

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bookout**

A Bill

ACT 416 OF 1993
SENATE BILL 465

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 28-65-203 (h) AND (i) TO
9 ALLOW EMPLOYEES OF PUBLIC AGENCIES TO SERVE AS GUARDIANS
10 FOR RELATIVES AND PERSONS TO WHOM THEY DO NOT PROVIDE
11 DIRECT SERVICES; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO ALLOW EMPLOYEES OF PUBLIC AGENCIES TO SERVE AS
15 GUARDIANS FOR RELATIVES AND PERSONS TO WHOM THEY DO NOT
16 PROVIDE DIRECT SERVICES."

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

20 SECTION 1. Arkansas Code 28-65-203 (h) and (i) are amended to read as
21 follows:

22 "28-65-203. Qualifications of guardian.

23 (h) (1) Except as provided in subsection (b) of this section, no public
24 agency or employee of any public agency acting in his official capacity shall
25 be appointed as guardian for any incapacitated person.

26 (2) No employee of a public agency which provides direct services
27 to the incapacitated person shall be appointed guardian of the person or
28 estate of an incapacitated person.

29 (3) No employee of a public agency which provides direct services
30 to the incapacitated person shall be appointed as a temporary guardian.

31 (4) The Arkansas Department of Human Services shall issue
32 regulations to implement this provision.

33 (i) A person may be appointed temporary guardian of an incapacitated
34 person notwithstanding the provisions of subsection (h) of this section if he
35 is related to the incapacitated person within the third degree of
36 consanguinity and the court determines that any potential conflict of interest

1 is unsubstantial and that the appointment is in the best interest of the
2 ward."

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4 SECTION 2. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 4. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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APPROVED: 03-09-93

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