

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1426

5 By: Representatives Wood, Dees
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For An Act To Be Entitled

9 AN ACT TO AMEND PROCEDURES FOR EVALUATING AN
10 INCAPACITATED PERSON FOR PURPOSES OF GUARDIANSHIP
11 APPOINTMENTS; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO AMEND PROCEDURES FOR
14 EVALUATING AN INCAPACITATED PERSON FOR
15 PURPOSES OF GUARDIANSHIP APPOINTMENTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas code 28-65-212 is amended to read as follows:
22 28-65-212. Evaluations.

23 (a)(1) A professional evaluation shall be performed prior to the court
24 hearing on any petition for guardianship except when appointment is being
25 made because of minority, disappearance, detention, or confinement by a
26 foreign power, or pursuant to § 28-65-218.

27 (2) The evaluation shall be performed by a professional or
28 professionals with expertise appropriate for the respondent's alleged
29 incapacity.

30 (b) The evaluation shall include the following:

- 31 (1) The respondent's medical and physical condition;
32 (2) His adaptive behavior;
33 (3) His intellectual functioning;
34 (4) Recommendation as to the specific areas for which assistance
35 is needed and the least restrictive alternatives available.

36 (c)(1) If no professional evaluations performed within the last six



1 (6) months are available, the court will order an independent evaluation.

2 (2) If the petition is granted, the cost of the independent
3 evaluation will be borne by the estate of the incapacitated person. In the
4 event the petition is denied, the costs will be borne by the petitioner.

5 ~~(d)(1) The court may request the assistance of a Department of Human
6 Services resource person to gather records, investigate the respondent's
7 condition, and help arrange for appropriate professional evaluations.~~

8 ~~(2) The Department of Human Services shall issue regulations to
9 implement this provision.~~

10 ~~(e) Any existing evaluations made by the Department of Human Services
11 of which the court has notice must be considered by the court.~~

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