

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H2/19/19
A Bill

HOUSE BILL 1424

By: Representative Capp

For An Act To Be Entitled

AN ACT TO AUTHORIZE THE PURCHASE OF BURIAL SERVICES BY THE PUBLIC GUARDIAN FOR ADULTS; TO CLARIFY THE RESPONSIBILITIES OF THE PUBLIC GUARDIAN FOR ADULTS AFTER THE DEATH OF A WARD; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE THE PURCHASE OF BURIAL SERVICES BY THE PUBLIC GUARDIAN FOR ADULTS; AND TO CLARIFY THE RESPONSIBILITIES OF THE PUBLIC GUARDIAN FOR ADULTS AFTER THE DEATH OF A WARD.

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

SECTION 1. Arkansas Code § 28-65-706(a), concerning when a court with jurisdiction of a ward may terminate the guardianship of the Public Guardian for Adults over the ward, is amended to read as follows:

(a) The court having jurisdiction of the ward ~~shall not terminate the guardianship of a living ward of the Public Guardian for Adults unless the court declares that the ward is restored to capacity or a successor guardian is appointed.~~ may terminate the guardianship as provided under § 28-65-401 et seq., and subject to the procedures required under this section.

SECTION 2. Arkansas Code § 28-65-706, concerning the termination of guardianships, is amended to add additional subsections to read as follows:

(c) Within forty (40) days after the death of the ward of a Public Guardian for Adults if the Public Guardian for Adults is the:



(1) Guardian of the person of the ward, the Public Guardian for Adults shall:

(A) File a report with the court; and

(B) Petition the court to terminate the guardianship of the Public Guardian for Adults over the deceased ward;

(2) Guardian of the estate of the ward, the Public Guardian for Adults shall:

(A) File a final account of the administration of the estate of the ward by the Public Guardian for Adults until the date of the death of the ward;

(B) Cause a notice of the filing of the final account to be published;

(C) Provide a copy of the final account and notice of the death of the ward to the Department of Human Services; and

(D) Petition the court to terminate the guardianship of the Public Guardian for Adults over the deceased ward; or

(3) Guardian of the person and the estate of the ward:

(A) File a final report and final account of the administration of the estate of the ward by the Public Guardian for Adults until the date of the death of the ward;

(B) Cause a notice of the filing of the final account to be published;

(C) Provide a copy of the final account and notice of the death of the ward to the Department of Human Services; and

(D) Petition the court to terminate the guardianship of the Public Guardian for Adults over the deceased ward.

(d) Upon the petition of the Public Guardian for Adults to terminate the guardianship of a deceased ward, the court shall:

(1) Conduct a hearing on the petition of the Public Guardian for Adults to terminate the guardianship and consider the petition, the delivery of funds, and the payment of funds for the disposition of the body of the ward as provided in this subsection;

(2) Terminate the guardianship;

(3) Discharge the Public Guardian for Adults from any further duty, liability, an accountability with regard to the guardianship and the estate of the deceased ward;

(4) Direct delivery of the funds of the deceased ward to the appropriate person or, if no appropriate person is available, to the registry of the court pursuant to the Arkansas Rules of Civil Procedure; and

(5) With regard to the disposal of the body of the ward:

(A) Direct the payment of funds for the disposal of the body of the ward in a manner provided in a prior arrangement made by the ward of the Public Guardian for Adults;

(B) Direct the payment of funds to dispose of the body of the ward if a prior arrangement was not made by the ward; or

(C) Consent to donate the body of the ward to medical science.

(e)(1) The estate of the deceased ward shall be distributed in accordance with the law on the administration of decedents' estates.

(2) The discharge of a Public Guardian for Adults is final.

(f) The Public Guardian for Adults and the Department of Human Services are not responsible for any costs, including without limitation costs related to the disposition of the body of the ward.

/s/Capp