

1 State of Arkansas As Engrossed: H2/11/19 S2/28/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1331

4

5 By: Representative Capp

6 By: Senator B. Davis

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For An Act To Be Entitled

9 AN ACT TO ESTABLISH A PROCESS FOR DISTRIBUTION OF A
10 RESIDENT'S PROPERTY BY A HUMAN DEVELOPMENT CENTER
11 UPON THE DEATH OF THE RESIDENT; AND FOR OTHER
12 PURPOSES.

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Subtitle

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TO ESTABLISH A PROCESS FOR DISTRIBUTION
17 OF A RESIDENT'S PROPERTY BY A HUMAN
18 DEVELOPMENT CENTER UPON THE DEATH OF THE
19 RESIDENT.

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

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24 SECTION 1. Arkansas Code Title 20, Chapter 48, Subchapter 4, is
25 amended to add an additional section to read as follows:

26 20-48-417. Property and personal effects of residents.

27 (a)(1) Within thirty (30) days after the death of a resident, a human
28 development center shall provide an accounting and distribute all funds held
29 in trust and all other property to:

30 (A) The resident's personal representative, if a personal
31 representative has been appointed by a court at the time that the human
32 development center disburses the funds and distributes any other property;

33 (B) If a personal representative has not been appointed by
34 a court, the resident's spouse; or

35 (C) If the resident did not have a spouse and a personal
36 representative has not been appointed by the court, the beneficiary named in



1 the beneficiary designation form provided to the human development center by
2 the resident.

3 (2) A licensee, owner, administrator, or representative of a
4 human development center shall not be named as a beneficiary on a beneficiary
5 designation form.

6 (3) The resident, or the resident's court-appointed guardian,
7 shall complete the beneficiary designation form at the time of admission to a
8 human development center in the presence of two (2) witnesses who shall sign
9 the form.

10 (b)(1) If the resident does not have a court-appointed personal
11 representative or a spouse or if the named beneficiary cannot be located, the
12 funds held in trust shall be placed in an account in a bank, savings and loan
13 association, trust company, or credit union located in this state and, if
14 possible, within the same county as the human development center.

15 (2) The funds shall not be represented as part of the assets of
16 the human development center on a financial statement.

17 (3) The human development center shall maintain:

18 (A) One (1) account for each resident in which are placed
19 all funds held in trust for that resident;

20 (B) Adequate records to permit compilation of amount due
21 to each deceased resident's account; and

22 (C) The resident's account until the funds are disbursed
23 under the probate law, § 28-1-101 et seq.

24 (c) If the resident does not have a court-appointed personal
25 representative or a spouse or if the named beneficiary cannot be located, all
26 other property held shall be disbursed to the closest relatives of the
27 resident as determined under § 28-9-214.

28 (d)(1) If any intangible property is not disbursed under this section
29 within one (1) year after the property becomes distributable, the human
30 development center shall escheat the property to the Auditor of State in
31 accordance with the Unclaimed Property Act, § 18-28-201 et seq.

32 (2) If any tangible property is not disbursed under this section
33 within one (1) year after the property becomes distributable, the human
34 development center shall escheat the property to the Division of
35 Developmental Disabilities Services of the Department of Human Services.

36 (e) The funds and all other property of the deceased resident shall be

- 1 kept separate from the funds and other property of:
- 2 (1) The human development center; and
- 3 (2) Other residents of the human development center.

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5 /s/Capp
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8 **APPROVED: 3/13/19**
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