

AMENDMENT #6

OFFERED IN THE SENATE  
TO: SB 190

BY SENATOR Kiehl

1 Page 32, line 29:

2 Delete "a visitor"

3 Insert "an investigator"

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5 Page 33, lines 4 - 5:

6 Delete "The court shall appoint an attorney to represent a minor who is the subject of a  
7 proceeding under AS 13.29.010 if"

8 Insert "A minor who is subject to a proceeding under AS 13.29.010 is entitled to be  
9 represented by an attorney in the proceeding. The court shall appoint an attorney to represent  
10 the minor in the proceeding if the minor has not retained an attorney and"

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12 Page 33, line 6, following "(1)":

13 Insert "an attorney is"

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15 Page 33, line 7, following "(2)":

16 Insert "appointment of an attorney is"

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18 Page 33, following line 8:

19 Insert a new subsection to read:

20 "(b) If a minor who meets the conditions for appointment of an attorney under  
21 (a) of this section is financially unable to employ an attorney, the court shall appoint  
22 the office of public advocacy to represent the minor in the proceeding."  
23

1 Reletter the following subsections accordingly.

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3 Page 33, line 9:

4 Delete "appointed under (a) of this section"

5 Insert "representing a minor in a proceeding for appointment of a guardian for the  
6 minor"

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8 Page 33, lines 15 - 16:

9 Delete all material.

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11 Reletter the following subsection accordingly.

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13 Page 38, line 19:

14 Delete "any attorney appointed under AS 13.29.020"

15 Insert "the minor's attorney"

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17 Page 47, lines 11 - 13:

18 Delete "The court shall appoint an attorney to represent the respondent in a proceeding  
19 for appointment of a guardian for an adult if"

20 Insert "An adult respondent who is the subject of a proceeding for the appointment of  
21 a guardian is entitled to be represented by an attorney in the proceeding. The court shall  
22 appoint an attorney to represent the respondent in the proceeding if the respondent has not  
23 retained an attorney and"

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25 Page 47, following line 16:

26 Insert a new subsection to read:

27 "(b) If a respondent who meets the conditions for appointment of an attorney  
28 under (a) of this section is financially unable to employ an attorney, the court shall  
29 appoint the office of public advocacy to represent the respondent in the proceeding."

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31 Reletter the following subsection accordingly.

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Page 73, line 27, through page 74, line 1:

Delete all material and insert:

**"Sec. 13.29.180. Appointment and role of attorney.** (a) A respondent who is the subject of a proceeding for the appointment of a conservator is entitled to be represented by an attorney in the proceeding. If the respondent has not retained an attorney, the court shall appoint an attorney to represent the respondent in the proceeding. If the respondent is financially unable to employ an attorney, the court shall appoint the office of public advocacy to represent the respondent in the proceeding."

Page 112, lines 13 - 15:

Delete "The court shall appoint an attorney to represent the respondent in a proceeding under AS 13.29.320 - 13.29.375 if"

Insert "A respondent who is the subject of a proceeding under AS 13.29.320 - 13.29.375 is entitled to be represented by an attorney in the proceeding. The court shall appoint an attorney to represent the respondent in the proceeding if the respondent has not retained an attorney and"

Page 112, following line 18:

Insert a new subsection to read:

"(b) If a respondent who meets the conditions for appointment under (a) of this section is financially unable to employ an attorney, the court shall appoint the office of public advocacy to represent the respondent in the proceeding."

Reletter the following subsection accordingly.

Page 133, lines 22 - 24:

Delete all material and insert:

"(d) Except as provided in (g) of this section, the Alaska Court System shall bear the costs of an investigator or visitor appointed or professional evaluation ordered

1 under this chapter.

2 (e) Except as provided in (d), (f), and (g) of this section, a respondent shall  
3 bear

4 (1) the costs of an attorney appointed to represent the respondent under  
5 this chapter;

6 (2) the costs of a guardian ad litem appointed under this chapter;

7 (3) the costs of a guardianship, conservatorship, or protective  
8 arrangement under AS 13.29.320 - 13.29.375 incurred under this chapter; and

9 (4) all other court costs incurred under this chapter.

10 (f) The state shall pay all or part of the costs described in (e) of this section if  
11 the court finds that the payment is necessary to prevent the respondent from suffering  
12 financial hardship or from becoming dependent on a government agency or a private  
13 person or agency.

14 (g) If the court finds that a petitioner initiated a proceeding under this chapter  
15 maliciously, frivolously, or without just cause, the court may require the petitioner to  
16 pay all or some of the costs described in (d) and (e) of this section."