

SENATE BILL NO. 235

INTRODUCED BY MAZUREK, TOWE

IN THE SENATE

January 24, 1985	Introduced and referred to Committee on Judiciary.
January 30, 1985	Committee recommend bill do pass. Report adopted.
January 31, 1985	Bill printed and placed on members' desks.
February 2, 1985	Second reading, do pass.
February 4, 1985	Considered correctly engrossed.
February 5, 1985	Third reading, passed. Ayes, 47; Noes, 0.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 14, 1985	Committee recommend bill be concurrent in. Report adopted.
March 16, 1985	Second reading, pass consideration.
March 19, 1985	Second reading, concurred in.
March 21, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

March 21, 1985

Received from House.

Sent to enrolling.

Reported correctly enrolled.

1 Senate BILL NO. 235
2 INTRODUCED BY Thomson
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4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING A DISTRICT
5 COURT, UPON RECEIPT OF A PETITION FOR APPOINTMENT OF A
6 CONSERVATOR OR OTHER PROTECTIVE ORDER, TO DIRECT THAT THE
7 PERSON ALLEGED TO BE MENTALLY ILL OR HAVING A MENTAL
8 DEFICIENCY BE EXAMINED BY EITHER A PROFESSIONAL PERSON OTHER
9 THAN A PHYSICIAN OR BY A PHYSICIAN; AMENDING SECTION
10 72-5-408, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 72-5-408, MCA, is amended to read:

14 "72-5-408. Procedure concerning hearing and order on
15 original petition. (1) Upon receipt of a petition for
16 appointment of a conservator or other protective order
17 because of minority, the court shall set a date for hearing
18 on the matters alleged in the petition. If, at any time in
19 the proceeding, the court determines that the interests of
20 the minor are or may be inadequately represented, it may
21 appoint an attorney to represent the minor, giving
22 consideration to the choice of the minor if 14 years of age
23 or older. A lawyer appointed by the court to represent a
24 minor has the powers and duties of a guardian ad litem.

25 (2) Upon receipt of a petition for appointment of a

1 conservator or other protective order for reasons other than
2 minority, the court shall set a date for hearing. Unless
3 the person to be protected has counsel of his own choice,
4 the court must appoint a lawyer to represent him who then
5 has the powers and duties of a guardian ad litem. If the
6 alleged disability is mental illness, or mental deficiency,
7 the court may direct that the person to be protected be
8 examined by a physician or professional person as defined in
9 53-21-102 designated by the court. If the alleged disability
10 is physical illness or disability, advanced age, chronic use
11 of drugs, or chronic intoxication, the court may direct that
12 the person to be protected be examined by a physician
13 designated by the court, preferably it is preferable that a
14 physician who-is designated by the court not be connected
15 with any institution in which the person is a patient or is
16 detained. The court may send a visitor to interview the
17 person to be protected. The visitor may be a guardian ad
18 litem or an officer or employee of the court.

19 (3) After hearing, upon finding that a basis for the
20 appointment of a conservator or other protective order has
21 been established, the court shall make an appointment or
22 other appropriate protective order."

-End-



INTRODUCED BILL
SB 235

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2 Thasquik

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