

1 IN THE SENATE

BY SENATOR MOODY

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SENATE BILL NO. 116

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

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A BILL

6 For an Act entitled: "An Act establishing a procedure whereby a
7 person who has been adjudicated incompetent
8 can be restored to competency; amending
9 Section 62-1-12 ACLA 1949; and declaring an
10 emergency."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Sec. 62-1-12 ACLA 1949 is hereby amended to read
13 as follows:

14 Sec. 62-1-12. --PETITION FOR APPOINTMENT; NOTICE
15 OF HEARING; APPOINTMENT; §. 7 PROCEDURE FOR RESTORATION
16 TO COMPETENCY.

17 (1) When the relatives or friends of any insane
18 person, or any other persons inhabitants of the precinct
19 in which such insane person resides, shall apply to the
20 commissioner by petition in writing to have a guardian
21 appointed for him, the commissioner shall cause notice
22 to be given to the supposed insane person of the time and
23 place appointed for hearing the case, not less than ten
24 days before the time so appointed; and if, after a full
25 hearing, it shall appear to the commissioner that the
26 person in question is incapable of taking care of himself,
27 the commissioner shall appoint a guardian of his person
28 and estate, with the powers and duties hereinafter
29 specified.

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(2) Any person who has been declared to be insane or incapable of taking care of himself in accordance with the provisions of (1), and who thereafter becomes competent and capable of taking care of himself, such person or his representative, may file a petition with the commissioner setting forth the reasons why he should be declared competent and requesting the commissioner, within ten days after filing said petition, to give notice of a time and place for a hearing on the petition. If after a full hearing it shall appear to the commissioner that the person in question is competent and capable of taking care of himself, the commissioner shall issue an order declaring the person to be legally competent in all respects.

Sec. 2. EMERGENCY. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval.