

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 2006

By: Representative Capp

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE INITIAL PERIOD
FOR WHICH A TEMPORARY GUARDIAN IS APPOINTED FOR AN
INCAPACITATED PERSON; TO AMEND THE LAW CONCERNING
FULL MERIT HEARINGS HELD AFTER THE ENTRY OF EMERGENCY
TEMPORARY GUARDIANSHIP ORDERS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE INITIAL
PERIOD FOR WHICH A TEMPORARY GUARDIAN IS
APPOINTED FOR AN INCAPACITATED PERSON;
AND TO AMEND THE LAW CONCERNING FULL
MERIT HEARINGS HELD AFTER THE ENTRY OF
EMERGENCY TEMPORARY GUARDIANSHIP ORDERS.

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

SECTION 1. Arkansas Code § 28-65-218(a), concerning the initial period
for which a temporary guardian is appointed for an incapacitated person, is
amended to read as follows:

(a)(1) Except as provided under subdivision (a)(2) of this section, if
the court finds that there is imminent danger to the life or health of the
incapacitated person or of loss, damage, or waste to the property of an
incapacitated person and that this requires the immediate appointment of a
guardian of his or her person or estate, or both, the court may, with or
without notice, appoint a temporary guardian for the incapacitated person for
a specified period, which period, including all extensions, shall not exceed



1 ninety (90) days, and the court may remove or discharge him or her or
2 terminate the guardianship.

3 (2)(A) ~~If the incapacitated person is a minor, the initial~~
4 ~~period for the appointment of a temporary guardian shall be for a period not~~
5 ~~to exceed ninety (90) days.~~

6 (B)(i) However, on or before the expiration of the ninety-
7 day period, the court may extend the temporary guardianship for an additional
8 period not to exceed ninety (90) days if the court finds after a hearing on
9 the merits that there remains imminent danger to the life or health of the
10 ~~minor~~ incapacitated person if the temporary guardianship is not extended.

11 (ii)(B) Notice of the hearing shall be given before the
12 hearing as required by subsections (b)-(d) of this section. However, notice
13 is not required with respect to a person whose whereabouts are unknown or
14 cannot by the exercise of reasonable diligence be ascertained.

15
16 SECTION 2. Arkansas Code § 28-65-218(f), concerning full merit
17 hearings held after the entry of emergency temporary guardianship orders, is
18 amended to read as follows:

19 (f)(1) ~~Within three (3) working days of the entry of the temporary~~
20 ~~guardianship order, a full hearing on the merits shall be held. Within~~
21 fourteen (14) business days of the entry of an emergency guardianship order,
22 a hearing on the merits shall be held.

23 (2) If good cause is shown to extend the hearing, the hearing
24 shall be held upon the next available court date in the appropriate venue.