

Stricken language would be deleted from and underlined language would be added to present law.
Act 460 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/11/19 S2/28/19
A Bill

HOUSE BILL 1331

By: Representative Capp
By: Senator B. Davis

For An Act To Be Entitled

AN ACT TO ESTABLISH A PROCESS FOR DISTRIBUTION OF A
RESIDENT'S PROPERTY BY A HUMAN DEVELOPMENT CENTER
UPON THE DEATH OF THE RESIDENT; AND FOR OTHER
PURPOSES.

Subtitle

TO ESTABLISH A PROCESS FOR DISTRIBUTION
OF A RESIDENT'S PROPERTY BY A HUMAN
DEVELOPMENT CENTER UPON THE DEATH OF THE
RESIDENT.

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

SECTION 1. Arkansas Code Title 20, Chapter 48, Subchapter 4, is amended to add an additional section to read as follows:

20-48-417. Property and personal effects of residents.

(a)(1) Within thirty (30) days after the death of a resident, a human development center shall provide an accounting and distribute all funds held in trust and all other property to:

(A) The resident's personal representative, if a personal representative has been appointed by a court at the time that the human development center disburses the funds and distributes any other property;

(B) If a personal representative has not been appointed by a court, the resident's spouse; or

(C) If the resident did not have a spouse and a personal representative has not been appointed by the court, the beneficiary named in



the beneficiary designation form provided to the human development center by the resident.

(2) A licensee, owner, administrator, or representative of a human development center shall not be named as a beneficiary on a beneficiary designation form.

(3) The resident, or the resident's court-appointed guardian, shall complete the beneficiary designation form at the time of admission to a human development center in the presence of two (2) witnesses who shall sign the form.

(b)(1) If the resident does not have a court-appointed personal representative or a spouse or if the named beneficiary cannot be located, the funds held in trust shall be placed in an account in a bank, savings and loan association, trust company, or credit union located in this state and, if possible, within the same county as the human development center.

(2) The funds shall not be represented as part of the assets of the human development center on a financial statement.

(3) The human development center shall maintain:

(A) One (1) account for each resident in which are placed all funds held in trust for that resident;

(B) Adequate records to permit compilation of amount due to each deceased resident's account; and

(C) The resident's account until the funds are disbursed under the probate law, § 28-1-101 et seq.

(c) If the resident does not have a court-appointed personal representative or a spouse or if the named beneficiary cannot be located, all other property held shall be disbursed to the closest relatives of the resident as determined under § 28-9-214.

(d)(1) If any intangible property is not disbursed under this section within one (1) year after the property becomes distributable, the human development center shall escheat the property to the Auditor of State in accordance with the Unclaimed Property Act, § 18-28-201 et seq.

(2) If any tangible property is not disbursed under this section within one (1) year after the property becomes distributable, the human development center shall escheat the property to the Division of Developmental Disabilities Services of the Department of Human Services.

(e) The funds and all other property of the deceased resident shall be

kept separate from the funds and other property of:

- (1) The human development center; and
- (2) Other residents of the human development center.

/s/Capp

APPROVED: 3/13/19