

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4  
5 By: Representative Capp

# A Bill

HOUSE BILL 1331

## For An Act To Be Entitled

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

## Subtitle

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

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

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

25 20-48-417. Property and personal effects of residents.

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

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

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

34 (C) If the resident did not have a spouse and a personal  
35 representative has not been appointed by the court, the beneficiary named in  
36 the beneficiary designation form provided to the human development center by



1 the resident.

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

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

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

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

16 (3) The human development center shall maintain:

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

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

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

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

27 (d) If any property is not disbursed under this section within five  
28 (5) years after the death of the resident, the human development center shall  
29 escheat the property to the Division of Developmental Disabilities Services  
30 of the Department of Human Services.

31 (e) The funds and all other property of the deceased resident shall be  
32 kept separate from the funds and other property of:

33 (1) The human development center; and

34 (2) Other residents of the human development center.

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