

1 IN THE SENATE

BY SENATOR MOODY

2

SENATE BILL NO. 116

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

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: [.] PROCEDURE FOR RESTORATION
16 TO COMPETENCY.

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

1 (2) Any person who has been declared to be insane,
2 incompetent or incapable of taking care of himself in accord-
3 ance with the provisions of (1), or under any Territorial law
4 or otherwise and who thereafter becomes competent and capable
5 of taking care of himself, such person or his representative,
6 may file a petition with the commissioner setting forth the
7 reasons why he should be declared competent and requesting
8 the commissioner, within ten days after filing said petition,
9 to give notice of a time and place for a hearing on the peti-
10 tion. If after a full hearing it shall appear to the commis-
11 sioner that the person in question is competent and capable of
12 taking care of himself, the commissioner shall issue an order
13 declaring the person to be legally competent in all respects.

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

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