

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019

# A Bill

HOUSE BILL 1424

4  
5 By: Representative Capp  
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## For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE PURCHASE OF BURIAL SERVICES  
9 BY THE PUBLIC GUARDIAN FOR ADULTS; TO CLARIFY THE  
10 RESPONSIBILITIES OF THE PUBLIC GUARDIAN FOR ADULTS  
11 AFTER THE DEATH OF A WARD; AND FOR OTHER PURPOSES.  
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## Subtitle

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15 TO AUTHORIZE THE PURCHASE OF BURIAL  
16 SERVICES BY THE PUBLIC GUARDIAN FOR  
17 ADULTS; AND TO CLARIFY THE  
18 RESPONSIBILITIES OF THE PUBLIC GUARDIAN  
19 FOR ADULTS AFTER THE DEATH OF A WARD.  
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code § 28-65-706(a), concerning when a court with  
25 jurisdiction of a ward may terminate the guardianship of the Public Guardian  
26 for Adults over the ward, is amended to read as follows:

27 (a) The court having jurisdiction of the ward ~~shall not terminate the~~  
28 ~~guardianship of a living ward of the Public Guardian for Adults unless the~~  
29 ~~court declares that the ward is restored to capacity or a successor guardian~~  
30 ~~is appointed.~~ may terminate the guardianship as provided under § 28-65-401 et  
31 seq.  
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33 SECTION 2. Arkansas Code § 28-65-706, concerning the termination of  
34 guardianships, is amended to add additional subsections to read as follows:

35 (c) Within forty (40) days after the death of the ward of a Public  
36 Guardian for Adults if the Public Guardian for Adults is the:



1           (1) Guardian of the person of the ward, the Public Guardian for  
2 Adults shall:

3                   (A) File a report with the court; and

4                   (B) Petition the court to terminate the guardianship of  
5 the Public Guardian for Adults over the deceased ward;

6           (2) Guardian of the estate of the ward, the Public Guardian for  
7 Adults shall:

8                   (A) File a final account of the administration of the  
9 estate of the ward by the Public Guardian for Adults until the date of the  
10 death of the ward;

11                   (B) Cause a notice of the filing of the final account to  
12 be published;

13                   (C) Provide a copy of the final account and notice of the  
14 death of the ward to the Department of Human Services; and

15                   (D) Petition the court to terminate the guardianship of  
16 the Public Guardian for Adults over the deceased ward; or

17           (3) Guardian of the person and the estate of the ward:

18                   (A) File a final report and final account of the  
19 administration of the estate of the ward by the Public Guardian for Adults  
20 until the date of the death of the ward;

21                   (B) Cause a notice of the filing of the final account to  
22 be published;

23                   (C) Provide a copy of the final account and notice of the  
24 death of the ward to the Department of Human Services; and

25                   (D) Petition the court to terminate the guardianship of  
26 the Public Guardian for Adults over the deceased ward.

27           (d) Upon the petition of the Public Guardian for Adults to terminate  
28 the guardianship of a deceased ward, the court shall:

29                   (1) Conduct a hearing on the petition of the Public Guardian for  
30 Adults to terminate the guardianship and consider the petition, the delivery  
31 of funds, and the payment of funds for the disposition of the body of the  
32 ward as provided in this subsection;

33                   (2) Terminate the guardianship if appropriate under this section  
34 and as provided under §§ 28-65-401 – 28-65-403;

35                   (3) Discharge the Public Guardian for Adults from any further  
36 duty, liability, an accountability with regard to the guardianship and the

1 estate of the deceased ward;

2 (4) Direct delivery of the funds of the deceased ward to the  
3 appropriate person or, if no appropriate person is available, to the registry  
4 of the court pursuant to the Arkansas Rules of Civil Procedure; and

5 (5) With regard to the disposal of the body of the ward:

6 (A) Direct the payment of funds for the disposal of the  
7 body of the ward in a manner provided in a prior arrangement made by the ward  
8 of the Public Guardian for Adults;

9 (B) Direct the payment of funds to dispose of the body of  
10 the ward if a prior arrangement was not made by the ward; or

11 (C) Consent to donate the body of the ward to medical  
12 science.

13 (e)(1) The estate of the deceased ward shall be distributed in  
14 accordance with the law on the administration of decedents' estates.

15 (2) The discharge of a Public Guardian for Adults is final.

16 (f) The Public Guardian for Adults and the Department of Human  
17 Services are not responsible for any costs, including without limitation  
18 costs related to the disposition of the body of the ward.