



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1102

guardians; duties; access to ward

Purpose

Establishes requirements for guardians related to the ward's historical relationships and family notification of the ward's hospitalization or death.

Background

An *incapacitated person* is a person who is impaired by reason of mental illness or deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication or other cause, to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible personal decisions (A.R.S. § 14-5101). A guardianship is the appointment of an individual to provide care and make personal decisions for an incapacitated person or ward.

A guardian of an incapacitated person has the same powers, rights and duties respecting the guardian's ward that a parent has respecting the parent's unemancipated minor child. To the extent that it is consistent with the terms of the court order, the guardian is entitled to custody of the person of the ward and may establish the ward's place of abode. If entitled to custody of the ward, the guardian must make provision for the care, comfort and maintenance of the ward and, whenever appropriate, arrange for the ward's training and education. The guardian must also take reasonable care of the ward's clothing, furniture, vehicles and other personal effects and commence protective proceedings if other property of the ward is in need of protection. In making decisions concerning his or her ward, a guardian must take into consideration the ward's values and wishes (A.R.S. § 14-5312).

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

Provisions

1. Requires a guardian to make good faith efforts to maintain the ward's historical relationships as evidenced by past patterns and practices and ensure that the ward has reasonable access to family and friends.
2. Requires the guardian to notify the family members of an adult ward if either of the following occurs:

- a) the adult ward is admitted to a hospital for a period of more than three days;
 - b) the adult ward dies.
3. Requires the latter notification to include information about any funeral arrangements and the place of burial.
 4. Defines *family members* as any person who has filed a demand for notice and the following individuals who are interested parties of the court record:
 - a) the adult ward's spouse, parents, adult siblings and adult children; and
 - b) if none of the above can be notified, at least one of the adult ward's closest adult relatives, if such a relative can be found, or a person who has a significant relationship with the ward.
 5. Makes technical changes.
 6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Adds people to the notification list.

Amendments Adopted by COW

- Requires the notification to only go to people who are interested parties on the court record or who have filed demands for notice with the court.

Senate Action

JUD 2/18/16 DPA 6-0-1

Prepared by Senate Research

February 25, 2016

AW/rf