1	State of Arkansas	As Engrossed: H2/19/19	
2	92nd General Assembly	A Bill	
3	Regular Session, 2019		HOUSE BILL 1424
4			
5	By: Representative Capp		
6			
7	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	E DEATH OF A WARD; AND FOR OTHER PUR	POSES.
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14		Subtitle	
15	TO .	AUTHORIZE THE PURCHASE OF BURIAL	
16	SER	VICES BY THE PUBLIC GUARDIAN FOR	
17	ADU	LTS; AND TO CLARIFY THE	
18	RES	PONSIBILITIES OF THE PUBLIC GUARDIAN	I
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 AR	KANSAS:
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24	SECTION 1. Ark	kansas Code § 28-65-706(a), concerni	ng when a court with
25	jurisdiction of a war	rd may terminate the guardianship of	the Public Guardian
26	for Adults over the v	ward, is amended to read as follows:	
27	(a) The court	having jurisdiction of the ward sha	ll not terminate the
28	guardianship of a liv	ving ward of the Public Guardian for	-Adults unless the
29	court declares that t	the ward is restored to capacity or	a successor guardian
30	is appointed. may ter	rminate the guardianship as provided	under § 28-65-401 et
31	seq., and subject to	the procedures required under this	section.
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33	SECTION 2. Ark	kansas Code § 28-65-706, concerning	the termination of
34	guardianships, is amended to add additional subsections to read as follows:		
35	(c) Within for	rty (40) days after the death of the	ward of a Public
36	Guardian for Adults	if the Public Guardian for Adults is	the:

02-19-2019 09:11:00 JNL044

As Engrossed: H2/19/19 HB1424

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

As Engrossed: H2/19/19 HB1424

1	(4) Direct delivery of the funds of the deceased ward to the
2	appropriate person or, if no appropriate person is available, to the registry
3	of the court pursuant to the Arkansas Rules of Civil Procedure; and
4	(5) With regard to the disposal of the body of the ward:
5	(A) Direct the payment of funds for the disposal of the
6	body of the ward in a manner provided in a prior arrangement made by the ward
7	of the Public Guardian for Adults;
8	(B) Direct the payment of funds to dispose of the body of
9	the ward if a prior arrangement was not made by the ward; or
10	(C) Consent to donate the body of the ward to medical
11	science.
12	(e)(1) The estate of the deceased ward shall be distributed in
13	accordance with the law on the administration of decedents' estates.
14	(2) The discharge of a Public Guardian for Adults is final.
15	(f) The Public Guardian for Adults and the Department of Human
16	Services are not responsible for any costs, including without limitation
17	costs related to the disposition of the body of the ward.
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