

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/3/19

A Bill

SENATE BILL 625

5 By: Senator B. Ballinger
6 By: Representative Maddox
7

For An Act To Be Entitled

9 AN ACT TO ALLOW A PARENT TO APPOINT A TEMPORARY
10 GUARDIAN FOR HIS OR HER MINOR CHILD IN THE EVENT OF
11 THE DEATH OF THE PARENT; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ALLOW A PARENT TO APPOINT A TEMPORARY
16 GUARDIAN FOR HIS OR HER MINOR CHILD IN
17 THE EVENT OF THE DEATH OF THE PARENT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 28, Chapter 65, Subchapter 2, is
23 amended to add an additional section to read as follows:

24 28-65-222. Parental appointment of temporary guardian.

25 (a)(1) A parent of a minor child may appoint a person to act as a
26 temporary guardian of his or her minor child in the event of the death of the
27 parent if:

28 (A)(i) The parent signs a notarized statement that
29 includes:

30 (a) The name and date of birth of the minor
31 child for whom the person is being appointed as a temporary guardian;

32 (b)(1) The name of the person who is appointed
33 as the temporary guardian of the minor child.

34 (2) A parent may appoint:

35 (A) One (1) individual as a
36 temporary guardian of a minor child of the parent; or



1 (B) Two (2) individuals who are
2 married to each other as temporary co-guardians of a minor child of the
3 parent; and

4 (c) The sworn and signed attestation of two
5 (2) witnesses that states that each witness was present and witnessed the
6 parent sign the notarized statement in which the temporary guardian of the
7 minor child was appointed.

8 (ii) Both parents of the minor child shall sign and
9 notarize the written appointment of the temporary guardian if both parents of
10 the minor child are alive; and

11 (B) The person whom the parent appoints as a temporary
12 guardian consents to the appointment in a signed and notarized statement.

13 (2) A parent may revoke or amend his or her appointment of a
14 temporary guardian under subdivision (a)(1) of this section at any time
15 before his or her death.

16 (b)(1) The appointment of a temporary guardian under subsection (a) of
17 this section is immediately effective upon the:

18 (A) Death of the appointing parent if the other parent is
19 deceased; or

20 (B) Death of both appointing parents.

21 (2)(A) Upon the death of an appointing parent if the other
22 parent is deceased or the death of both appointing parents, the appointed
23 guardian shall have a temporary guardianship of the minor child for no more
24 than forty-five (45) days.

25 (B) A court may:

26 (i) Extend the time period of the initial temporary
27 guardianship for an additional ninety (90) days; or

28 (ii) Terminate the temporary guardianship for good
29 cause.

30 (c) A person appointed as a temporary guardian under subsection (a) of
31 this section who is interested in becoming a permanent guardian for the minor
32 child shall follow all other procedures required under this chapter to obtain
33 permanent guardianship of the minor child.

34 (d) Unless otherwise provided by law, a court shall:

35 (1) Comply with the wishes of an appointing parent; and

36 (2) Name the person appointed as a temporary guardian by an

1 appointing parent the permanent guardian of the minor child unless the person
2 is determined to be unfit.

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/s/B. Ballinger