

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 586

5 By: Senator B. Ballinger
6 By: Representative J. Mayberry
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.
12
13

Subtitle

14 TO ALLOW A PARENT TO APPOINT A TEMPORARY
15 GUARDIAN FOR HIS OR HER MINOR CHILD IN
16 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) Except as provided in § 28-65-218 and in subdivision (a)(2) of
26 this section, a parent of a minor child may appoint one (1) or more persons
27 to act as a temporary guardian of his or her minor child in the event of the
28 death of the parent if the:

29 (A) Parent signs a notarized writing that includes the:

30 (i) Name and date of birth of the minor child for
31 whom the person is being appointed as guardian;

32 (ii) Name of each person being appointed as a
33 guardian of the minor child; and

34 (iii) Sworn attestation of two (2) witnesses that
35 states and affirms that each witness witnessed the parent sign the notarized
36 writing;



1 (B) Notarized writing signed by the parent as required
2 under subdivision (a)(1)(A) of this section is no more than five (5) years
3 old; and

4 (C) Each person appointed by the parent as a guardian of
5 the minor child consents to the appointment in a signed and notarized
6 writing.

7 (2) An appointing parent may appoint two (2) people as co-
8 guardians of the minor child if the two (2) people are married to each other.

9 (3) Both parents of the minor child shall sign the notarized
10 writing required under subdivision (a)(1)(A) of this section if both parents
11 are alive.

12 (4) A parent may revoke or amend his or her appointment of a
13 guardian under this section at any time before his or her death.

14 (b)(1) An appointment of a guardian for a minor child under this
15 section is immediately effective upon the death of:

16 (A) The appointing parent if the other parent is deceased;
17 or

18 (B) Both appointing parents.

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

23 (B) A court may extend the time period of the initial
24 temporary guardianship for an additional ninety (90) days or terminate the
25 temporary guardianship for good cause.

26 (c) A person who is appointed by an appointing parent as a temporary
27 guardian of a minor child under this section and who is willing to become the
28 permanent guardian of the minor child shall follow the procedures required
29 under this chapter to obtain permanent guardianship of the minor child.

30 (d) Unless otherwise provided by law, a court shall comply with the
31 wishes of an appointing parent and appoint each person appointed by the
32 appointing parent as temporary guardian of the appointing parent's minor
33 child as a permanent guardian of the minor child unless the person appointed
34 as guardian is determined to be unfit by the court.

35 (e) A notarized writing required under subdivision (a)(1)(A) of this
36 section does not supersede a court order concerning child custody that exists

1 at the time of the death of one (1) or both parents.

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