

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S3/25/13

A Bill

HOUSE BILL 1693

5 By: Representative Leding
6 By: Senator J. Woods
7

For An Act To Be Entitled

9 AN ACT TO CLARIFY WHO CAN RECEIVE A GUARDIANSHIP
10 SUBSIDY FROM THE DEPARTMENT OF HUMAN SERVICES; WHEN A
11 GUARDIANSHIP SUBSIDY IS TERMINATED; WHEN THE
12 DEPARTMENT OF HUMAN SERVICES MAY INTERVENE IN A
13 GUARDIANSHIP CASE; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 AN ACT CONCERNING A GUARDIANSHIP SUBSIDY;
17 AND THE ROLE OF THE DEPARTMENT OF HUMAN
18 SERVICES IN CERTAIN GUARDIANSHIP CASES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 9-8-205 is amended to read as follows:
25 9-8-205. Guardianship subsidy agreement.

26 (a) A written guardianship subsidy agreement must be entered before
27 the guardianship is established.

28 (b) The guardianship subsidy agreement shall become effective upon
29 entry of the order of granting guardianship.

30 ~~(c)(1) In the case of a child whose eligibility is based on a high~~
31 ~~risk for development of a serious physical, mental, developmental, or~~
32 ~~emotional condition, the guardianship subsidy agreement shall provide no~~
33 ~~guardianship subsidy until the child actually develops the condition.~~

34 ~~(2) No guardianship subsidy shall be made until adequate~~
35 ~~documentation is submitted by the guardian showing that the child has now~~
36 ~~developed the condition upon which eligibility was based.~~



1 ~~(3) Upon acceptance by the Department of Human Services that the~~
2 ~~child has developed the condition upon which eligibility was based, the~~
3 ~~guardianship subsidy shall be retroactive to the date the guardian submitted~~
4 ~~adequate documentation that the child developed the condition.~~

5 ~~(d)~~ No guardianship subsidy may be made for any child who has attained
6 eighteen (18) years of age unless permitted by the funding stream.

7
8 SECTION 2. Arkansas Code § 28-65-104, concerning guardianship for
9 incapacitated persons, is amended to add an additional subdivision to read as
10 follows:

11 (3) Persons under age twenty-one (21) who:

12 (A) Have reached eighteen (18) years of age;

13 (B) Have a current guardianship established based solely
14 on the minority age of the person;

15 (C) Agree to allow the current guardianship to continue up
16 to twenty-one (21) years of age; and

17 (D) Receive a guardianship subsidy paid for or approved by
18 the Department of Human Services.

19
20 SECTION 3. Arkansas Code § 28-65-107(c), concerning the jurisdiction
21 of courts in guardianship cases, is amended to add an additional subdivision
22 to read as follows:

23 (3) The Department of Human Services may intervene as a matter
24 of right in a guardianship action at any time before the entry of a permanent
25 guardianship order if:

26 (A) A guardianship action is initiated for a child or
27 adult in the custody of the department, including a seventy-two-hour hold;
28 and

29 (B) The custody of the child or adult is granted to a
30 party seeking guardianship.

31
32 SECTION 4. Arkansas Code § 28-65-401(a), concerning the termination of
33 guardianship, is amended to add an additional subdivision to read as follows:

34 (4) If the guardianship was solely because of the ward's
35 minority, by the ward reaching the age of majority, unless the guardian
36 receives a guardianship subsidy from the Department of Human Services, then

1 the guardianship is terminated when the ward:
2 (A) Reaches twenty-one (21) years of age; or
3 (B) Who is eighteen (18) years of age or older requests
4 termination of the guardianship.

5
6
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

/s/Leding