

1 HB343  
2 164032-3  
3 By Representatives Sells, Standridge, Hill (J), Jones, Farley,  
4 Pettus, Ball, Fridy, Whorton (I), Givan, Beckman,  
5 Coleman-Evans, Boyd and McMillan  
6 RFD: Judiciary  
7 First Read: 19-MAR-15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ENROLLED, An Act,

Relating to guardianship proceedings; to amend Section 26-2A-107 of the Code of Alabama 1975, authorizing the probate court to appoint a temporary guardian under certain conditions; to extend the time period when a temporary guardian may act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-2A-107 of the Code of Alabama 1975, is amended to read as follows:

"§26-2A-107.

"(a) If an incapacitated person has no guardian, an emergency exists, and no other person appears to have authority to act in the circumstances, on appropriate petition the court, without notice, may appoint a temporary guardian whose authority may not extend beyond ~~15~~ 30 days and who may exercise those powers granted in the order.

"(b) If the appointed guardian is not effectively performing duties and the court further finds that the welfare of the incapacitated person requires immediate action, it may appoint, with or without notice, a temporary guardian for the incapacitated person having the powers of a general guardian for a specified period not to exceed six months. The authority of any permanent guardian previously appointed by the court is suspended as long as a temporary guardian has authority.

1           "(c) The court may remove a temporary guardian at  
2 any time. A temporary guardian shall make any report and  
3 comply with any conditions the court imposes or requires. In  
4 other respects the provisions of this chapter concerning  
5 guardians apply to temporary guardians."

6           Section 2. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.

