

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1059

4
5 By: Representatives Wright, Steel

For An Act To Be Entitled

8 AN ACT TO ALLOW A COURT TO EXTEND THE DURATION OF A
9 TEMPORARY GUARDIANSHIP IN CERTAIN SITUATIONS; AND FOR
10 OTHER PURPOSES.

Subtitle

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14 TO ALLOW A COURT TO EXTEND THE DURATION
15 OF A TEMPORARY GUARDIANSHIP IN CERTAIN
16 SITUATIONS.

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

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21 SECTION 1. Arkansas Code § 28-65-218(a), regarding temporary
22 guardians, is amended to read as follows:

23 (a)(1) If Except as provided under subdivision (a)(2) of this section,
24 if the court finds that there is imminent danger to the life or health of the
25 incapacitated person or of loss, damage, or waste to the property of an
26 incapacitated person and that this requires the immediate appointment of a
27 guardian of his or her person or estate, or both, ~~it~~ the court may, with or
28 without notice, appoint a temporary guardian for the incapacitated person for
29 a specified period, which period, including all extensions, shall not exceed
30 ninety (90) days, and the court may remove or discharge him or her or
31 terminate the guardianship.

32 (2)(A) If the incapacitated person is a minor, the initial
33 period for the appointment of a temporary guardian shall be for a period not
34 to exceed ninety (90) days.

35 (B)(i) However, on or before the expiration of the ninety-
36 day period, the court may extend the temporary guardianship for an additional



1 period not to exceed ninety (90) days if the court finds after a hearing on
2 the merits that there remains imminent danger to the life or health of the
3 minor if the temporary guardianship is not extended.

4 (ii) Notice of the hearing shall be given before the
5 hearing as required by subsections (b)–(d) of this section. However, notice
6 is not required with respect to a person whose whereabouts are unknown or
7 cannot by the exercise of reasonable diligence be ascertained.

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