

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

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 404

By: Senator J. Boyd

By: Representative John Carr

## For An Act To Be Entitled

AN ACT TO REQUIRE NOTIFICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION OF THE PROBATE OF AN ESTATE IF THE DEPARTMENT OF FINANCE AND ADMINISTRATION HAS FILED A CERTIFICATE OF INDEBTEDNESS AGAINST THE DECEDENT; AND FOR OTHER PURPOSES.

## Subtitle

TO REQUIRE NOTIFICATION TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION OF THE PROBATE OF AN ESTATE IF THE DEPARTMENT OF FINANCE AND ADMINISTRATION HAS FILED A CERTIFICATE OF INDEBTEDNESS AGAINST THE DECEDENT.

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

SECTION 1. Arkansas Code § 28-40-111(a)(4), concerning notice of the probate of an estate to creditors, is amended to read as follows:

(4)(A) Within one (1) month after the first publication of the notice, a copy of the notice shall also be served in accordance with § 28-1-112(b)(1), § 28-1-112(b)(2), or § 28-1-112(b)(3) upon each heir and devisee whose name and address are known and upon all unpaid creditors whose names, status as creditors, and addresses are known to or reasonably ascertainable by the personal representative, including ~~the~~:

(i) The Department of Human Services if it is known or could reasonably be ascertained that the ~~department~~ Department of Human



Services has rendered services to the decedent, ~~in accordance with § 28-1-112(b)(1), § 28-1-112(b)(2), or § 28-1-112(b)(3);~~ and

(ii) The Department of Finance and Administration if the Department of Finance and Administration has filed a certificate of indebtedness against the decedent under § 26-18-701 in the county in which the probate action was filed or as otherwise provided in § 26-18-701.

~~(B)(i) Notice to the department~~ The notice required under subdivision (a)(4)(A)(i) of this section shall be served upon the Office of Chief Counsel, Decedent's Estates, P.O. Box 1437, Little Rock, AR 72203.

~~(ii) A copy of the petition for probate of a will or administration of an estate and the decedent's social security number shall be attached to the notice served upon the department~~ The notice required under subdivision (a)(4)(A)(ii) of this section shall be served upon the Garnishment Section, Probate Division, P.O. Box 1369, Suite 1450, Little Rock, AR 72203.

(iii) Notice served under subdivision (a)(4)(B) of this section shall include a copy of the petition for probate of a will or administration of an estate and the decedent's Social Security number.

(C)(i) If, thereafter, the names and addresses of any such creditors are ascertained, a copy of the notice shall be promptly served upon them.

(ii) The burden of proof on any issue as to whether a creditor was known to or reasonably ascertainable by the personal representative shall be upon the creditor claiming entitlement to such actual notice.