REQUESTING THE HOUSE COMMITTEE ON AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS AND THE SENATE COMMITTEE ON CHILDREN AND YOUTH STUDY THE PREVENTION OF ABUSE OF ELDERLY AND VULNERABLE ADULTS.

WHEREAS, guardianship is a state process in which a court gives a person, the guardian, the duty and power to make personal and legal decisions for another adult, the ward, who has been found to lack capacity to make decisions for himself or herself; and

WHEREAS, over one thousand (1,000) new adult guardianship petitions are filed in Arkansas each year; and

WHEREAS, each of these cases are required to be monitored by the courts annually; and

WHEREAS, the lack of proper monitoring in a guardianship can often lead to abusive situations or the court losing track of an individual and his or her resources; and

WHEREAS, Arkansas’s guardianship laws have not been substantially updated since 1985,

NOW THEREFORE,

BE IT PROPOSED BY THE HOUSE COMMITTEE ON AGING, CHILDREN AND YOUTH, LEGISLATIVE AND MILITARY AFFAIRS AND THE SENATE COMMITTEE ON CHILDREN AND YOUTH OF THE NINETY-SECOND GENERAL ASSEMBLY:

THAT the House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Committee on Children and Youth shall study, evaluate, and make recommendations for changes to state policy, rules, and statutes that may assist in providing better protections and services for individuals who may be at risk for abuse, neglect, or exploitation under the current adult guardianship laws by reviewing:
(1) Current guardianship statutes to determine if changes may improve protections for elderly and vulnerable adults;
(2) Guardianship services that are offered by the Department of Human Services;
(3) Local-level efforts to provide guardianship services; and
(4) Funding needs and the availability of funds for guardianship services, including without limitation an examination of existing and potential funding sources.

Respectfully submitted,

Representative Sarah Capp
District 82

Senator Will Bond
District 32
Prepared by: JET/VJF