

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1475

5 By: Representative K. Hendren
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE APPOINTMENT OF
9 GUARDIANS AND THE REPORTING REQUIREMENTS FOR
10 GUARDIANS; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO AMEND THE LAW CONCERNING THE
14 APPOINTMENT OF GUARDIANS AND THE
15 REPORTING REQUIREMENTS FOR GUARDIANS.
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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 § 28-65-208 is amended to read as follows:
22 28-65-208. Notice of other hearings.

23 Whenever notice of a hearing in a guardianship proceeding is required,
24 the notice shall be served upon the following who do not appear or in writing
25 waive notice of hearing:

- 26 (1) The ward of the guardian;
- 27 ~~(1)~~(2) The guardian of the person;
- 28 ~~(2)~~(3) The guardian of the estate; and
- 29 ~~(3)~~(4) If directed by the court:

30 (A) Any department, bureau, agency, or political
31 subdivision of the United States or of this state ~~which~~ that makes or awards
32 compensation, pension, insurance, or other allowance for the benefit of the
33 ward's estate;

34 (B) Any department, bureau, agency, or political
35 subdivision of the United States or of this state or any charitable
36 organization, which may be charged with the supervision, control, or custody



1 of the incapacitated person; or

2 (C) Any other person whom the court may designate.

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 4 SECTION 2. Arkansas Code § 28-65-213(c)(3), concerning a court's
 5 determination of the extent of a respondent's incapacity, is amended to read
 6 as follows:

7 (3) If it is found that the respondent is substantially without
 8 capacity to care for himself or herself or his or her estate, ~~a guardian for~~
 9 ~~the person or estate, or both shall be appointed.~~ the court shall:

10 (A) Appoint a guardian for the respondent's person or
 11 estate, or both; and

12 (B)(i) Schedule a hearing date to revisit the respondent's
 13 incapacity and the feasibility of a less restrictive alternative to
 14 guardianship that meets the needs of the respondent.

15 (ii) The hearing required under subdivision
 16 (c)(3)(B)(i) of this section shall take place no earlier than sixty (60) days
 17 and no later than ninety (90) days from the date on which the court appoints
 18 the guardian.

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 20 SECTION 3. Arkansas Code § 28-65-213, concerning a court's
 21 determination of the extent of a respondent's incapacity, is amended to add
 22 an additional subsection to read as follows:

23 (d)(1) A hearing under this section shall not proceed if the
 24 respondent or the respondent's counsel is not present at the hearing.

25 (2) However, a respondent is not required to be present at a
 26 hearing under this section if the court finds that the respondent has
 27 disappeared or is detained or confined by a foreign power.

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 29 SECTION 4. Arkansas Code § 28-65-218(f), concerning temporary
 30 guardians, is amended to read as follows:

31 (f)(1) Within three (3) working days of the entry of the temporary
 32 guardianship order, a full hearing on the merits shall be held.

33 (2)(A) A hearing under this subsection shall not proceed if:

34 (i) The ward or the ward's counsel is not present at
 35 the hearing; or

36 (ii) In the case of a minor, the ward, parent, or

1 counsel for either is not present at the hearing.

2 (B) A hearing cancelled under subdivision (f)(2)(A) of
 3 this section shall be rescheduled and held within fourteen (14) calendar days
 4 of the cancelled hearing.

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 6 SECTION 5. Arkansas Code § 28-65-303, concerning the care, treatment,
 7 and confinement of a ward, is amended to add a new subsection to read as
 8 follows:

9 (c)(1) The spouse, child, parent, sibling, grandchild, or grandparent
 10 of a ward placed in a state hospital or other institution for treatment,
 11 care, or safekeeping is entitled to reasonable visitation with the ward.

12 (2) Visitation under this subsection shall take place in
 13 accordance with the written policy of the state hospital or institution.

14
 15 SECTION 6. Arkansas Code § 28-65-322 is amended to read as follows:
 16 28-65-322. Reports.

17 (a) All guardians shall file an annual report with the court. A
 18 guardian shall file:

19 (1) An initial report with the court no later than thirty (30)
 20 days from the date on which the court appoints the guardian; and

21 (2) An annual report with the court beginning one (1) year from
 22 the date on which the guardian files the initial report.

23 (b) The A report required under subsection (a) of this section shall
 24 contain:

25 (1) The person's current mental, physical, and social
 26 conditions;

27 (2) His or her present living arrangements;

28 (3) The need for continued guardianship services;

29 (4) An accounting of his or her estate if the guardian has been
 30 delegated that responsibility by the court order or as a result of being a
 31 guardian of the estate; and

32 (5) Any other information requested by the court or necessary in
 33 the opinion of the guardian.

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