

State of Arkansas

As Engrossed: S2/25/99

82nd General Assembly

A Bill

Regular Session, 1999

SENATE BILL 214

By: Senator Webb

For An Act To Be Entitled

"AN ACT PERTAINING TO ADD THE DEFINITION OF STAND-BY
GUARDIANS TO THE GUARDIANSHIP STATUTES; TO AMEND
ARKANSAS CODE 28-65-301 TO COMPLY WITH PUBLIC LAW 105-
89, 'THE ADOPTION AND SAFE FAMILIES ACT'; AND FOR
OTHER PURPOSES."

Subtitle

"TO CREATE STAND-BY GUARDIANS AND TO
CLARIFY THE ROLE OF THE GUARDIAN OF A
MINOR."

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

SECTION 1. Arkansas Code Title 28, Chapter 65, Subchapter 2 is amended
to add the following new section to be appropriately numbered by the Arkansas
Code Revision Commission:

"Stand-by Guardians.

(a) Any parent who is chronically ill or near death, without
surrendering parental rights, may have a stand-by guardian appointed by the
Court, using the same procedures outlined in this subchapter to establish a
Guardianship, for the parent's minor children, whose authority would take
effect as outlined in an Order of Stand-by Guardianship, upon:

(1) The death of the parent;

(2) The mental incapacity of the parent; or

(3) The physical debilitation and consent of the parent.

(b) The stand-by guardian shall immediately notify the court upon the
death, incapacity or debilitation of the parent and shall immediately assume

1 the role of guardian of the minor children.

2 (c)The Court shall enter an Order of Guardianship in conformance with
3 this Act."

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5 SECTION 2. Arkansas Code 28-65-301(a)(1) is amended to read
6 as follows:

7 "(a)(1) It shall be the duty of the guardian of the person, consistent
8 with and out of the resources of the ward's estate, to care for and maintain
9 the ward and, if he is a minor, to see that he is protected, properly trained
10 and educated and that he has the opportunity to learn a trade, occupation, or
11 profession."

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13 SECTION 3. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 4. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.

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23 SECTION 5. All laws and parts of laws in conflict with this act are
24 hereby repealed.

25 /s/ Webb
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