

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Beebe**  
5  
6

**A BILL ACT 163 OF 1991**  
**SENATE BILL 20**

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

**For An Act To Be Entitled**

"AN ACT TO AMEND ARKANSAS CODE 20-78-202 TO REDEFINE THE  
TERM 'CHILD CARE FACILITY'; TO AMEND ARKANSAS CODE 28-65-  
207 PERTAINING TO THE APPOINTMENT OF GUARDIANS; AND FOR  
OTHER PURPOSES."

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

SECTION 1. Arkansas Code 20-78-202(4) is hereby amended to read as follows: "(4) 'Child care facility' means any facility which provides care, training, education, custody, or supervision for any unrelated minor child whether or not the facility is operated for profit, and whether or not the facility makes a charge for the services offered by it. For the purposes of this Act 'related minor child' means a minor child related by blood, marriage, or adoption to the owner or operator of the facility, or a minor child who is a ward of the owner or operator of the facility pursuant to a guardianship order issued by an Arkansas Court of competent jurisdiction.

(A) This definition includes, but is not limited to, a nursery, a nursery school, kindergarten, a day care center, or a family day care home, foster home, group home, and custodial institution.

(B) In any case where a facility or the owner or operator thereof is appointed guardian of a total of ten (10) or more minors, it shall be presumed that the facility, owner or operator is engaged in child care and shall be subject to child care facility licensure.

(C) However, this definition does not include:

(i) Special schools or classes operated solely for religious instruction;

(ii) Facilities operated in connection with a church, shopping center, business, or establishment where children are cared for during short periods of time while parents or persons in charge of the

1 children are attending church services, shopping, or engaging in other  
2 activities during the periods;

3 (iii) Any educational facility, whether private or public,  
4 which operates solely for educational purposes in grades one or above and does  
5 not provide any custodial care;

6 (iv) Kindergartens operated as a part of the public schools  
7 of this state;

8 (v) Any situation, arrangement, or agreement by which one  
9 (1) or more persons care for less than six children from more than one (1)  
10 family at the same time;

11 (vi) Any educational facility, whether public or private,  
12 which operates a kindergarten program in conjunction with grades one and above  
13 and provides short-term custodial care prior to or following classes for those  
14 students; and

15 (vii) Any recreational facility or program, whether public  
16 or private, which operates solely as a place of recreation for minor children.  
17 For purposes of this act, a recreational facility or program is defined as a  
18 facility or program which operates with children arriving and leaving  
19 voluntarily for scheduled classes, activities, practice, games and meetings."  
20

21 *SECTION 2. Arkansas Code 28-65-207(b) is hereby amended to read as*  
22 *follows: "(b) Except as provided in subsection (a) of this section, before*  
23 *the court shall appoint a guardian, other than a temporary guardian, notice of*  
24 *the hearing of the application for the appointment of the guardian shall be*  
25 *served upon the following:* (1) *The alleged*

26 *incapacitated person if over fourteen (14) years of age, and the alleged*  
27 *incapacitated person shall be notified of his rights under 28-65-213. This*  
28 *notice shall be served with the notice of hearing;*

29 (2) *The parents of the alleged incapacitated person, if the alleged*  
30 *incapacitated person is a minor;*

31 (3) *The spouse, if any, of the alleged incapacitated person;*

32 (4) (A) *Any other person who is the guardian of the person or of the*  
33 *estate of the alleged incapacitated person, or any other person who has the*  
34 *care and custody of the alleged incapacitated person, and the director of any*  
35 *agency from which the respondent is receiving services;*

