

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 558

By: Senator J. Hutchinson
By: Representative J. Mayberry

For An Act To Be Entitled

AN ACT TO AMEND THE PROVISIONS CONCERNING THE PUBLIC
GUARDIAN FOR ADULTS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROVISIONS CONCERNING THE
PUBLIC GUARDIAN FOR ADULTS.

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

SECTION 1. Arkansas Code § 25-10-102(a)(1), concerning the
organization of the Department of Human Services, is amended to read as
follows:

(a) The Department of Human Services shall consist of and be operated
under an integrated service system consisting of the following divisions with
responsibilities and programs assigned to them as determined by the Director
of the Department of Human Services:

(1)~~(A)~~ A Division of Aging and Adult Services;
~~(B) The Division of Aging and Adult Services may include
the Office of Public Guardian for Adults;~~

SECTION 2. Arkansas Code § 28-65-702(a), concerning the appointment of
the Public Guardian for Adults, is amended to read as follows:

(a) The Director of ~~the Division of Aging and Adult Services~~ of the
Department of Human Services or his or her designee shall appoint an employee
of the ~~Division of Aging and Adult Services~~ Department of Human Services to
serve as the Public Guardian for Adults.



1
2 SECTION 3. Arkansas Code § 28-65-702(b)(1), concerning the appointment
3 of the Public Guardian for Adults, is amended to read as follows:

4 (b)(1) In addition to the qualifications required under § 28-65-203,
5 the public guardian shall:

6 (A) Hold a degree in law or social work or a related
7 field;

8 (B) Submit to a criminal background check with
9 satisfactory results as prescribed by the ~~division~~ department;

10 (C) Attend and complete at least twenty (20) hours of
11 training approved by the ~~division~~ department; and

12 (D) Demonstrate competency and ability to carry out the
13 values of the ward.
14

15 SECTION 4. Arkansas Code § 28-65-703, concerning the duties of the
16 Public Guardian for Adults, is amended to add an additional subsection to
17 read as follows:

18 (h)(1) Upon petition by the Department of Human Services, a court may
19 direct payment from the assets of the ward for services rendered or goods
20 purchased by or for the ward during the course of the guardianship.

21 (2) Notwithstanding the requirement of § 28-51-303(b)(2)(A), the
22 court may allow the sale of a ward's property at public auction for less than
23 three-fourths (3/4) of the appraised value.
24

25 SECTION 5. Arkansas Code § 28-65-705 is amended to read as follows:

26 28-65-705. No bond or fee required.

27 (a) Bond shall not be required in connection with public guardian
28 services under this subchapter.

29 (b) A fee may not be charged or collected by the circuit clerk or
30 county clerk in connection with public guardian services under this
31 subchapter, including without limitation fees for filing, summons, or
32 subpoenas.
33
34
35
36