

**CASE PROCESSING STANDARDS ANALYSIS
PROBATE - GUARDIANSHIP/CONSERVATORSHIP OF INCAPACITATED ADULTS**

National Center for State Courts Model Time Standards:

98% within 90 days after filing petition

Measurement: Filing of petition through adjudication

Arizona Probate - Guardianship/Conservatorship of Incapacitated Adults

The Arizona Case Processing Standards Steering Committee recommends that Arizona adopt a different standard:

80% within 90 days

98% within 365 days

✓ Excludes guardianship/conservatorship of a minor and elder abuse cases.

Measurement: Filing of petition for appointment of guardian/conservator through denial of the petition or issuance of a court order appointing a fiduciary on a non-temporary basis.

Arizona Rules and Statutes	Timelines under Statute and Rule
Petition Filed: Rule 4(A)(2)(a), ARPP ¹ A.R.S. ² § 14-5303(A)	(Measurement Starts Here)
A.R.S. § 14-5404	<u>Petition to appoint guardian:</u> The alleged incapacitated person or any person interested in that person’s affairs or welfare may petition for the appointment of a guardian or for any other protective order.
A.R.S. § 14-5405(B) A.R.S. § 14-5309(B)	<u>Petition to appoint conservator:</u> The person allegedly in need of protection, any person who is interested in that person’s estate or affairs, including that person’s parent, guardian or custodian may petition for the appointment of a conservator or for any other appropriate protective order.
Rule 17(C), ARPP A.R.S. § 14-5303(C) A.R.S. § 14-5407(B)	<u>Service:</u> At least 14 days before the hearing the person allegedly in need of protection shall be personally served and that person’s spouse and parents if they can be found.
Rule 19, ARPP A.R.S. § 14-5303(C) A.R.S. § 14-5407(B)	<u>Hearing:</u> Upon a filing of a petition, the petitioner shall obtain a hearing date and time. The petitioner shall serve all interested parties with a copy of petition and notice of hearing and shall file proof of service at or before the hearing.
	<u>Appointment of attorney, medical professional and investigator:</u> Attorney to be appointed if protected person does not have counsel. Court shall appoint an investigator to interview person to be protected and medical professional to evaluate the alleged incapacitated person. Written reports shall be submitted to the court before the hearing date.

¹ Arizona Rules of Probate Procedure

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Pretrial Procedures: Rule 28, ARPP</p> <p>Rule 28(B), ARPP</p>	<p><u>Scheduling Conference:</u> If a matter is contested, unless the parties agree otherwise, the court shall set a scheduling conference that shall occur promptly after the date of the initial hearing on the petition. The scheduling conference may be held at the time set for the initial hearing on the petition.</p> <p><u>Discovery and Disclosure:</u> Rules 26 through 37(f) Arizona Rules of Civil Procedure shall apply to discovery and disclosure in contested probate cases.</p>
<p>Adjudication: Rule 25, ARPP</p> <p>Rule 26, ARPP</p>	<p><u>Order to Fiduciary:</u> Letters of guardianship or conservatorship shall not be issued until the proposed conservator or guardian has signed and the court has entered an order to the guardian or conservator.</p> <p><u>Issuance of Letters:</u> The clerk of court shall not issue letters of guardianship, conservatorship, personal representative or special administrator until the fiduciary has filed the bond or other security, if a bond or other security is required by the court.</p> <p style="text-align: center;">(Measurement Stops Here)</p>
<p>Rule 4(2)(a) ARPP</p> <p>Rule 4(2)(b) ARPP</p>	<p>A probate case relating to a guardianship continues from the date the petition is filed until the court has entered an order terminating the guardianship, or, in accordance with A.R.S. § 14-5306, the guardianship is terminated by operation of law.</p> <p>A probate case relating to a conservatorship continues from the date the petition is filed until the court has entered an order terminating the conservatorship or, if the conservator is granted the powers of a personal representative, after the protected person’s death. The case continues until the court has entered an order closing the estate or 1 year after the conservator has filed a closing statement in accordance with statute.</p>