

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: S3/21/13  
**A Bill**

HOUSE BILL 1811

By: Representative Leding  
By: Senator J. Woods

### For An Act To Be Entitled

AN ACT TO AMEND THE PUBLIC GUARDIANSHIP LAW; TO REQUIRE THE CONSENT OF THE PUBLIC GUARDIAN BEFORE APPOINTMENT; TO AUTHORIZE THE EMPLOYMENT OF DEPUTY PUBLIC GUARDIANS; AND FOR OTHER PURPOSES.

### Subtitle

AN ACT TO AMEND THE PUBLIC GUARDIANSHIP LAW; TO REQUIRE THE CONSENT OF THE PUBLIC GUARDIAN BEFORE APPOINTMENT; AND TO AUTHORIZE THE EMPLOYMENT OF DEPUTY PUBLIC GUARDIANS.

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

SECTION 1. Arkansas Code § 28-65-703(a)-(c), concerning the Public Guardian for Adults, is amended to read as follows:

(a) The Public Guardian for Adults:

(1) Shall administer and organize the work of the Office of Public Guardian for Adults;

(2) May employ staff as necessary to carry out the functions of the office, including the employment of Deputy Public Guardians for Adults who:

(A) Meet the same qualifications as required for the Public Guardian for Adults in § 28-65-702;

(B) Have the same power and duties as the Public Guardian for Adults except those related to the administration and organization of the



Office of Public Guardian for Adults; and

(C) May act on behalf of the Public Guardian for Adults in matters related to guardianships held by the Public Guardian for Adults; and

(3)(A) May accept the services of volunteers who shall possess all of the qualifications of a guardian required under § 28-65-203.

(B) If approved by the Public Guardian for Adults, the volunteer shall be reimbursed for expenses in the same manner as public employees.

(C) A volunteer shall not be an employee of any facility or program that provides services to the ward.

(D) Volunteers shall not be related to the owner or any staff member of any facility or program that provides services to the ward.

(b)(1) The Public Guardian for Adults shall receive and review referrals for adult guardianship.

(2) A court shall not appoint the Public Guardian for Adults as the guardian of a person or estate unless the Public Guardian for Adults petitions for the guardianship and consents to the appointment.

(c) The Public Guardian for Adults may petition to be appointed guardian of the person of an adult or guardian of the ~~property~~ estate of an adult, or both, if:

(1) The Public Guardian for Adults has probable cause to believe that the adult lacks the capacity to make and communicate decisions necessary for his or her health, safety, and welfare or to manage his or her property;

(2) The Public Guardian for Adults believes that the adult is incapacitated;

(3) There is no suitable private guardian qualified and willing to accept the guardianship appointment; and

(4) A circuit court determines that the Public Guardian for Adults would be a suitable guardian for the incapacitated adult.

*/s/Leding*

**APPROVED: 04/02/2013**