

1 State of Arkansas As Engrossed: H3/25/19 H3/28/19

2 92nd General Assembly

A Bill

3 Regular Session, 2019

HOUSE BILL 1762

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5 By: Representatives Crawford, Boyd

6 By: Senator M. Pitsch

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For An Act To Be Entitled

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AN ACT TO AMEND THE QUALIFICATIONS OF A GUARDIAN; AND

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FOR OTHER PURPOSES.

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Subtitle

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TO AMEND THE QUALIFICATIONS OF A

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GUARDIAN.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 28-65-203(a), concerning the qualifications of guardians, is amended to read as follows:

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(a)(1) A natural person ~~who is a resident of this state, eighteen (18) or more years of age, of sound mind, not a convicted and unpardoned felon,~~ is qualified to be appointed guardian of the person and of the estate of an incapacitated person, if he or she is:

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(A) A resident of this state;

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(B) At least eighteen (18) years of age;

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(C) Of sound mind; and

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(D) Subject to the limitations in subdivision (a)(2) of

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this section, either:

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(i) Not a convicted and unpardoned felon; or

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(ii) A convicted and unpardoned felon who has

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disclosed his or her prior felony conviction and for whom the court has

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entered written findings stating that, notwithstanding the felony conviction,

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he or she is otherwise qualified after reviewing a certified copy of the

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sentencing order.



1 (2) Subject to the requirements in subdivision (a)(1) of this
2 section, a convicted and unpardoned felon may:

3 (A) Be the guardian of the person for an adult;

4 (B) Be the guardian of the person for a minor who is not
5 subject to a dependency-neglect proceeding under the Arkansas Juvenile Code
6 of 1989, § 9-27-301 et seq., if the convicted and unpardoned felon is a
7 relative or fictive kin as defined in § 9-28-402;

8 (C) Be the guardian of the person for a minor who is
9 subject to a dependency-neglect proceeding under the Arkansas Juvenile Code
10 of 1989, § 9-27-301 et seq., if the convicted and unpardoned felon qualifies
11 for guardianship under subsection (b) of this section; and

12 (D) Not be the guardian of the estate for any person.

13 (3) If a convicted and unpardoned felon fails to file a report
14 or accounting required under this subchapter or by the court, the court shall
15 set a hearing for the convicted and unpardoned felon to show cause as to why
16 the guardianship should not be terminated.

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18 /s/Crawford
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