- 1 SB167
- 2 198300-2
- 3 By Senator Smitherman
- 4 RFD: Judiciary
- 5 First Read: 11-FEB-20

1	SB167
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4	ENGROSSED
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7	A BILL
8	TO BE ENTITLED
9	AN ACT
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11	Relating to elder abuse; to amend Section 38-9F-6,
12	Code of Alabama 1975; to require the redaction of sensitive
13	information including addresses and phone numbers for an elder
14	abuse plaintiff from court documents made available to the
15	public; and to clarify that an elderly person who is of sound
16	mind or body may hire legal representation to pursue a
17	petition for relief in an elder abuse matter.
18	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
19	Section 1. Section 38-9F-6, Code of Alabama 1975, is
20	amended to read as follows:
21	"§38-9F-6.
22	"(a) $\underline{(1)}$ If a plaintiff lacks the physical or mental
23	capacity to seek protection for himself or herself, the
24	following may file a sworn petition for relief on behalf of
25	the plaintiff:

"(1)a. A court appointed guardian. The petition must include a copy of the court order appointing the petitioner as the plaintiff's guardian.

"(2)b. A court appointed conservator. The petition must include a copy of the court order appointing the petitioner as the plaintiff's conservator.

"(3)c. A temporary guardian appointed pursuant to Section 26-2A-107. The petition must include a copy of the court order appointing the petitioner as the plaintiff's temporary guardian.

"(4)d. An agent, co-agent, or successor agent appointed under the plaintiff's validly executed power of attorney who acts within the authority of the power of attorney. The petition shall include a copy of the power of attorney.

"(5)e. A health care proxy appointed under the plaintiff's validly executed Advance Directive for Health Care, or similar document, who acts within the authority of the designation. The petition shall include a copy of the Advance Directive for Health Care or similar document.

"(6)f. An interested person who has the authority to petition for protective placement or other protective services under Section 38-9-6.

"(2) A plaintiff possessing the physical or mental capacity to seek protection for himself or herself may either represent himself or herself or may choose to hire legal

1	counsel for representation in all matters arising pursuant to	
2	this chapter.	
3	"(b) A sworn petition shall allege the incidents of	
4	abuse and the specific facts and circumstances that form the	
5	basis upon which relief is sought.	
6	"(c) Standardized petitions for actions pursuant to	
7	this chapter shall be made available through the circuit court	
8	clerk's offices throughout the state. A circuit court clerk	
9	and his or her staff shall not be required to provide	
10	assistance to individuals in completing the forms or in	
11	presenting the petitioner's case to the court.	
12	"(d) The elderly person for whom the petition is	
13	filed must be served with the petition pursuant to the Alabama	
14	Rules of Civil Procedure.	
15	"(e) (1) The following information shall be redacted	
16	from any court document filed on or after the effective date	
17	of the act adding this amendatory language by the filer:	
18	"a. The plaintiff's home address and, if applicable,	
19	business address.	
20	"b. The plaintiff's home phone number, cellular	
21	number, and business phone number.	
22	"c. Any home address, business address, home	
23	telephone number, cellular number, or business phone number of	
24	any member of the plaintiff's family or household.	
25	"d. Any address that would reveal the confidential	
26	location of a shelter for victims of domestic violence as	
27	defined in Section 30-6-1.	

1	"(2) If disclosure of an address otherwise required		
2	to be redacted pursuant to this subsection is necessary to		
3	determine jurisdiction or to consider an issue of venue, the		
4	disclosure shall only be made orally, in the private chambers		
5	of the judge assigned to the case, with no members of the		
6	<pre>public present.</pre>		
7	"(3) In the event the plaintiff or his or her		
8	representative does not disclose an address or telephone		
9	number for the plaintiff to the court, disclosure of either of		
10	the following shall be made to the court:		
11	"a. An alternative address.		
12	"b. The business address and business telephone		
13	number of the plaintiff's attorney of record.		
14	"(f) The court may not assess court costs or other		
15	fees for the filing or service of a petition or the issuance		
16	of a witness subpoena under this chapter against a petitioner		
17	or plaintiff. Costs and fees may be assessed against the		
18	defendant at the discretion of the court."		
19	Section 2. This act shall become effective on the		
20	first day of the third month following its passage and		
21	approval by the Governor, or its otherwise becoming law.		

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3	Senate	
4 5 6	Read for the first time and referred to the Senate committee on Judiciary	1.1-FEB-20
7 8 9	Read for the second time and placed on the calendar	20-FEB-20
10	Read for the third time and passed as amended	25-FEB-20
11 12	Yeas 32 Nays 0	
13 14 15 16 17	Patrick Harris, Secretary.	