

Stricken language would be deleted from and underlined language would be added to present law.
Act 1203 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/9/15 H3/26/15
A Bill

SENATE BILL 558

By: Senator J. Hutchinson
By: Representative J. Mayberry

For An Act To Be Entitled

AN ACT TO AMEND THE PROVISIONS CONCERNING THE PUBLIC
GUARDIAN FOR ADULTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROVISIONS CONCERNING THE
PUBLIC GUARDIAN FOR ADULTS.

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

SECTION 1. Arkansas Code § 25-10-102(a)(1), concerning the organization of the Department of Human Services, is amended to read as follows:

(a) The Department of Human Services shall consist of and be operated under an integrated service system consisting of the following divisions with responsibilities and programs assigned to them as determined by the Director of the Department of Human Services:

(1)~~(A)~~ A Division of Aging and Adult Services-
~~(B) The Division of Aging and Adult Services may include the Office of Public Guardian for Adults;~~

SECTION 2. Arkansas Code § 28-65-702(a), concerning the appointment of the Public Guardian for Adults, is amended to read as follows:

(a)(1) The Director of ~~the Division of Aging and Adult Services~~ of the Office of Chief Counsel of the Department of Human Services or his or her designee shall appoint an employee of the ~~Division of Aging and Adult Services~~ Office of Chief Counsel to serve as Public Guardian for Adults.



(2) A prior authorized appointment of a public guardian by the Director of the Division of Aging and Adult Services of the Department of Human Services shall have continuing effect and be relied upon in regard to the public guardian's authority to act on behalf of the ward.

SECTION 3. Arkansas Code § 28-65-702(b)(1), concerning the appointment of the Public Guardian for Adults, is amended to read as follows:

(b)(1) In addition to the qualifications required under § 28-65-203, the public guardian shall:

(A) Hold a degree in law or social work or a related field;

(B) Submit to a criminal background check with satisfactory results as prescribed by the ~~division~~ department;

(C) Attend and complete at least twenty (20) hours of training approved by the ~~division~~ department; and

(D) Demonstrate competency and ability to carry out the values of the ward.

SECTION 4. Arkansas Code § 28-65-703, concerning the duties of the Public Guardian for Adults, is amended to add an additional subsection to read as follows:

(h)(1) Upon petition by the Department of Human Services, a court may direct payment from the assets of the ward for services rendered or goods purchased by or for the ward during the course of the guardianship.

(2) Notwithstanding the requirement of § 28-51-303(b)(2)(A), the court may allow the sale of a ward's property at public auction for less than three-fourths (3/4) of the appraised value.

SECTION 5. Arkansas Code § 28-65-705 is amended to read as follows:
28-65-705. No bond or fee required.

(a) Bond shall not be required in connection with public guardian services under this subchapter.

(b) A fee may not be charged or collected by the circuit clerk or county clerk in connection with public guardian services under this subchapter, including without limitation fees for filing, summons, or subpoenas.

/s/J. Hutchinson

APPROVED: 04/07/2015