

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

*As Engrossed: S3/9/15*

# A Bill

SENATE BILL 558

5 By: Senator J. Hutchinson  
6 By: Representative J. Mayberry  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE PROVISIONS CONCERNING THE PUBLIC  
10 GUARDIAN FOR ADULTS; AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO AMEND THE PROVISIONS CONCERNING THE  
15 PUBLIC GUARDIAN FOR ADULTS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 25-10-102(a)(1), concerning the  
21 organization of the Department of Human Services, is amended to read as  
22 follows:

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

27 (1)~~(A)~~ A Division of Aging and Adult Services;  
28 ~~(B) The Division of Aging and Adult Services may include~~  
29 ~~the Office of Public Guardian for Adults;~~  
30

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

33 (a) The Director of ~~the Division of Aging and Adult Services of the~~  
34 Office of Policy and Legal Services of the Department of Human Services or  
35 his or her designee shall appoint an employee of the ~~Division of Aging and~~  
36 ~~Adult Services~~ Office of Policy and Legal Services of the Department of Human



1 Services to serve as the Public Guardian for Adults.

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

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

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

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

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

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

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

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

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

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

27 28-65-705. No bond or fee required.

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

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

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35 */s/J. Hutchinson*  
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