

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 625

5 By: Senator B. Ballinger
6 By: Representative Maddox
7

For An Act To Be Entitled

9 AN ACT TO ALLOW A PARENT TO APPOINT A TEMPORARY
10 GUARDIAN FOR HIS OR HER MINOR CHILD IN THE EVENT OF
11 THE DEATH OF THE PARENT; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ALLOW A PARENT TO APPOINT A TEMPORARY
16 GUARDIAN FOR HIS OR HER MINOR CHILD IN
17 THE EVENT OF THE DEATH OF THE PARENT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 28, Chapter 65, Subchapter 2, is
23 amended to add an additional section to read as follows:

24 28-65-222. Parental appointment of temporary guardian.

25 (a)(1) A parent of a minor child may appoint a person to act as a
26 temporary guardian of his or her minor child in the event of the death of the
27 parent if:

28 (A)(i) The parent signs a notarized statement that
29 includes:

30 (a) The name and date of birth of the minor
31 child for whom the person is being appointed as a temporary guardian; and

32 (b)(1) The name of the person who is appointed
33 as the temporary guardian of the minor child.

34 (2) A parent may appoint two (2)
35 individuals who are married to each other as temporary co-guardians of a
36 minor child of the parent.



1 (ii) Both parents of the minor child shall sign and
2 notarize the written appointment of the temporary guardian if both parents of
3 the minor child are alive; and

4 (B) The person whom the parent appoints as a temporary
5 guardian consents to the appointment in a signed and notarized statement.

6 (2) A parent may revoke or amend his or her appointment of a
7 temporary guardian under subdivision (a)(1) of this section at any time
8 before his or her death.

9 (b)(1) The appointment of a temporary guardian under subsection (a) of
10 this section is immediately effective upon the:

11 (A) Death of the appointing parent if the other parent is
12 deceased; or

13 (B) Death of both appointing parents.

14 (2)(A) Upon the death of an appointing parent if the other
15 parent is deceased or the death of both appointing parents, the appointed
16 guardian shall have a temporary guardianship of the minor child for no more
17 than ninety (90) days.

18 (B) A court may extend the time period of the initial
19 temporary guardianship for an additional ninety (90) days.

20 (c) A person appointed as a temporary guardian under subsection (a) of
21 this section who is interested in becoming a permanent guardian for the minor
22 child shall follow all other procedures required under this chapter to obtain
23 permanent guardianship of the minor child.

24 (d) Unless otherwise provided by law, a court shall:

25 (1) Comply with the wishes of an appointing parent; and

26 (2) Name the person appointed as a temporary guardian by an
27 appointing parent the permanent guardian of the minor child unless the person
28 is determined to be unfit.

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