

**CASE PROCESSING STANDARDS ANALYSIS
PROBATE - GUARDIANSHIP/CONSERVATORSHIP OF 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 Adults

The following standards have been adopted for the Superior Courts:

80% within 90 days

98% within 365 days

- ✓ Excludes guardianship/conservatorship of a minor.
- ✓ Excludes the appointment of temporary guardian/conservators.
- ✓ Excludes appointment of guardians ad litem.
- ✓ Excludes elder abuse cases.
- ✓ Includes orders appointing limited guardians.

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.

Excluded Time: No excluded time.

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Petition Filed: Rule 4(A)(2)(a), ARPP¹ ARS² § 14-5303(A)</p> <p>ARS § 14-5404</p> <p>ARS § 14-5405(B) ARS § 14-5309(B)</p>	<p style="text-align: center;">(Measurement Starts Here)</p> <p><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 appropriate protective order.</p> <p><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, or any other person who would be adversely affected by the lack of effective management of that person’s estate and affairs may petition for the appointment of a conservator or for any other appropriate protective order.</p> <p><u>Service:</u> At least 14 days before the hearing, notice shall be served on the ward or protected person, or the person allegedly incapacitated or in need of protection and that person’s spouse and parents if they can be found within the state.</p>

¹ Arizona Rules of Probate Procedure

² Arizona Revised Statutes

Arizona Rules and Statutes	Timelines under Statute and Rule
<p>Rule 17(C), ARPP ARS § 14-5303(C) ARS § 14-5407(B)</p> <p>Rule 19, ARPP ARS § 14-5303(C) ARS § 14-5407(B)</p>	<p><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 the petition and notice of hearing and shall file proof of service at or before the hearing.</p> <p><u>Appointment of attorney, medical professional, and investigator:</u> In conservatorship cases, unless the person to be protected has counsel of that person’s own choice, the court shall appoint an attorney to represent that person. If the alleged disability is mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, or chronic intoxication, the court shall appoint an investigator to interview the person to be protected. On petition by an interested person or on the court's own motion, the court may direct that an appropriate medical or psychological evaluation of the person be conducted. The investigator and the person conducting the medical or psychological evaluation shall submit written reports to the court before the hearing date.</p> <p>In guardianship cases, unless the incapacitated person is represented by independent counsel, the court shall appoint counsel to represent that person in the proceeding. The alleged incapacitated person shall be interviewed by an investigator appointed by the court and shall be examined by a physician, psychologist or registered nurse appointed by the court. If the alleged incapacitated person has an established relationship with a physician, psychologist, or registered nurse who is determined by the court to be qualified to evaluate the capacity of the alleged incapacitated person, the court may appoint the alleged incapacitated person's physician, psychologist, or registered nurse pursuant to this subsection. The investigator and the person conducting the examination shall submit their reports in writing to the court.</p>
<p>Pretrial Procedures: Rule 28(A), 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 proceedings.</p>
<p>Adjudication: Rule 25, 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 style="text-align: center;">(Measurement Stops Here)</p>

Arizona Rules and Statutes	Timelines under Statute and Rule
Rule 26, ARPP	<u>Issuance of Letters:</u> The clerk of court shall not issue letters of guardianship or conservatorship until the fiduciary has filed the bond or other security, if a bond or other security is required by the court.
Rule 4(A)(2)(a), ARPP	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 ARS § 14-5306, the guardianship is terminated by operation of law.
Rule 4(A)(2)(b) ARPP	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.