

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S3/25/13
A Bill

HOUSE BILL 1693

By: Representative Leding
By: Senator J. Woods

For An Act To Be Entitled

AN ACT TO CLARIFY WHO CAN RECEIVE A GUARDIANSHIP
SUBSIDY FROM THE DEPARTMENT OF HUMAN SERVICES; WHEN A
GUARDIANSHIP SUBSIDY IS TERMINATED; WHEN THE
DEPARTMENT OF HUMAN SERVICES MAY INTERVENE IN A
GUARDIANSHIP CASE; AND FOR OTHER PURPOSES.

Subtitle

AN ACT CONCERNING A GUARDIANSHIP SUBSIDY;
AND THE ROLE OF THE DEPARTMENT OF HUMAN
SERVICES IN CERTAIN GUARDIANSHIP CASES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-8-205 is amended to read as follows:
9-8-205. Guardianship subsidy agreement.

(a) A written guardianship subsidy agreement must be entered before
the guardianship is established.

(b) The guardianship subsidy agreement shall become effective upon
entry of the order of granting guardianship.

~~(c)(1) In the case of a child whose eligibility is based on a high
risk for development of a serious physical, mental, developmental, or
emotional condition, the guardianship subsidy agreement shall provide no
guardianship subsidy until the child actually develops the condition.~~

~~(2) No guardianship subsidy shall be made until adequate
documentation is submitted by the guardian showing that the child has now
developed the condition upon which eligibility was based.~~



~~(3) Upon acceptance by the Department of Human Services that the child has developed the condition upon which eligibility was based, the guardianship subsidy shall be retroactive to the date the guardian submitted adequate documentation that the child developed the condition.~~

~~(d) No guardianship subsidy may be made for any child who has attained eighteen (18) years of age unless permitted by the funding stream.~~

SECTION 2. Arkansas Code § 28-65-104, concerning guardianship for incapacitated persons, is amended to add an additional subdivision to read as follows:

(3) Persons under age twenty-one (21) who:

(A) Have reached eighteen (18) years of age;

(B) Have a current guardianship established based solely on the minority age of the person;

(C) Agree to allow the current guardianship to continue up to twenty-one (21) years of age; and

(D) Receive a guardianship subsidy paid for or approved by the Department of Human Services.

SECTION 3. Arkansas Code § 28-65-107(c), concerning the jurisdiction of courts in guardianship cases, is amended to add an additional subdivision to read as follows:

(3) The Department of Human Services may intervene as a matter of right in a guardianship action at any time before the entry of a permanent guardianship order if:

(A) A guardianship action is initiated for a child or adult in the custody of the department, including a seventy-two-hour hold; and

(B) The custody of the child or adult is granted to a party seeking guardianship.

SECTION 4. Arkansas Code § 28-65-401(a), concerning the termination of guardianship, is amended to add an additional subdivision to read as follows:

(4) If the guardianship was solely because of the ward's minority, by the ward reaching the age of majority, unless the guardian receives a guardianship subsidy from the Department of Human Services, then

the guardianship is terminated when the ward:

(A) Reaches twenty-one (21) years of age; or

(B) Who is eighteen (18) years of age or older requests

termination of the guardianship.

/s/Leding

APPROVED: 04/02/2013