



Supreme Court

STATE OF ARIZONA

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CLERK OF THE COURT

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PHOENIX, ARIZONA 85007-3231

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June 9, 2005

RE: NEW SEC XIII & NEW RULES 125-128, SUPREME CT RULES
Arizona Supreme Court No. R-04-0031

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on June 1, 2005, in regard to the above-referenced cause:

ORDERED: Amended Petition for Rule Change [New Section XIII, Probate Rules of Practice, and New Rules 125, 126, 127, and 128, Arizona Rules of the Supreme Court] = ADOPTED as modified, effective October 1, 2005.

Noel K Dessaint, Clerk

TO:

Hon Barbara R Mundell, Associate Presiding Judge, Maricopa County Superior Court

Catherine R Robbins, Mohave County Public Fiduciary

Hon Clark W Munger, Probate Presiding Judge, Pima County Superior Court

Richard Beck

Julia K Connors

Michael K Jeanes, Clerk, Maricopa County Superior Court

Hon Karen L O'Connor, Judge, Maricopa County Superior Court

Lexis-Nexis

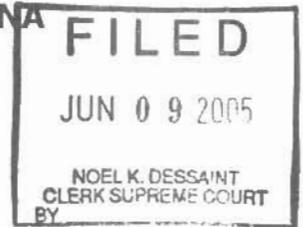
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Rules Final List

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IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-04-0031



ORDER AMENDING THE RULES OF THE SUPREME COURT OF ARIZONA BY
ADDING A NEW SECTION XIII, ENTITLED PROBATE RULES OF PRACTICE,
CONSISTING OF NEW RULES 126 THROUGH 129

IT IS ORDERED Amending the Rules of the Supreme Court of Arizona
by adding a new Section XIII, entitled Probate Rules of Practice, consisting of new
Rules 126 through 129, as shown on the attachment hereto*, effective on
December 1, 2005.

DATED in the City of Phoenix, Arizona at the Arizona
Courts Building, this 9th day of June, 2005.

For the Court:



Ruth V. McGregor
Vice Chief Justice

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

Section XIII, Rules of the Supreme Court (Probate Rules of Practice)

Rule 126. Minor guardian reports; contents

- (a) A guardian shall submit a written report to the court on each anniversary date of appointment as guardian pursuant to A.R.S. § 14-5101, et seq., and on resignation or removal as guardian.
- (b) The guardian shall mail a copy of the report to:
 - (1) The minor, if over the age of fourteen.
 - (2) The minor's conservator.
 - (3) A court-appointed attorney for the minor.
 - (4) Any other interested person who has filed a demand for the notice with the court.
 - (5) The child's parent or parents.
- (c) The report shall include the following:
 - (1) The type, name and address of the home or facility where the minor lives and the name of the person in charge of the home.
 - (2) The number of times the guardian has seen the minor in the last twelve months.
 - (3) Major changes in the minor's development observed by the guardian in the last year.
 - (4) The school currently attended by the minor, and the progress being made by the minor in school.
 - (5) The date the guardian last saw the minor.
 - (6) The name and address of the minor's physician.
 - (7) The date the minor was last seen by a physician.
 - (8) A copy of the minor's physician's report to the guardian or, if none exists, a statement containing the physician's observations on the minor's physical and mental health.

- (9) Major changes in the minor's physical or mental condition observed by the guardian in the last year.
- (10) The guardian's opinion as to whether the guardianship should be continued after the minor becomes an adult, if the minor will be reaching the age of eighteen during the coming year and if the minor is presently incapacitated.
- (11) A summary of the services provided to the minor by a governmental agency and the name of the individual responsible for the minor's affairs with that agency. Such services shall include any Social Security benefits paid on behalf of the minor.
- (12) All persons, including any minors, who reside with the minor. If a minor who resides with the child is the subject of a guardianship, the guardian shall provide the case number of that guardianship.
- (13) Whether any person who resides with the minor has ever been convicted of a felony, or has been adjudicated a delinquent child.
- (14) Whether any proceedings for adoption, custody, or dependency of this child have been commenced within the preceding 12 months. If proceedings have been commenced, the guardian shall provide the case number of the proceedings to the court.
- (15) Whether the minor is enrolled in a health insurance plan or equivalent program run by the state.
- (16) Whether the guardian has sought child support, either in person or through a Title IV(D) State agency, from the child's parents.

Rule 127. Notice of death of ward or protected person

A guardian or conservator appointed pursuant to Title 14, Chapter 5 shall provide written notice to the court disclosing the date of death of a minor or adult ward or protected person within ten days after learning of the ward or protected person's death.

Rule 128. Final accounting for estates of deceased protected persons

Every conservator appointed pursuant to Title 14, Chapter 5 must account to the court for the administration of the estate following the death of the protected person. The conservator shall file a final accounting with the court within ninety days after the protected person's date of death, except that for good cause shown upon the application of an interested person, the court may extend the

date for filing or relieve the conservator of filing annual, final or other accounts by an order entered in the minutes.

Rule 129. Confidentiality of Medical Reports

All medical reports and records obtained and filed with the court in connection with proceedings pursuant to A.R.S. § 14-5303, subsections C and D, or in connection with the requirements of A.R.S. § 14-5312.01 and § 14-5312.02 shall be kept confidential and not as public record, except as the requirements of a hearing pursuant to this chapter may necessitate a different procedure. Medical information, reports and records filed in proceedings pursuant to articles 2, 3 or 4 of Title 14 chapter 5 may only be disclosed to:

- (1) Persons legally representing the person who is the subject of protective proceedings.
- (2) Other persons who are parties to the protective proceedings and their legal representatives.
- (3) Persons appointed by the court as investigators, court visitors or court administrative staff.
- (4) Persons authorized by a court order.

In order to avoid unduly burdening the clerk, parties filing documents which are confidential under this rule shall, at the time of filing, clearly mark and segregate the non-public documents, and list those parties who are authorized under paragraphs (1) through (4) above to view the confidential materials.