

Senate Engrossed

probate advisory panel; establishment

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

SENATE BILL 1038

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 FOUR-YEAR TERMS:

9 1. TWO PUBLIC MEMBERS WHO ARE GUARDIANS OR CONSERVATORS OF AN ADULT
10 CHILD OR A SIBLING WHO IS A WARD. THE PRESIDENT OF THE SENATE AND THE
11 SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN CONSULTATION WITH THE MINORITY
12 LEADER OF THE SENATE AND THE MINORITY LEADER OF THE HOUSE OF
13 REPRESENTATIVES, SHALL EACH APPOINT ONE MEMBER.

14 2. TWO PUBLIC MEMBERS WHO ARE GUARDIANS OR CONSERVATORS OF A FAMILY
15 MEMBER OTHER THAN AN ADULT CHILD OR SIBLING OF THE GUARDIAN OR
16 CONSERVATOR. THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
17 REPRESENTATIVES, IN CONSULTATION WITH THE MINORITY LEADER OF THE SENATE
18 AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, SHALL EACH
19 APPOINT ONE MEMBER.

20 3. TWO MEMBERS WHO ARE ADVOCATES FOR FAMILY MEMBERS WHO HAVE BEEN
21 PARTIES TO AN ADULT GUARDIANSHIP OR CONSERVATORSHIP MATTER IN THIS STATE.
22 THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
23 REPRESENTATIVES, IN CONSULTATION WITH THE MINORITY LEADER OF THE SENATE
24 AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES, SHALL EACH
25 APPOINT ONE MEMBER.

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

29 5. ONE FIDUCIARY, OTHER THAN A PUBLIC FIDUCIARY, WHO IS LICENSED
30 PURSUANT TO SECTION 14-5651 AND WHO IS FROM A COUNTY WITH A POPULATION OF
31 MORE THAN FIVE HUNDRED THOUSAND PERSONS. THE GOVERNOR SHALL APPOINT THIS
32 MEMBER.

33 6. ONE ATTORNEY WHO HAS A MINIMUM OF FOUR YEARS EXPERIENCE IN
34 GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS. THE GOVERNOR SHALL APPOINT
35 THIS MEMBER.

36 7. ONE JUDICIAL OFFICER WHO HAS A MINIMUM OF TWO YEARS EXPERIENCE
37 PRESIDING OVER GUARDIANSHIP AND CONSERVATORSHIP PROCEEDINGS AND WHO IS
38 FROM A COUNTY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND
39 PERSONS. THE CHIEF JUSTICE OF THE SUPREME COURT SHALL APPOINT THIS
40 MEMBER.

41 8. ONE CLERK OF THE SUPERIOR COURT. THE CHIEF JUSTICE OF THE
42 SUPREME COURT SHALL APPOINT THIS MEMBER.

43 B. THE PANEL:

44 1. SHALL SELECT A CHAIRPERSON AT ITS FIRST ANNUAL MEETING.

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

4 3. WHEN THE PANEL FINDS IT APPROPRIATE, MAY CONSULT WITH MEDICAL
5 PROFESSIONALS INCLUDING NEUROPSYCHOLOGISTS, PSYCHOLOGISTS OR
6 PSYCHIATRISTS.

7 4. ON OR BEFORE NOVEMBER 15 OF EACH YEAR, SHALL SUBMIT A REPORT OF
8 ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE
9 OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE AND THE CHIEF JUSTICE OF
10 THE SUPREME COURT. THE PANEL SHALL PROVIDE A COPY OF EACH REPORT TO THE
11 SECRETARY OF STATE.

12 C. PANEL MEMBERS ARE NOT ELIGIBLE FOR COMPENSATION OR REIMBURSEMENT
13 OF EXPENSES.

14 Sec. 2. Initial terms of members

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

- 18 1. Four terms ending January 1, 2025.
- 19 2. Four terms ending January 1, 2026.
- 20 3. Three terms ending January 1, 2027.

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