

SENATE BILL NO. 63

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATORS BISHOP, Myers, Kawasaki, Gray-Jackson

Introduced: 1/29/21

Referred: Health & Social Services, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the appointment of a temporary guardian for a missing person; and**
2 **amending Rule 17, Alaska Rules of Probate Procedure."**

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

4 *** Section 1.** AS 13.26.301 is amended by adding a new subsection to read:

5 (g) Unless another petition for guardianship of an individual is pending, an
6 interested person may petition the court to be appointed the temporary guardian of a
7 missing adult individual for the limited purpose of viewing the individual's financial
8 institution records and wireless telephone service records to determine if the records
9 can help locate the individual. The court may appoint the petitioner as the temporary
10 guardian of the individual if the court determines that the individual is missing, there
11 is an imminent danger that the physical health or safety of the individual will be
12 seriously impaired, and access to the records may help to locate the individual. To
13 prove that an individual is missing, the petitioner shall report to the court the results of
14 a reasonably diligent search made by the petitioner for the individual. The search must

1 be performed in a manner reasonably designed to locate the individual, including
2 contacting law enforcement officials and public welfare agencies in appropriate areas
3 of the state to determine if the officials and agencies have information on the
4 individual, placing a notice in a newspaper or other publication requesting information
5 on the missing individual, or using an investigator to locate the individual. If a
6 petitioner is appointed as a temporary guardian, the temporary guardianship may last
7 not longer than 30 days. The temporary guardian may view the individual's financial
8 institution records and wireless telephone service records but may not use the records
9 to make financial or other transactions. The temporary guardian has only the powers
10 and duties identified in the order of the court. Other provisions under this section do
11 not apply to this subsection. In this subsection, "interested person" includes a person
12 who is related to the missing individual by blood, marriage, or adoption, a friend of
13 the missing individual, or a person who has demonstrated an interest in the welfare of
14 the missing individual.

15 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 **INDIRECT COURT RULE AMENDMENT.** AS 13.26.301(g), added by sec. 1 of this
18 Act, has the effect of amending Rule 17, Alaska Rules of Probate Procedure, relating to
19 protective proceedings, by allowing temporary limited guardianships for the purpose of
20 locating missing adult persons.