

**3008.0.0 OFFICE OF PUBLIC GUARDIAN FOR ADULTS
PUBLIC GUARDIAN FOR ADULTS-DUTIES AND RESPONSIBILITIES**

3008.1.0 Purpose

To provide quality public guardianship services to incapacitated individuals who need them and for whom adequate services may otherwise be unavailable.

3008.2.0 Scope

This policy is applicable to the Office of Public Guardian for Adults (“OPGA”) and to all DHS divisions/offices in their interactions with the OPGA.

3008.3.0 Definitions

- A. Office of Public Guardian for Adults means the Office created under Ark. Code Ann. § 28-65-701(a).
- B. Public Guardian for Adults means the administrator of the Office of Public Guardian for Adults under Ark. Code Ann. § 28-65-701(b).

3008.4.0 Public Guardian for Adults-Position Generally

3008.4.1 The Director of the Division of Aging and Adult Services (“Director”) shall appoint an employee who meets the requirements of Ark Code Ann §28-65-702(b) to serve as Public Guardian for Adults.

3008.4.2 The Public Guardian for Adults shall administer the OPGA and accomplish the duties set forth in Ark. Code Ann §28-65-701, *et seq*, in accordance with Arkansas law.

3008.4.3 The Public Guardian for Adults, either directly or through staff or volunteered services, shall monitor each ward and each ward’s care and progress on a continuing basis.

3008.4.4 The Public Guardian for Adults shall keep and maintain financial, case control, and statistical records in accordance with generally accepted professional business and accounting standards in all cases for which the OPGA has been appointed public guardian.

3008.5.0 Response to Referrals/Requests from Courts

3008.5.1 The OPGA is the DHS-designated point of contact to receive and respond to all referrals/requests concerning Public Guardianships.

3008.5.2 When the OPGA receives a request for assistance from a court, the OPGA shall determine the need for a Public Guardianship.

3008.5.3 The OPGA shall be responsible for notifying the court of the results of its determination and responding appropriately.

3008.6.0 Response to Inquiries from DHS Divisions/Offices

- 3008.6.1 All DHS divisions and offices shall disclose Personal Identifying Information and Protected Health Information as those terms are defined by state and federal law to the Public Guardian upon request.
- 3008.6.2 DHS divisions/offices which have questions or concerns about Public Guardianship matters may contact the OPGA for technical assistance.
- 3008.6.3 Types of assistance provided may include: determination of the need for guardianship, information on court processes, assistance in understanding Public Guardianship laws, and advice on less restrictive alternatives to Public Guardianship.

3008.7.0 Referral of Potential Public Guardianship Cases to the OPGA

- 3008.7.1 Any person, whether employed by DHS or not, may refer a case to the OPGA.
- 3008.7.2 The Public Guardian for Adults may petition to be appointed guardian of the person or of the property of an adult, or both if:
 - A. The Public Guardian for Adults has probable cause to believe that the adult lacks the capacity to make and communicate decisions necessary for his or her health, safety, and welfare or to manage his or her property;
 - B. The Public Guardian for Adults believes that the adult is incapacitated;
 - C. There is no suitable private guardian qualified and willing to accept the guardianship appointment; and
 - D. A circuit court determines that the Public Guardian for Adults would be a suitable guardian for the incapacitated adult.
- 3008.7.3 If requested by the court having jurisdiction of the ward, The Public Guardian for Adults may petition to intervene in an established guardianship and petition to be named a successor guardian if all the following conditions are met:
 - A. The Public Guardian for Adults determines that the current guardian is unable or unwilling to perform his or her duties under the guardianship;
 - B. There is no suitable private guardian qualified and willing to accept the guardianship appointment; and
 - C. A circuit court determines that the Public Guardian for Adults would be a suitable guardian for the incapacitated adult.

3008.8.0 Originating Section/Department Contact:

Division of Aging and Adult Services
Office of Public Guardianship for Adults
P. O. Box 1437, Slot W-102
Little Rock, AR 72203-1437
Phone: 501-320-6045