

REFERENCE TITLE: probate advisory panel; establishment

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1038

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 14, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 14-1110; RELATING TO PROBATE PROVISIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 14, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 14-1110, to read:

4 14-1110. Probate advisory panel; membership; duties; annual
5 report

6 A. THE PROBATE ADVISORY PANEL IS ESTABLISHED IN THE OFFICE OF THE
7 GOVERNOR. THE PANEL CONSISTS OF THE FOLLOWING MEMBERS WHO ARE APPOINTED
8 TO STAGGERED THREE-YEAR TERMS:

9 1. TWO PUBLIC MEMBERS WHO ARE GUARDIANS OF AN ADULT CHILD OR A
10 SIBLING WHO IS A WARD. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
11 HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER.

12 2. TWO PUBLIC MEMBERS WHO ARE CONSERVATORS OF A PARENT WHO IS A
13 PROTECTED PERSON. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
14 HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER.

15 3. ONE PUBLIC FIDUCIARY WHO IS LICENSED PURSUANT TO SECTION 14-5651
16 AND WHO IS FROM A COUNTY WITH A POPULATION OF LESS THAN FIVE HUNDRED
17 THOUSAND PERSONS. THE GOVERNOR SHALL APPOINT THIS MEMBER.

18 4. ONE FIDUCIARY, OTHER THAN A PUBLIC FIDUCIARY, WHO IS LICENSED
19 PURSUANT TO SECTION 14-5651 AND WHO IS FROM A COUNTY WITH A POPULATION OF
20 MORE THAN FIVE HUNDRED THOUSAND PERSONS. THE GOVERNOR SHALL APPOINT THIS
21 MEMBER.

22 5. ONE ATTORNEY WHO HAS A MINIMUM OF FOUR YEARS EXPERIENCE IN
23 GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS. THE GOVERNOR SHALL APPOINT
24 THIS MEMBER.

25 6. ONE JUDICIAL OFFICER WHO HAS A MINIMUM OF TWO YEARS EXPERIENCE
26 PRESIDING OVER GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS AND WHO IS
27 FROM A COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND
28 PERSONS. THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT THIS
29 MEMBER.

30 7. ONE CLERK OF THE SUPERIOR COURT. THE CHIEF JUSTICE OF THE
31 SUPREME COURT SHALL APPOINT THIS MEMBER.

32 B. THE PANEL SHALL:

33 1. SELECT A CHAIRPERSON AT ITS FIRST ANNUAL MEETING.

34 2. HOLD A PUBLIC HEARING AT LEAST ONCE EACH YEAR, OR AT THE CALL OF
35 THE CHAIRPERSON, ON HOW TO IMPROVE THE GUARDIANSHIP AND CONSERVATORSHIP
36 LAWS THROUGH STATUTORY CHANGES.

37 3. ON OR BEFORE NOVEMBER 15 OF EACH YEAR, SUBMIT A REPORT OF ITS
38 FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF
39 REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE CHIEF JUSTICE OF THE
40 SUPREME COURT. THE PANEL SHALL PROVIDE A COPY OF EACH REPORT TO THE
41 SECRETARY OF STATE.

42 C. PANEL MEMBERS ARE NOT ELIGIBLE FOR COMPENSATION OR REIMBURSEMENT
43 OF EXPENSES.

1 Sec. 2. Initial terms of members

2 A. Notwithstanding section 14-1110, Arizona Revised Statutes, as
3 added by this act, the initial terms of the members of the probate
4 advisory panel are:

5 1. Three terms ending January 1, 2024.

6 2. Three terms ending January 1, 2025.

7 3. Three terms ending January 1, 2026.

8 B. The governor, the speaker of the house of representatives, the
9 president of the senate and the chief justice of the supreme court shall
10 make all subsequent appointments as prescribed by statute.