

SENATE BILL NO. 91

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR KERTTULA

Introduced: 1/30/91
Referred: Judiciary

A BILL**FOR AN ACT ENTITLED****1 "An Act relating to guardianship and conservatorship proceedings."****2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:****3 * Section 1.** AS 13.26 is amended by adding a new section to article 1 to read:

4 Sec. 13.26.025. FORMS FOR FILING PETITIONS. The Alaska Court System, in
5 cooperation with interested persons and organizations, shall prepare forms and instructions for
6 the use of persons seeking an appointment of a guardian or conservator under this chapter. The
7 forms shall conform to the requirements of this chapter and the Alaska Rules of Civil Procedure,
8 except that information on the forms may be filled in by legible printing. The office of the clerk
9 of each superior and district court shall make the forms and instructions available to the public.

10 * Sec. 2. AS 13.26.106 is amended by adding a new subsection to read:

11 (e) Upon appointing a visitor under this section, the court shall promptly inform the
12 respondent's family members of the name and telephone number of the visitor. The court shall
13 also promptly inform the family members if the office of public advocacy has been appointed
14 to represent the respondent; this notice must include the telephone number of the office of public

1 advocacy. The court shall include with the information required under this subsection an
2 explanatory brochure about guardianship proceedings. In this subsection, "family members"
3 includes parents, siblings, and adult children of the respondent if the court knows of their
4 existence and mailing addresses or could obtain knowledge of their existence and mailing
5 addresses with reasonably diligent inquiry.

6 * Sec. 3. AS 13.26.107(a) is amended to read:

7 (a) Upon appointment, the visitor shall promptly

8 (1) explain to the respondent, in a language or communication system the
9 respondent can understand, the purpose of the interview and possible consequences of the
10 proceedings;

11 (2) serve a copy of the petition on the respondent in accordance with the
12 procedure described in AS 13.06.110;

13 (3) explain and provide to the respondent a written statement of the following
14 rights:

15 (A) the respondent may communicate with an attorney or an expert in the
16 field of the alleged incapacity before proceeding with the interview;

17 (B) if the respondent does not have an attorney, an attorney, whose name,
18 address, and telephone number shall be included in the statement, will be designated to
19 advise and represent the respondent before and at any judicial hearings, and the attorney
20 may arrange for an examination and consultation with an expert; if an attorney for the
21 respondent is designated under this subparagraph, the visitor shall inform the
22 respondent's family members of the name and telephone number of the attorney; in
23 this subparagraph, "family members" has the meaning given in AS 13.26.106(e); and

24 (C) the respondent may, instead, employ an attorney or expert of the
25 respondent's own choice; and

26 (4) offer assistance to the respondent in contacting an attorney.