

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: H3/25/19 H3/28/19
A Bill

HOUSE BILL 1762

By: Representatives Crawford, Boyd

By: Senator M. Pitsch

For An Act To Be Entitled

AN ACT TO AMEND THE QUALIFICATIONS OF A GUARDIAN; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE QUALIFICATIONS OF A
GUARDIAN.

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

SECTION 1. Arkansas Code § 28-65-203(a), concerning the qualifications of guardians, is amended to read as follows:

(a)(1) A natural person ~~who is a resident of this state, eighteen (18) or more years of age, of sound mind, not a convicted and unpardoned felon,~~ is qualified to be appointed guardian of the person and of the estate of an incapacitated person ~~if he or she is:~~

(A) A resident of this state;

(B) At least eighteen (18) years of age;

(C) Of sound mind; and

(D) Subject to the limitations in subdivision (a)(2) of this section, either:

(i) Not a convicted and unpardoned felon; or

(ii) A convicted and unpardoned felon who has disclosed his or her prior felony conviction and for whom the court has entered written findings stating that, notwithstanding the felony conviction, he or she is otherwise qualified after reviewing a certified copy of the sentencing order.



(2) Subject to the requirements in subdivision (a)(1) of this section, a convicted and unpardoned felon may:

(A) Be the guardian of the person for an adult;

(B) Be the guardian of the person for a minor who is not subject to a dependency-neglect proceeding under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., if the convicted and unpardoned felon is a relative or fictive kin as defined in § 9-28-402;

(C) Be the guardian of the person for a minor who is subject to a dependency-neglect proceeding under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., if the convicted and unpardoned felon qualifies for guardianship under subsection (b) of this section; and

(D) Not be the guardian of the estate for any person.

(3) If a convicted and unpardoned felon fails to file a report or accounting required under this subchapter or by the court, the court shall set a hearing for the convicted and unpardoned felon to show cause as to why the guardianship should not be terminated.

/s/Crawford