

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S3/9/15 H3/26/15*  
2 90th General Assembly **A Bill**  
3 Regular Session, 2015

SENATE BILL 558

4  
5 By: Senator J. Hutchinson  
6 By: Representative J. Mayberry

7  
8 **For An Act To Be Entitled**

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

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12  
13 **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)(1) The Director of ~~the Division of Aging and Adult Services~~ of the  
34 Office of Chief Counsel of the Department of Human Services or his or her  
35 designee shall appoint an employee of the ~~Division of Aging and Adult~~  
36 ~~Services~~ Office of Chief Counsel to serve as Public Guardian for Adults.



1                   (2) A prior authorized appointment of a public guardian by the  
2 Director of the Division of Aging and Adult Services of the Department of  
3 Human Services shall have continuing effect and be relied upon in regard to  
4 the public guardian's authority to act on behalf of the ward.

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

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

10                   (A) Hold a degree in law or social work or a related  
11 field;

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

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

16                   (D) Demonstrate competency and ability to carry out the  
17 values of the ward.

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

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

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

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29           SECTION 5. Arkansas Code § 28-65-705 is amended to read as follows:  
30 28-65-705. No bond or fee required.

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

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

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*/s/J. Hutchinson*