

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

As Engrossed: S3/21/13
A Bill

HOUSE BILL 1811

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

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE PUBLIC GUARDIANSHIP LAW; TO
10 REQUIRE THE CONSENT OF THE PUBLIC GUARDIAN BEFORE
11 APPOINTMENT; TO AUTHORIZE THE EMPLOYMENT OF DEPUTY
12 PUBLIC GUARDIANS; AND FOR OTHER PURPOSES.
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15 **Subtitle**

16 AN ACT TO AMEND THE PUBLIC GUARDIANSHIP
17 LAW; TO REQUIRE THE CONSENT OF THE PUBLIC
18 GUARDIAN BEFORE APPOINTMENT; AND TO
19 AUTHORIZE THE EMPLOYMENT OF DEPUTY PUBLIC
20 GUARDIANS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 28-65-703(a)-(c), concerning the Public
26 Guardian for Adults, is amended to read as follows:

27 (a) The Public Guardian for Adults:

28 (1) Shall administer and organize the work of the Office of
29 Public Guardian for Adults;

30 (2) May employ staff as necessary to carry out the functions of
31 the office, including the employment of Deputy Public Guardians for Adults
32 who:

33 (A) Meet the same qualifications as required for the
34 Public Guardian for Adults in § 28-65-702;

35 (B) Have the same power and duties as the Public Guardian
36 for Adults except those related to the administration and organization of the



1 Office of Public Guardian for Adults; and

2 (C) May act on behalf of the Public Guardian for Adults in
3 matters related to guardianships held by the Public Guardian for Adults; and

4 (3)(A) May accept the services of volunteers who shall possess
5 all of the qualifications of a guardian required under § 28-65-203.

6 (B) If approved by the Public Guardian for Adults, the
7 volunteer shall be reimbursed for expenses in the same manner as public
8 employees.

9 (C) A volunteer shall not be an employee of any facility
10 or program that provides services to the ward.

11 (D) Volunteers shall not be related to the owner or any
12 staff member of any facility or program that provides services to the ward.

13 (b)(1) The Public Guardian for Adults shall receive and review
14 referrals for adult guardianship.

15 (2) A court shall not appoint the Public Guardian for Adults as
16 the guardian of a person or estate unless the Public Guardian for Adults
17 petitions for the guardianship and consents to the appointment.

18 (c) The Public Guardian for Adults may petition to be appointed
19 guardian of the person of an adult or guardian of the ~~property~~ estate of an
20 adult, or both, if:

21 (1) The Public Guardian for Adults has probable cause to believe
22 that the adult lacks the capacity to make and communicate decisions necessary
23 for his or her health, safety, and welfare or to manage his or her property;

24 (2) The Public Guardian for Adults believes that the adult is
25 incapacitated;

26 (3) There is no suitable private guardian qualified and willing
27 to accept the guardianship appointment; and

28 (4) A circuit court determines that the Public Guardian for
29 Adults would be a suitable guardian for the incapacitated adult.

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31 /s/Leding

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34 **APPROVED: 04/02/2013**