

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 785**

February 1, 2006 – Offered by COMMITTEE ON AGING AND LONG-TERM CARE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 39, line 18: delete “senility ~~which~~” and substitute “senility ~~which~~
3 dementia”.

4 **2.** Page 56, line 16: delete “senility ~~which~~” and substitute “senility ~~which~~
5 dementia”.

6 **3.** Page 66, line 22: delete lines 22 and 23 and substitute “Admission under
7 this paragraph is not permitted for an individual for whom the primary purpose of
8 admission is for treatment or services related to the individual’s mental illness or
9 developmental disability.”.

10 **4.** Page 68, line 22: delete “for guardianship and” and substitute “to transfer
11 a foreign guardianship and, if applicable, a petition for”.

12 **5.** Page 69, line 7: delete “petition for”.

1 **6.** Page 69, line 8: delete “guardianship and” and substitute “petition to
2 transfer a foreign guardianship and, if applicable, a petition for”.

3 **7.** Page 70, line 10: delete lines 10 and 11 and substitute “placement or
4 protective services, an individual shall have filed a petition to transfer a foreign
5 guardianship, whether present in the state or not, or shall be a resident of the state;
6 and shall have a need for protective placement or protective services. The
7 individual”.

8 **8.** Page 74, line 5: after “others” insert “, or in the county in which the
9 individual intends to reside”.

10 **9.** Page 85, line 6: after “made” insert “by a person who identifies himself or
11 herself”.

12 **10.** Page 94, line 14: delete lines 14 to 19 and substitute:

13 “(2) ATTENDANCE. The petitioner shall ensure that the individual sought to be
14 protected attends the hearing on the petition unless, after a personal interview, the
15 guardian ad litem waives the attendance and so certifies in writing to the court the
16 specific reasons why the individual is unable to attend. In determining whether to
17 waive attendance by the individual, the guardian ad litem shall consider the ability
18 of the individual to understand and meaningfully participate, the effect of the
19 individual’s attendance on his or her physical or psychological health in relation to
20 the importance of the proceeding, and the individual’s expressed desires. If the
21 individual is unable to attend a hearing only because of residency in a nursing home
22 or other facility, physical inaccessibility, or lack of transportation, the court shall, if”.

23 **11.** Page 139, line 20: after “~~cause the~~” insert “petitioner shall ensure that
24 the”.

