

1 SB5  
2 164032-2  
3 By Senator Allen  
4 RFD: Judiciary  
5 First Read: 03-MAR-15  
6 PFD: 01/15/2015

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8 SYNOPSIS: Under existing law, when an emergency  
9 exists, the probate court may appoint a temporary  
10 guardian for an incapacitated person for a period  
11 of 15 days.

12 This bill would extend the time period that  
13 a temporary guardian may be appointed for 30 days.

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15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to guardianship proceedings; to amend  
20 Section 26-2A-107 of the Code of Alabama 1975, authorizing the  
21 probate court to appoint a temporary guardian under certain  
22 conditions; to extend the time period when a temporary  
23 guardian may act.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

27 "§26-2A-107.

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

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

15           "(c) The court may remove a temporary guardian at  
16 any time. A temporary guardian shall make any report and  
17 comply with any conditions the court imposes or requires. In  
18 other respects the provisions of this chapter concerning  
19 guardians apply to temporary guardians."

20           Section 2. This act shall become effective  
21 immediately following its passage and approval by the  
22 Governor, or its otherwise becoming law.