

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1811

5 By: Representative Leding  
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## For An Act To Be Entitled

8 AN ACT TO AMEND THE PUBLIC GUARDIANSHIP LAW; TO  
9 REQUIRE THE CONSENT OF THE PUBLIC GUARDIAN BEFORE  
10 APPOINTMENT; TO AUTHORIZE THE EMPLOYMENT OF DEPUTY  
11 PUBLIC GUARDIANS; AND FOR OTHER PURPOSES.  
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## Subtitle

14 AN ACT TO AMEND THE PUBLIC GUARDIANSHIP  
15 LAW; TO REQUIRE THE CONSENT OF THE PUBLIC  
16 GUARDIAN BEFORE APPOINTMENT; AND TO  
17 AUTHORIZE THE EMPLOYMENT OF DEPUTY PUBLIC  
18 GUARDIANS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 28-65-703(a)-(c), concerning the Public  
25 Guardian for Adults, is amended to read as follows:

26 (a) The Public Guardian for Adults:

27 (1) Shall administer and organize the work of the Office of  
28 Public Guardian for Adults;

29 (2) May employ staff as necessary to carry out the functions of  
30 the office, including the employment of Deputy Public Guardians for Adults  
31 who:

32 (A) Meet the same qualifications as required for the  
33 Public Guardian for Adults in § 28-65-702;

34 (B) Have the same power and duties as the Public Guardian  
35 for Adults except those related to the administration and organization of the  
36 Office of Public Guardian for Adults; and



1                    (C) May act on behalf of the Public Guardian for Adults in  
 2 matters related to guardianships held by the Public Guardian for Adults; and

3                    (3)(A) May accept the services of volunteers who shall possess  
 4 all of the qualifications of a guardian required under § 28-65-203.

5                    (B) If approved by the Public Guardian for Adults, the  
 6 volunteer shall be reimbursed for expenses in the same manner as public  
 7 employees.

8                    (C) A volunteer shall not be an employee of any facility  
 9 or program that provides services to the ward.

10                   (D) Volunteers shall not be related to the owner or any  
 11 staff member of any facility or program that provides services to the ward.

12                   (b)(1) The Public Guardian for Adults shall receive and review  
 13 referrals for adult guardianship.

14                   (2) A court shall not appoint the Public Guardian for Adults as  
 15 the guardian of a person or estate unless the Public Guardian for Adults  
 16 petitions for the guardianship and consents to the appointment.

17                   (c) The Public Guardian for Adults may petition to be appointed  
 18 guardian of the person of an adult or guardian of the ~~property~~ estate of an  
 19 adult, or both, if:

20                   (1) The Public Guardian for Adults has probable cause to believe  
 21 that the adult lacks the capacity to make and communicate decisions necessary  
 22 for his or her health, safety, and welfare or to manage his or her property;

23                   (2) The Public Guardian for Adults believes that the adult is  
 24 incapacitated;

25                   (3) There is no suitable private guardian qualified and willing  
 26 to accept the guardianship appointment; and

27                   (4) A circuit court determines that the Public Guardian for  
 28 Adults would be a suitable guardian for the incapacitated adult.

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