

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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