

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 586

By: Senator B. Ballinger
By: Representative J. Mayberry

For An Act To Be Entitled

AN ACT TO ALLOW A PARENT TO APPOINT A TEMPORARY
GUARDIAN FOR HIS OR HER MINOR CHILD IN THE EVENT OF
THE DEATH OF THE PARENT; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW A PARENT TO APPOINT A TEMPORARY
GUARDIAN FOR HIS OR HER MINOR CHILD IN
THE EVENT OF THE DEATH OF THE PARENT.

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

SECTION 1. Arkansas Code Title 28, Chapter 65, Subchapter 2, is amended to add an additional section to read as follows:

28-65-222. Parental appointment of temporary guardian.

(a)(1) Except as provided in § 28-65-218 and in subdivision (a)(2) of this section, a parent of a minor child may appoint one (1) or more persons to act as a temporary guardian of his or her minor child in the event of the death of the parent if the:

(A) Parent signs a notarized writing that includes the:

(i) Name and date of birth of the minor child for whom the person is being appointed as guardian;

(ii) Name of each person being appointed as a guardian of the minor child; and

(iii) Sworn attestation of two (2) witnesses that states and affirms that each witness witnessed the parent sign the notarized writing;



(B) Notarized writing signed by the parent as required under subdivision (a)(1)(A) of this section is no more than five (5) years old; and

(C) Each person appointed by the parent as a guardian of the minor child consents to the appointment in a signed and notarized writing.

(2) An appointing parent may appoint two (2) people as co-guardians of the minor child if the two (2) people are married to each other.

(3) Both parents of the minor child shall sign the notarized writing required under subdivision (a)(1)(A) of this section if both parents are alive.

(4) A parent may revoke or amend his or her appointment of a guardian under this section at any time before his or her death.

(b)(1) An appointment of a guardian for a minor child under this section is immediately effective upon the death of:

(A) The appointing parent if the other parent is deceased;
or

(B) Both appointing parents.

(2)(A) Upon the death of both appointing parents or an appointing parent if the other parent is deceased, the guardian shall have temporary guardianship of the minor child for no longer than forty-five (45) days.

(B) A court may extend the time period of the initial temporary guardianship for an additional ninety (90) days or terminate the temporary guardianship for good cause.

(c) A person who is appointed by an appointing parent as a temporary guardian of a minor child under this section and who is willing to become the permanent guardian of the minor child shall follow the procedures required under this chapter to obtain permanent guardianship of the minor child.

(d) Unless otherwise provided by law, a court shall comply with the wishes of an appointing parent and appoint each person appointed by the appointing parent as temporary guardian of the appointing parent's minor child as a permanent guardian of the minor child unless the person appointed as guardian is determined to be unfit by the court.

(e) A notarized writing required under subdivision (a)(1)(A) of this section does not supersede a court order concerning child custody that exists

at the time of the death of one (1) or both parents.

APPROVED: 4/13/21