

SENATOR CARSTENS: NO, I think you are very knowledgeable.

SENATOR FELLMAN: No, I'm not.

SENATOR CARSTENS: You talk about if someone objects, if someone cries wolf, someone who is under disability, have you ever heard little children or people who are senile or in a hospital under disability do much crying of wolf because whoever was managing their property was mismanaging it?

SENATOR FELLMAN: It is a loaded question, Senator. In that situation, obviously not but I think in a majority of situations the judge would make an inquiry to see how many people there are that are related. I think in most cases there is more than one person who is aware of what is going on. I think it would be the exceptional case where you have an individual incapacitated with only one person interested. I think that more often than not that there is somebody watching him. Now it isn't always the case. I would hope that where there is only one person the county judge would exercise that discretion which he by law is charged to exercise. In that situation that judge and the court would have a duty to not allow these open procedures to go into operation. The answer to your question is that sometimes you might be right. In that situation there is a duty imposed on the court. I think that in the majority of situations that there is more than one person and I would add that we have to compare this to what is happening today. Today in all cases, regardless of the simplicity of the situation in all cases the involved procedure goes into operation. Even where everybody is agreed and you have a family with an elderly parent or two or three or four children. You have to go through all of these procedures the situation that you are talking about is a place where the court would have a special duty. Further the person carrying out the task is obligated under this law and is responsible for what he does or doesn't do. Isn't that correct?

SENATOR CARSTENS: He is responsible, he is always responsible even under any circumstances.

SENATOR FELLMAN: Couldn't he be put under bond, and the judge would think he could be.

SENATOR CARSTENS: The point is that he can act without court authority a or without court supervision.

SENATOR FELLMAN: But can't the judge require an adequate bond?

SENATOR CARSTENS: When it is too late, yes.

SENATOR FELLMAN: NO at the beginning, and isn't he responsible? Ultimately we are talking about human beings who are responsible or not.

SENATOR CARSTENS: Senator Fellman when I see what people will do for a \$10 publication fee, I wonder what they would do for your house or your bank account or your bank box?

PRESIDENT: Senator Kelly.