate decision maker** consents in writing. **The department may not disclose**  
27 **a report of the abandonment, exploitation, abuse, neglect, or self-neglect of a**  
28 **vulnerable adult to the vulnerable adult's guardian, attorney-in-fact, or surrogate**  
29 **decision maker if that person is an alleged perpetrator of the abandonment,**  
30 **exploitation, abuse, or neglect of the vulnerable adult and is being investigated**  
31 **under this chapter.** The department shall, upon request, disclose the number of

1 verified reports of abandonment, exploitation, abuse, neglect, or self-neglect of a  
2 vulnerable adult that occurred at an institution that provides care for vulnerable adults  
3 or that were the result of actions or inactions of a public home care provider.

4 \* **Sec. 5.** TRANSITION. A department affected by this Act may proceed to adopt  
5 regulations necessary to implement this Act. Regulations to implement a provision of this Act  
6 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date  
7 of sec. 1 of this Act.

8 \* **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).