



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B.1611

guardianship; independent medical evaluation

Purpose

Allows the court to order a county to pay reasonable compensation of a court-appointed evaluator in a guardianship proceeding of an alleged incapacitated person, if certain conditions apply.

Background

An 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. On the filing of a petition, the court must set a hearing date on the issues of incapacity. The court must appoint an attorney to represent that person in the proceeding if the person is not already represented by independent counsel. The alleged incapacitated person must be interviewed by an investigator appointed by the court and examined by a physician, psychologist or registered nurse appointed by the court, except that the court may appoint the alleged incapacitated person's physician, psychologist or registered nurse if the court determines the physician, psychologist or registered nurse is qualified to evaluate the capacity of the alleged incapacitated person. The investigator and the person conducting the examination must submit reports in writing to the court ([A.R.S. § 14-5303](#)).

An investigator, accountant, lawyer, physician, registered nurse, psychologist, guardian or guardian ad litem who is appointed by the court during a guardianship proceeding of an alleged incapacitated person is entitled to reasonable compensation from the estate of the ward if the petition is granted, or from the petitioner if the petition is denied. If not otherwise compensated for services rendered, and if compensation by the ward or the petitioner is not feasible, the court must determine and pay reasonable compensation of appointed individuals as outlined ([A.R.S. § 14-5314](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the court to order a county to pay reasonable compensation of an evaluator, if a petition for guardianship is denied and payment for the cost of an independent evaluation from the alleged incapacitated person or petitioner is not feasible.
2. Makes technical and conforming changes.
3. Becomes effective on the general effective date.