

AMENDMENT #5

OFFERED IN THE SENATE

BY SENATOR Kiehl

TO: SB 190

1 Page 38, line 6:

2 Delete "(1) appointment of an emergency guardian is likely to prevent"

3 Insert "by clear and convincing evidence that

4 (1) the appointment of an emergency guardian is likely to prevent an
5 imminent risk of"

6

7 Page 38, following line 9:

8 Insert a new subsection to read:

9 "(b) A petition for appointment of an emergency guardian for a minor must
10 allege the facts that the petitioner believes meet the conditions for the appointment of
11 an emergency guardian under (a) of this section."

12

13 Reletter the following subsections accordingly.

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15 Page 38, following line 14:

16 Insert a new subsection to read:

17 "(d) Immediately on filing of a petition for appointment of an emergency
18 guardian for a minor, the court shall appoint an attorney to represent the minor in the
19 proceeding if the minor has not retained an attorney and appoint a visitor to investigate
20 matters relating to the petition the court directs. The parent of the minor may retain an
21 attorney to represent the parent in the proceeding."

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23 Reletter the following subsections accordingly.

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Page 38, line 15:

- Delete "(d)"
- Insert "(f)"

Page 38, line 19:

- Delete "any attorney appointed under AS 13.29.020;"
- Insert "the minor's attorney;
(3) each attorney retained by a parent of the minor;"

Renumber the following paragraphs accordingly.

Page 38, line 22, following "minor;":

- Insert "(6) the court visitor;
(7) the public guardian;"

Renumber the following paragraph accordingly.

Page 38, line 25:

- Delete "(c)"
- Insert "(e)"

Page 38, lines 25 - 26:

- Delete "from an affidavit or testimony"
- Insert "that an affidavit or testimony establishes clear and convincing evidence of an imminent risk"

Page 38, lines 28 - 29:

- Delete "notice to an unrepresented minor or the attorney for a represented minor"
- Insert "giving notice under (e) of this section"

1 Page 38, line 30:

2 Delete "(c)"

3 Insert "(e)"

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5 Page 45, line 19, following "adult":

6 Insert "or under AS 13.29.115 for appointment of an emergency guardian for an adult"

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8 Page 54, line 30:

9 Delete "(1) appointment of an emergency guardian is likely to prevent"

10 Insert "by clear and convincing evidence that

11 (1) the appointment of an emergency guardian is likely to prevent an
12 imminent risk of"

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14 Page 55, line 3:

15 Delete "there is a reason to believe that"

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17 Page 55, following line 4:

18 Insert a new subsection to read:

19 "(b) A petition for appointment of an emergency guardian for an adult must
20 allege the facts that the petitioner believes meet the conditions for appointment of an
21 emergency guardian under (a) of this section."

22

23 Reletter the following subsections accordingly.

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25 Page 55, lines 12 - 14:

26 Delete ". Except as otherwise provided in (d) of this section, reasonable notice of the
27 date, time, and place of a hearing on the petition must be given to the respondent, the
28 respondent's attorney, and any other person the court determines"

29 Insert "if the respondent has not retained an attorney and appoint a visitor under
30 AS 13.29.075.

31 (e) Except as otherwise provided in (f) of this section, reasonable notice of the

1 date, time, and place of a hearing on the petition must be given to

- 2 (1) the respondent;
- 3 (2) the respondent's attorney;
- 4 (3) the court visitor;
- 5 (4) the public guardian; and
- 6 (5) any other person the court determines"

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8 Reletter the following subsections accordingly.

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10 Page 55, lines 15 - 17:

11 Delete "notice to the adult and any attorney for the adult only if the court finds from
12 an affidavit or testimony"

13 Insert "giving notice under (e) of this section only if the court finds that an affidavit or
14 testimony establishes clear and convincing evidence of an imminent risk"

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16 Page 55, lines 19 - 27:

17 Delete "(c) of this section, the court must

18 (1) give notice of the appointment, not later than 48 hours after the
19 appointment, to

- 20 (A) the respondent;
- 21 (B) the respondent's attorney; and
- 22 (C) any other person the court determines; and

23 (2) hold a hearing on the appropriateness of the appointment not later
24 than five days after the appointment"

25 Insert "(e) of this section, notice of the appointment must be given not later than 48
26 hours after the appointment to the individuals listed in (e) of this section. Not later than five
27 days after the appointment, the court shall hold a hearing on the appropriateness of the
28 appointment"

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30 Page 72, line 4, following "conservator":

31 Insert "or emergency conservator"

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Page 72, line 7, following "conservator":

Insert "or emergency conservator"

Page 80, line 19:

Delete "(1) appointment of an emergency conservator is likely to prevent"

Insert "by clear and convincing evidence that

(1) the appointment of an emergency conservator is likely to prevent
an imminent risk of"

Page 80, line 23:

Delete "there is reason to believe that"

Page 80, following line 24:

Insert a new subsection to read:

"(b) A petition for appointment of an emergency conservator for an individual
must allege the facts that the petitioner believes meet the conditions for appointment
of an emergency conservator under (a) of this section."

Reletter the following subsections accordingly.

Page 80, line 31, through page 81, line 3:

Delete ". Except as otherwise provided in (d) of this section, reasonable notice of the
date, time, and place of a hearing on the petition must be given to the respondent, the
respondent's attorney, and any other person the court determines"

Insert "if the respondent has not retained an attorney and appoint a visitor under
AS 13.29.175.

(e) Except as otherwise provided in (f) of this section, reasonable notice of the
date, time, and place of a hearing on the petition must be given to

- (1) the respondent;
- (2) the respondent's attorney;

- 1 (3) the court visitor;
- 2 (4) the public guardian; and
- 3 (5) any other person the court determines"

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5 Reletter the following subsections accordingly.

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7 Page 81, lines 4 - 6:

8 Delete "notice to the respondent and any attorney for the respondent only if the court
9 finds from an affidavit or testimony"

10 Insert "giving notice under (e) of this section only if the court finds that an affidavit or
11 testimony establishes clear and convincing evidence of an imminent risk"

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13 Page 81, lines 9 - 14:

14 Delete "(c) of this section, the court must give notice of the appointment not later than
15 48 hours after the appointment to

- 16 (1) the respondent;
- 17 (2) the respondent's attorney; and
- 18 (3) any other person the court determines.

19 (e)"

20 Insert "(e) of this section, notice of the appointment must be given not later than 48
21 hours after the appointment to the individuals listed in (e) of this section."

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23 Reletter the following subsections accordingly.

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25 Page 161, lines 12 - 13:

26 Delete "AS 13.29.040(d), 13.29.115(d)(2), and 13.29.215(e)"

27 Insert "AS 13.29.040(f), 13.29.115(f), and 13.29.215(f)"