

ATTACHMENT*

ARIZONA RULES OF PROBATE PROCEDURE

Rule 7. Confidential Documents And Information

A. Definitions.

1.-2. [No change in text.]

3. For purposes of this rule, “financial account” includes credit card account, debit card account, bank account, brokerage account, insurance policy, and annuity contract.

4. [No change in text.]

B. [No change in text.]

C. A confidential document shall not be maintained as part of the public record of a probate case.

1. In counties in which the clerk of court maintains an authorized electronic court record, the probate information form shall be processed in a manner consistent with the processing of confidential documents in other case types.

2. A party who files a confidential paper document under this rule shall, when filing the ~~paper~~ document with the Clerk’s Office, place the original document in an envelope that bears the case name and number, the name of the document being filed, the name of the party filing the document, and the phrase “Confidential Document.” A separate envelope shall be used for each confidential document. ~~A confidential document shall not be maintained as part of the public record of a probate case.~~

D.-F. [No change in text.]

G. The clerk of the court shall disclose confidential documents, except for the probate information form described in Rule 6, and confidential information only to the following persons:

* Changes or additions in text are indicated by underlining and deletions from text are indicated by ~~strikeouts~~.

1.-3. [No change in text.]

4. judicial officers, court administrative staff, and other court personnel whose official duties necessitate access to confidential information for processing and managing probate cases;

5.-6. [No change in text.]

H. The clerk of court shall disclose the probate information form described in Rule 6 only to the following persons:

1.-2. [No change in text.]

3. judicial officers, court administrative staff, and other court personnel whose official duties necessitate access to confidential information for processing and managing probate cases;

4.-5. [No change in text.]

I. [No change in text.]

Comment

[No change in first paragraph.]

The purposes of this rule are to preserve any medical professional-patient privilege and confidentiality and to protect ~~vulnerable adults from~~ against identity theft and financial exploitation. Thus, the rule identifies documents that are to be considered confidential and not kept as part of the court file and it provides a mechanism for filing such confidential documents. The rule is based, in part, upon former Rule 129, Rules of the Supreme Court, which dealt with confidentiality of medical records in guardianship and conservatorship cases, and Rule 123(c)(3), Rules of the Supreme Court, which deals with confidentiality of personal financial information. Unredacted versions of the probate information form or a financial statement ~~from a brokerage house~~ are confidential. If a party redacts account numbers or social security numbers from a confidential form, the form then may be made available for public viewing.

[No change in remainder of comment.]