

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: S4/3/19  
**A Bill**

SENATE BILL 625

By: Senator B. Ballinger  
By: Representative Maddox

### 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) A parent of a minor child may appoint a person to act as a temporary guardian of his or her minor child in the event of the death of the parent if:

(A)(i) The parent signs a notarized statement that includes:

(a) The name and date of birth of the minor child for whom the person is being appointed as a temporary guardian;

(b)(1) The name of the person who is appointed as the temporary guardian of the minor child.

(2) A parent may appoint:

(A) One (1) individual as a temporary guardian of a minor child of the parent; or



(B) Two (2) individuals who are married to each other as temporary co-guardians of a minor child of the parent; and

(c) The sworn and signed attestation of two (2) witnesses that states that each witness was present and witnessed the parent sign the notarized statement in which the temporary guardian of the minor child was appointed.

(ii) Both parents of the minor child shall sign and notarize the written appointment of the temporary guardian if both parents of the minor child are alive; and

(B) The person whom the parent appoints as a temporary guardian consents to the appointment in a signed and notarized statement.

(2) A parent may revoke or amend his or her appointment of a temporary guardian under subdivision (a)(1) of this section at any time before his or her death.

(b)(1) The appointment of a temporary guardian under subsection (a) of this section is immediately effective upon the:

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

(B) Death of both appointing parents.

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

(B) A court may:

(i) Extend the time period of the initial temporary guardianship for an additional ninety (90) days; or

(ii) Terminate the temporary guardianship for good cause.

(c) A person appointed as a temporary guardian under subsection (a) of this section who is interested in becoming a permanent guardian for the minor child shall follow all other procedures required under this chapter to obtain permanent guardianship of the minor child.

(d) Unless otherwise provided by law, a court shall:

(1) Comply with the wishes of an appointing parent; and

(2) Name the person appointed as a temporary guardian by an

appointing parent the permanent guardian of the minor child unless the person is determined to be unfit.

*/s/B. Ballinger*