

1 INTERIM STUDY PROPOSAL 2019-008

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

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

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

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

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

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23 WHEREAS, Arkansas's guardianship laws have not been substantially
24 updated since 1985,

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26 NOW THEREFORE,

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

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31 THAT the House Committee on Aging, Children and Youth, Legislative and
32 Military Affairs and the Senate Committee on Children and Youth shall study,
33 evaluate, and make recommendations for changes to state policy, rules, and
34 statutes that may assist in providing better protections and services for
35 individuals who may be at risk for abuse, neglect, or exploitation under the
36 current adult guardianship laws by reviewing:

1 (1) Current guardianship statutes to determine if changes may improve
2 protections for elderly and vulnerable adults;

3 (2) Guardianship services that are offered by the Department of Human
4 Services;

5 (3) Local-level efforts to provide guardianship services; and

6 (4) Funding needs and the availability of funds for guardianship
7 services, including without limitation an examination of existing and
8 potential funding sources.

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10 Respectfully submitted,

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14 Representative Sarah Capp

15 District 82

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19 Senator Will Bond

20 District 32

21 Prepared by: JET/VJF
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