

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 146

By: Senator B. Ballinger

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OFFICE OF PUBLIC GUARDIAN FOR ADULTS; TO AMEND THE LAW CONCERNING THE DUTIES OF THE PUBLIC GUARDIAN FOR ADULTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE OFFICE OF PUBLIC GUARDIAN FOR ADULTS; AND TO AMEND THE LAW CONCERNING THE DUTIES OF THE PUBLIC GUARDIAN FOR ADULTS.

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

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

28-65-111. Payment for services rendered or goods purchased by or for a ward.

(a)(1) Upon petition by the Department of Human Services, a court may direct payment from the assets of the ward for services rendered or goods purchased by or for the ward during the course of the guardianship.

(2) Notwithstanding the requirement of § 28-51-303(b)(2)(A), the court may allow the sale of a ward's property at public auction for less than three-fourths (3/4) of the appraised value.

(b) A facility or program that receives payment for services rendered or to be rendered to a ward shall file a written report quarterly with the court that itemizes how the funds were expended for the benefit of the ward.



SECTION 2. Arkansas Code § 28-65-703(a) and (b), concerning the duties of the Public Guardian for Adults, is amended to read as follows:

(a) The Public Guardian for Adults:

(1) Shall administer and organize the work of the Office of Public Guardian for Adults;

~~(2)(A) May employ staff as necessary to carry out the functions of the office, including the employment of Deputy Public Guardians for Adults who~~ Shall employ and assign Deputy Public Guardians for Adults to provide guardianship services upon appointment in the Fourth Judicial District, Nineteenth Judicial District-West, Nineteenth Judicial District-East, and, if determined to be necessary, any other judicial district.

(B) All Deputy Public Guardians for Adults:

~~(A)(i) Meet~~ Shall meet the same qualifications as required for the Public Guardian for Adults in § 28-65-702;

~~(B)(ii) Have~~ Shall have the same power and duties as the Public Guardian for Adults except those related to the administration and organization of the Office of Public Guardian for Adults; and

~~(C)(iii) May act on behalf of the Public Guardian for Adults in matters related to guardianships held by the Public Guardian for Adults; and~~

(3) Shall employ staff as necessary to carry out the functions of the office, including the provision of adequate support for Deputy Public Guardians for Adults;

(4)(A) May contract with an individual who meets the qualifications for the Public Guardian for Adults under § 28-65-702 to provide guardianship services to an adult who becomes a ward of the state.

(B) An individual with whom the Public Guardian for Adults contracts under subdivision (a)(4)(A) of this section shall not be:

(i) An employee of any facility or program that provides services to the ward; or

(ii) Related to the owner or any staff member of any facility or program that provides services to the ward; and

~~(3)(A)(5)(A) May accept the services of volunteers~~ a volunteer who shall possess all of the qualifications of a guardian required under § 28-65-203.

(B) If approved by the Public Guardian for Adults, the

volunteer shall be reimbursed for expenses in the same manner as public employees.

(C) A volunteer shall not be an employee of any facility or program that provides services to the ward.

(D) ~~Volunteers~~ A volunteer shall not be related to the owner or any staff member of any facility or program that provides services to the ward.

(b)(1) The Public Guardian for Adults shall receive and review referrals for adult guardianship.

(2) A court ~~shall not~~ may appoint the Public Guardian for Adults as the guardian of a person or estate, or both, ~~unless the Public Guardian for Adults petitions for the guardianship and consents to the appointment if a willing person or entity that is qualified to be a guardian under § 28-65-203 is unavailable.~~

SECTION 3. Arkansas Code § 28-65-703(h), concerning the duties of the Public Guardian for Adults, is repealed.

~~(h)(1) Upon petition by the Department of Human Services, a court may direct payment from the assets of the ward for services rendered or goods purchased by or for the ward during the course of the guardianship.~~

~~(2) Notwithstanding the requirement of § 28-51-303(b)(2)(A), the court may allow the sale of a ward's property at public auction for less than three fourths (3/4) of the appraised value.~~