

REFERENCE TITLE: **designated beneficiaries**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

## **HB 2239**

Introduced by  
Representative Heinz

**AN ACT**

**AMENDING SECTIONS 14-2103, 14-2106, 14-3203, 14-5311, 14-5410, 23-1046, 36-831, 36-848 AND 36-3201, ARIZONA REVISED STATUTES; AMENDING TITLE 14, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 13; RELATING TO DESIGNATED BENEFICIARIES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 14-2103, Arizona Revised Statutes, is amended to  
3 read:

4 14-2103. Heirs other than surviving spouse; share in estate

5 Any part of the intestate estate not passing to the decedent's  
6 surviving spouse under section 14-2102 or the entire intestate estate if  
7 there is no surviving spouse passes in the following order to the following  
8 persons who survive the decedent:

9 1. TO THE DECEDENT'S DESIGNATED BENEFICIARY WHO WAS DESIGNATED BY THE  
10 DECEDENT TO BE THE DECEDENT'S BENEFICIARY FOR PURPOSES OF INTESTATE  
11 SUCCESSION PURSUANT TO A DESIGNATED BENEFICIARY AGREEMENT THAT HAS BEEN  
12 EXECUTED AND RECORDED PURSUANT TO CHAPTER 13 OF THIS TITLE.

13 ~~1-~~ 2. To the decedent's descendants by representation.

14 ~~2-~~ 3. If there is no surviving descendant, to the decedent's parents  
15 equally if both survive or to the surviving parent.

16 ~~3-~~ 4. If there is no surviving descendant or parent, to the  
17 descendants of the decedent's parents or either of them by representation.

18 ~~4-~~ 5. If there is no surviving descendant, parent or descendant of a  
19 parent, but the decedent is survived by one or more grandparents or  
20 descendants of grandparents, ONE-half of the estate passes to the decedent's  
21 paternal grandparents equally if both survive or to the surviving paternal  
22 grandparent or the descendants of the decedent's paternal grandparents or  
23 either of them if both are deceased with the descendants taking by  
24 representation. The other ONE-half passes to the decedent's maternal  
25 relatives in the same manner. If there is no surviving grandparent or  
26 descendant of a grandparent on either the paternal or the maternal side, the  
27 entire estate passes to the decedent's relatives on the other side in the  
28 same manner as the ONE-half.

29 Sec. 2. Section 14-2106, Arizona Revised Statutes, is amended to read:

30 14-2106. Passing of estate by representation; assigning of  
31 shares; definitions

32 A. If under section 14-2103, paragraph ~~1-~~ 2 all or part of a  
33 decedent's intestate estate passes by representation to the decedent's  
34 descendants, that estate is divided into as many equal shares as there are  
35 surviving descendants in the generation nearest to the decedent that contains  
36 one or more surviving descendants and to deceased descendants in the same  
37 generation who left any surviving descendants. Each surviving descendant in  
38 the nearest generation is allocated one share. Any remaining shares are  
39 combined and then divided in the same manner among the surviving descendants  
40 of the deceased descendants as if the surviving descendants who were  
41 allocated a share and their surviving descendants had predeceased the  
42 decedent.

43 B. If under section 14-2103, paragraph ~~3-~~ 4 or ~~4-~~ 5 all or part of a  
44 decedent's intestate estate passes by representation to the descendants of  
45 either of the decedent's deceased parents or to the descendants of either of

1 the decedent's deceased paternal or maternal grandparents, all or part of the  
2 estate is divided into as many equal shares as there are surviving  
3 descendants in the generation nearest the deceased parents or either of them,  
4 or the deceased grandparents or either of them, that contains one or more  
5 surviving descendants and to deceased descendants in the same generation who  
6 left any surviving descendants. Each surviving descendant in the nearest  
7 generation is allocated one share. Any remaining shares are combined and  
8 then divided in the same manner among the surviving descendants of the  
9 deceased descendants as if the surviving descendants who were allocated a  
10 share and their surviving descendants had predeceased the decedent.

11 C. For the purposes of this section:

12 1. "Deceased descendant", "deceased parent" or "deceased grandparent"  
13 means a descendant, parent or grandparent who either predeceased the decedent  
14 or is deemed to have predeceased the decedent under section 14-2104.

15 2. "Surviving descendant" means a descendant who neither predeceased  
16 the decedent nor is deemed to have predeceased the decedent under section  
17 14-2104.

18 Sec. 3. Section 14-3203, Arizona Revised Statutes, is amended to read:

19 14-3203. Priority among persons seeking appointment as personal  
20 representative

21 A. Whether the proceedings are formal or informal, persons who are not  
22 disqualified have priority for appointment in the following order:

23 1. The person with priority as determined by a probated will including  
24 a person nominated by a power conferred in a will.

25 2. The surviving spouse of the decedent who is a devisee of the  
26 decedent.

27 3. A PERSON NOMINATED TO BE A PERSONAL REPRESENTATIVE BY A POWER  
28 CONFERRED IN A DESIGNATED BENEFICIARY AGREEMENT PURSUANT TO CHAPTER 13 OF  
29 THIS TITLE.

30 ~~3-~~ 4. Other devisees of the decedent.

31 ~~4-~~ 5. The surviving spouse of the decedent.

32 ~~5-~~ 6. Other heirs of the decedent.

33 ~~6-~~ 7. If the decedent was a veteran or the spouse or child of a  
34 veteran, the department of veterans' services.

35 ~~7-~~ 8. Forty-five days after the death of the decedent, any creditor.

36 ~~8-~~ 9. The public fiduciary.

37 B. An objection to an appointment can be made only in formal  
38 proceedings. In case of objection the priorities stated in subsection A of  
39 this section apply, except that:

40 1. If the estate appears to be more than adequate to meet exemptions  
41 and costs of administration but inadequate to discharge anticipated unsecured  
42 claims, the court, on petition of creditors, may appoint any qualified  
43 person.

44 2. In case of objection to appointment of a surviving spouse, other  
45 than one whose priority is determined by will, by an heir or devisee

1 appearing to have a substantial interest in the estate, and the surviving  
2 spouse is found by the court to be unsuitable, the court may appoint a person  
3 who is acceptable to heirs and devisees, whose interests in the estate appear  
4 to be worth in total more than half of the probable distributable value or,  
5 in default of this accord, any suitable person.

6 3. In case of objection to appointment of a person who is not a  
7 surviving spouse, other than one whose priority is determined by will, by an  
8 heir or devisee appearing to have a substantial interest in the estate, the  
9 court may appoint a person who is acceptable to heirs and devisees whose  
10 interests in the estate appear to be worth in total more than half of the  
11 probable distributable value, ~~or~~, or, in default of this accord any suitable  
12 person.

13 C. A person entitled to letters under subsection A, paragraphs 2  
14 through ~~5- 6~~ of this section and a person age fourteen and over who would be  
15 entitled to letters but for the person's age may nominate a qualified person  
16 to act as personal representative. Any person age eighteen and over may  
17 renounce the person's right to nominate or to an appointment by appropriate  
18 writing filed with the court. If two or more persons share a priority, those  
19 of them who do not renounce must concur in nominating another to act for  
20 them, or in applying for appointment.

21 D. Conservators of the estates of protected persons, or if there is no  
22 conservator, any guardian except a guardian ad litem of a minor or  
23 incapacitated person, may exercise the same right to nominate, to object to  
24 another's appointment, ~~or~~ or to participate in determining the preference of a  
25 majority in interest of the heirs and devisees that the protected person or  
26 ward would have if qualified for appointment.

27 E. Formal proceedings are required to appoint a personal  
28 representative in any of the following situations:

29 1. If there is a person with a higher order of priority who has not  
30 renounced or waived the person's right by appropriate writing filed with the  
31 court.

32 2. If a priority is shared by two or more persons, as devisees under  
33 subsection A, paragraph ~~3- 4~~ of this section, or as heirs under subsection A,  
34 paragraph ~~5- 6~~ of this section, and one or more of them has not renounced or  
35 concurred in nominating the person whose appointment is applied for.

36 3. If appointment is sought for a person who does not have any  
37 priority under this section, under this paragraph the court shall determine  
38 that those having priority do not object to the appointment, and that  
39 administration is necessary.

40 F. A person is not qualified to serve as a personal representative who  
41 is:

- 42 1. Under the age of majority as defined in section 1-215.
- 43 2. A person whom the court finds unsuitable in formal proceedings.
- 44 3. A foreign corporation.

1 G. A personal representative appointed by a court of the decedent's  
2 domicile has priority over all other persons except if the decedent's will  
3 nominates different persons to be personal representative in this state and  
4 in the state of domicile. The domiciliary personal representative may  
5 nominate another, who shall have the same priority as the domiciliary  
6 personal representative.

7 H. This section governs priority for appointment of a successor  
8 personal representative but does not apply to the selection of a special  
9 administrator.

10 Sec. 4. Section 14-5311, Arizona Revised Statutes, is amended to read:

11 14-5311. Who may be guardian; priorities

12 A. Any qualified person may be appointed guardian of an incapacitated  
13 person, subject to the requirements of section 14-5106.

14 B. The court may consider the following persons for appointment as  
15 guardian in the following order:

16 1. A guardian or conservator of the person or a fiduciary appointed or  
17 recognized by the appropriate court of any jurisdiction in which the  
18 incapacitated person resides.

19 2. An individual or corporation nominated by the incapacitated person  
20 if the person has, in the opinion of the court, sufficient mental capacity to  
21 make an intelligent choice.

22 3. The person nominated to serve as guardian in the incapacitated  
23 person's most recent durable power of attorney or health care power of  
24 attorney OR IN A DESIGNATED BENEFICIARY AGREEMENT MADE PURSUANT TO CHAPTER 13  
25 OF THIS TITLE.

26 4. The spouse of the incapacitated person.

27 5. An adult child of the incapacitated person.

28 6. A parent of the incapacitated person, including a person nominated  
29 by will or other writing signed by a deceased parent.

30 7. Any relative of the incapacitated person with whom the  
31 incapacitated person has resided for more than six months before the filing  
32 of the petition.

33 8. The nominee of a person who is caring for or paying benefits to the  
34 incapacitated person.

35 9. If the incapacitated person is a veteran, the spouse of a veteran  
36 or the minor child of a veteran, the department of veterans' services.

37 10. A fiduciary who is licensed pursuant to section 14-5651, other than  
38 a public fiduciary.

39 11. A public fiduciary who is licensed pursuant to section 14-5651.

40 C. A person listed in subsection B, paragraph 4, 5, 6, 7 or 8 of this  
41 section may nominate in writing a person to serve in that person's place.  
42 With respect to persons who have equal priority, the court shall select the  
43 one the court determines is best qualified to serve.

1 D. For good cause the court may pass over a person who has priority  
2 and appoint a person who has a lower priority or no priority. For the  
3 purposes of this subsection, "good cause" includes a determination that:

4 1. The incapacitated person's durable power of attorney or health care  
5 power of attorney is invalid.

6 2. Honoring the incapacitated person's durable power of attorney or  
7 health care power of attorney would not be in the physical, emotional or  
8 financial best interest of the incapacitated person.

9 3. The estimated cost of the fiduciary and associated professional  
10 fees would adversely affect the ability of the incapacitated person's estate  
11 to provide for the incapacitated person's reasonable and necessary living  
12 expenses.

13 E. On a request by a person who was passed over by the court pursuant  
14 to subsection D of this section, the court shall make a specific finding  
15 regarding the court's determination of good cause and why the person was not  
16 appointed. The request must be made within ten days after the entry of the  
17 order.

18 Sec. 5. Section 14-5410, Arizona Revised Statutes, is amended to read:  
19 14-5410. Who may be appointed conservator; priorities

20 A. The court may appoint an individual or a corporation, with general  
21 power to serve as trustee, as conservator of the estate of a protected person  
22 subject to the requirements of section 14-5106. The following are entitled  
23 to consideration for appointment in the order listed:

24 1. A conservator, guardian of property or other like fiduciary  
25 appointed or recognized by the appropriate court of any other jurisdiction in  
26 which the protected person resides.

27 2. An individual or corporation nominated by the protected person if  
28 the protected person is at least fourteen years of age and has, in the  
29 opinion of the court, sufficient mental capacity to make an intelligent  
30 choice.

31 3. The person nominated to serve as conservator in the protected  
32 person's most recent durable power of attorney OR IN A DESIGNATED BENEFICIARY  
33 AGREEMENT MADE PURSUANT TO CHAPTER 13 OF THIS TITLE.

34 4. The spouse of the protected person.

35 5. An adult child of the protected person.

36 6. A parent of the protected person, or a person nominated by the will  
37 of a deceased parent.

38 7. Any relative of the protected person with whom the protected person  
39 has resided for more than six months before the filing of the petition.

40 8. The nominee of a person who is caring for or paying benefits to the  
41 protected person.

42 9. If the protected person is a veteran, the spouse of a veteran or  
43 the minor child of a veteran, the department of veterans' services.

44 10. A fiduciary who is licensed pursuant to section 14-5651, other than  
45 a public fiduciary.

1           11. A public fiduciary who is licensed pursuant to section 14-5651.  
 2           B. A person listed in subsection A, paragraph 4, 5, 6, 7 or 8 of this  
 3 section may nominate in writing a person to serve in that person's place.  
 4 With respect to persons having equal priority, the court shall select the one  
 5 it determines is best qualified to serve. The court, for good cause, may  
 6 pass over a person having priority and appoint a person having a lower  
 7 priority or no priority. For the purposes of this subsection, "good cause"  
 8 includes a determination that:

- 9           1. The protected person's durable power of attorney is invalid.
- 10           2. Honoring the protected person's durable power of attorney would not  
 11 be in the physical, emotional or financial best interest of the protected  
 12 person.
- 13           3. The estimated cost of the fiduciary and associated professional  
 14 fees would adversely affect the ability of the person's estate to provide for  
 15 the protected person's reasonable and necessary living expenses.

16           C. On the request of a person who was passed over by the court  
 17 pursuant to subsection B of this section, the court shall make a specific  
 18 finding regarding the court's determination of good cause and why the person  
 19 was not appointed. The request must be made within ten days after the entry  
 20 of the order.

21           Sec. 6. Title 14, Arizona Revised Statutes, is amended by adding  
 22 chapter 13, to read:

23   CHAPTER 13  
 24   DESIGNATED BENEFICIARIES  
 25   ARTICLE 1. GENERAL PROVISIONS

26           14-13101. Definitions

27           IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 28           1. "DESIGNATED BENEFICIARY" MEANS A PERSON WHO HAS ENTERED INTO A  
 29 DESIGNATED BENEFICIARY AGREEMENT.
- 30           2. "DESIGNATED BENEFICIARY AGREEMENT" MEANS AN AGREEMENT THAT IS  
 31 ENTERED INTO BY TWO PEOPLE FOR THE PURPOSE OF DESIGNATING EACH PERSON AS THE  
 32 BENEFICIARY OF THE OTHER PERSON AND FOR THE PURPOSE OF ENSURING THAT EACH  
 33 PERSON HAS CERTAIN RIGHTS AND FINANCIAL PROTECTIONS BASED ON THE DESIGNATION.
- 34           3. "SUPERSEDING LEGAL DOCUMENT" MEANS A LEGAL DOCUMENT, REGARDLESS OF  
 35 THE DATE OF EXECUTION, THAT IS VALID AND ENFORCEABLE AND THAT CONFLICTS WITH  
 36 ALL OR A PORTION OF A DESIGNATED BENEFICIARY AGREEMENT AND CAUSES THE  
 37 DESIGNATED BENEFICIARY AGREEMENT IN WHOLE OR IN PART TO BE REPLACED OR SET  
 38 ASIDE. A SUPERSEDING LEGAL DOCUMENT INCLUDES:
  - 39           (a) A WILL.
  - 40           (b) A CODICIL.
  - 41           (c) A POWER OF ATTORNEY.
  - 42           (d) A MEDICAL DURABLE POWER OF ATTORNEY.
  - 43           (e) A TRUST INSTRUMENT.
  - 44           (f) A BENEFICIARY DESIGNATION IN AN INSURANCE POLICY OR POLICY OF  
 45 HEALTH CARE COVERAGE.

- 1 (g) A BENEFICIARY DESIGNATION IN A RETIREMENT OR PENSION PLAN.
- 2 (h) A BENEFICIARY DESIGNATION FOR A DEPOSIT OR ACCOUNT, INCLUDING
- 3 DEMAND, SAVINGS AND TIME DEPOSIT ACCOUNTS.
- 4 (i) A DECLARATION AS TO MEDICAL TREATMENT EXECUTED PURSUANT TO TITLE
- 5 36, CHAPTER 32.
- 6 (j) A DECLARATION AS TO DISPOSITION OF A DEAD PERSON'S REMAINS.
- 7 (k) A MARRIAGE LICENSE.
- 8 14-13102. Requirements for a valid designated beneficiary
- 9 agreement
- 10 A. A DESIGNATED BENEFICIARY AGREEMENT IS LEGALLY RECOGNIZED IF:
- 11 1. THE PARTIES TO THE DESIGNATED BENEFICIARY AGREEMENT SATISFY ALL OF
- 12 THE FOLLOWING CRITERIA:
- 13 (a) BOTH ARE AT LEAST EIGHTEEN YEARS OF AGE.
- 14 (b) BOTH ARE COMPETENT TO ENTER INTO A CONTRACT.
- 15 (c) NEITHER PARTY IS MARRIED TO ANOTHER PERSON.
- 16 (d) NEITHER PARTY IS A PARTY TO ANOTHER DESIGNATED BENEFICIARY
- 17 AGREEMENT.
- 18 (e) BOTH PARTIES ENTER INTO THE DESIGNATED BENEFICIARY AGREEMENT
- 19 WITHOUT FORCE, FRAUD OR DURESS.
- 20 2. THE AGREEMENT IS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS
- 21 PRESCRIBED IN THIS ARTICLE. FOR THE PURPOSES OF THIS PARAGRAPH, "SUBSTANTIAL
- 22 COMPLIANCE" MEANS THAT THE AGREEMENT INCLUDES THE DISCLAIMER CONTAINED IN
- 23 SECTION 14-13104, THE INSTRUCTIONS AND HEADINGS ABOUT HOW TO GRANT OR
- 24 WITHHOLD A RIGHT OR PROTECTION, THE STATEMENTS ABOUT THE EFFECTIVE DATE OF
- 25 THE AGREEMENT AND HOW TO RECORD THE AGREEMENT, THE SIGNATURES FOR THE TWO
- 26 PARTIES AND THE ACKNOWLEDGMENTS FOR THE NOTARY PUBLIC.
- 27 B. A DESIGNATED BENEFICIARY AGREEMENT IS LEGALLY SUFFICIENT UNDER THIS
- 28 ARTICLE IF:
- 29 1. THE WORDING OF THE DESIGNATED BENEFICIARY AGREEMENT COMPLIES
- 30 SUBSTANTIALLY WITH THE STANDARD FORM PRESCRIBED IN SECTION 14-13104.
- 31 2. THE DESIGNATED BENEFICIARY AGREEMENT IS PROPERLY COMPLETED AND
- 32 SIGNED.
- 33 3. THE DESIGNATED BENEFICIARY AGREEMENT IS ACKNOWLEDGED.
- 34 4. THE DESIGNATED BENEFICIARY AGREEMENT IS RECORDED IN THE OFFICE OF
- 35 THE COUNTY RECORDER PURSUANT TO SECTION 14-13105.
- 36 14-13103. Effects and applicability of a designated beneficiary
- 37 agreement
- 38 A. A PERSON NAMED AS A DESIGNATED BENEFICIARY IN A DESIGNATED
- 39 BENEFICIARY AGREEMENT MAY EXERCISE THE RIGHTS AND PROTECTIONS SPECIFIED IN
- 40 THE AGREEMENT BY VIRTUE OF HAVING BEEN NAMED AS A DESIGNATED BENEFICIARY.
- 41 B. A DESIGNATED BENEFICIARY AGREEMENT THAT IS PROPERLY EXECUTED AND
- 42 RECORDED PURSUANT TO THIS ARTICLE IS VALID AND LEGALLY ENFORCEABLE IN THE
- 43 ABSENCE OF A SUPERSEDING LEGAL DOCUMENT THAT CONFLICTS WITH THE PROVISIONS
- 44 SPECIFIED IN THE DESIGNATED BENEFICIARY AGREEMENT.



1 C. A DESIGNATED BENEFICIARY AGREEMENT PERMITS THE PARTIES TO EXERCISE  
2 THE FOLLOWING RIGHTS AND TO ENJOY THE FOLLOWING PROTECTIONS, UNLESS  
3 SPECIFICALLY EXCLUDED FROM THE DESIGNATED BENEFICIARY AGREEMENT:  
4 1. TO ACQUIRE, HOLD TITLE TO, OWN JOINTLY OR TRANSFER INTER VIVOS OR  
5 AT DEATH REAL OR PERSONAL PROPERTY AS JOINT TENANTS WITH RIGHT OF  
6 SURVIVORSHIP OR AS TENANTS IN COMMON.  
7 2. TO BE DESIGNATED AS A BENEFICIARY, PAYEE OR OWNER AS A TRUSTEE  
8 NAMED IN AN INTER VIVOS OR TESTAMENTARY TRUST FOR THE PURPOSES OF A  
9 NONPROBATE TRANSFER ON DEATH.  
10 3. FOR THE PURPOSES OF THE FOLLOWING BENEFITS, TO BE DESIGNATED AS A  
11 BENEFICIARY AND RECOGNIZED AS A DEPENDENT IF NOTICE IS GIVEN IN ACCORDANCE  
12 WITH ANY APPLICABLE STATUTE, RULE, CONTRACT, POLICY, PROCEDURE OR OTHER  
13 GOVERNMENT DOCUMENT OF THE FOLLOWING BENEFITS:  
14 (a) THE ARIZONA STATE RETIREMENT SYSTEM.  
15 (b) LOCAL GOVERNMENT FIREFIGHTER AND POLICE PENSIONS.  
16 (c) INSURANCE POLICIES FOR LIFE INSURANCE COVERAGE.  
17 (d) HEALTH INSURANCE POLICIES OR HEALTH COVERAGE IF THE EMPLOYER OF  
18 THE DESIGNATED BENEFICIARY ELECTS TO PROVIDE COVERAGE FOR DESIGNATED  
19 BENEFICIARIES AS DEPENDENTS.  
20 4. TO PETITION FOR AND HAVE PRIORITY FOR APPOINTMENT AS A CONSERVATOR,  
21 GUARDIAN OR PERSONAL REPRESENTATIVE FOR THE OTHER DESIGNATED BENEFICIARY.  
22 5. TO VISITATION BY THE OTHER DESIGNATED BENEFICIARY IN A HOSPITAL,  
23 NURSING HOME, HOSPICE OR SIMILAR HEALTH CARE FACILITY IN WHICH A PARTY TO A  
24 DESIGNATED BENEFICIARY RESIDES OR IS RECEIVING CARE, INCLUDING THE RIGHT TO  
25 INITIATE A FORMAL COMPLAINT ALLEGING A VIOLATION OF THE RIGHTS OF NURSING  
26 HOME PATIENTS.  
27 6. TO ACT AS A SURROGATE DECISION MAKER TO MAKE MEDICAL TREATMENT  
28 DECISIONS FOR THE OTHER DESIGNATED BENEFICIARY AS IF SELECTED PURSUANT TO  
29 TITLE 36, CHAPTER 32.  
30 7. TO RECEIVE NOTICE OF THE WITHHOLDING OR WITHDRAWAL OF  
31 LIFE-SUSTAINING PROCEDURES FOR THE OTHER DESIGNATED BENEFICIARY PURSUANT TO  
32 TITLE 36, CHAPTER 32 AND THE RIGHT TO CHALLENGE THE VALIDITY OF A DECLARATION  
33 AS TO MEDICAL OR SURGICAL TREATMENT OF THE OTHER DESIGNATED BENEFICIARY  
34 PURSUANT TO TITLE 36, CHAPTER 32.  
35 8. WITH RESPECT TO THE OTHER DESIGNATED BENEFICIARY, TO ACT AS AN  
36 AGENT AND TO MAKE, REVOKE OR OBJECT TO ANATOMICAL GIFTS PURSUANT TO SECTION  
37 36-848.  
38 9. TO INHERIT REAL OR PERSONAL PROPERTY FROM THE OTHER DESIGNATED  
39 BENEFICIARY THROUGH INTESTATE SUCCESSION.  
40 10. TO HAVE STANDING TO RECEIVE BENEFITS PURSUANT TO THE WORKERS'  
41 COMPENSATION LAWS OF THIS STATE, MADE ON BEHALF OF THE OTHER DESIGNATED  
42 BENEFICIARY.  
43 11. TO HAVE STANDING TO SUE FOR WRONGFUL DEATH ON BEHALF OF THE OTHER  
44 DESIGNATED BENEFICIARY.

1 12. TO DIRECT THE DISPOSITION OF THE OTHER DESIGNATED BENEFICIARY'S  
2 REMAINS PURSUANT TO SECTION 36-831.

3 D. THIS ARTICLE DOES NOT CREATE ANY RIGHTS, PROTECTIONS OR  
4 RESPONSIBILITIES FOR DESIGNATED BENEFICIARIES THAT ARE NOT SPECIFICALLY  
5 ENUMERATED IN THE DESIGNATED BENEFICIARY AGREEMENT AS AUTHORIZED IN THIS  
6 ARTICLE.

7 E. THIS ARTICLE DOES NOT CREATE EVIDENCE OF A PARTY'S INTENT TO FORM A  
8 COMMON LAW MARRIAGE.

9 F. EXECUTION OF A DESIGNATED BENEFICIARY AGREEMENT DOES NOT IMPEDE THE  
10 ABILITY OF A PERSON TO MAKE SPECIFIC DETERMINATIONS AS TO ANY OR ALL OF THE  
11 MATTERS SPECIFIED IN THIS ARTICLE BY ACTING THROUGH SUPERSEDING LEGAL  
12 DOCUMENTS OR OTHER CONTRACTS OR INSTRUMENTS.

13 G. IF A SUPERSEDING LEGAL DOCUMENT IS FOUND TO BE INVALID OR  
14 UNENFORCEABLE, THE DESIGNATED BENEFICIARY AGREEMENT CONTROLS DESPITE THE  
15 ATTEMPT TO SUPERSEDE ITS PROVISIONS.

16 14-13104. Statutory form of a designated beneficiary agreement

17 A. A DESIGNATED BENEFICIARY AGREEMENT SHALL BE IN THE FOLLOWING FORM:  
18 DESIGNATED BENEFICIARY AGREEMENT DISCLAIMER

19 WARNING: WHILE THIS DOCUMENT MAY INDICATE YOUR WISHES,  
20 CERTAIN ADDITIONAL DOCUMENTS MAY BE NEEDED TO PROTECT THESE  
21 RIGHTS.

22 THIS DESIGNATED BENEFICIARY AGREEMENT IS OPERATIVE IN THE  
23 ABSENCE OF OTHER ESTATE PLANNING DOCUMENTS AND WILL BE  
24 SUPERSEDED AND SET ASIDE TO THE EXTENT IT CONFLICTS WITH VALID  
25 INSTRUMENTS SUCH AS A WILL, POWER OF ATTORNEY OR BENEFICIARY  
26 DESIGNATION ON AN INSURANCE POLICY OR PENSION PLAN. THIS  
27 DESIGNATED BENEFICIARY AGREEMENT IS SUPERSEDED BY THESE OTHER  
28 DOCUMENTS AND DOES NOT CAUSE ANY CHANGES TO BE MADE TO THOSE  
29 DOCUMENTS OR DESIGNATIONS. THE PARTIES UNDERSTAND THAT  
30 EXECUTING AND SIGNING THIS AGREEMENT IS NOT SUFFICIENT TO  
31 DESIGNATE THE OTHER PARTY FOR PURPOSES OF ANY INSURANCE POLICY,  
32 PENSION PLAN, PAYABLE ON DEATH DESIGNATION OR MANNER IN WHICH  
33 TITLE TO PROPERTY IS HELD AND THAT THE PARTIES MUST TAKE  
34 ADDITIONAL ACTION IF THEY WISH TO MAKE OR CHANGE THESE  
35 DESIGNATIONS. THE PARTIES UNDERSTAND THAT THIS DESIGNATED  
36 BENEFICIARY AGREEMENT MAY BE ONE COMPONENT OF ESTATE PLANNING  
37 INSTRUCTIONS AND THAT THEY ARE ENCOURAGED TO CONSULT AN ATTORNEY  
38 TO ENSURE THEIR ESTATE PLANNING WISHES ARE ACCOMPLISHED.

39 WE, \_\_\_\_\_, (INSERT FULL NAME AND ADDRESS)  
40 REFERRED TO AS PARTY A, AND \_\_\_\_\_, (INSERT FULL NAME  
41 AND ADDRESS) REFERRED TO AS PARTY B, BY THIS DOCUMENT DESIGNATE  
42 EACH OTHER AS THE OTHER'S DESIGNATED BENEFICIARY WITH THE  
43 FOLLOWING RIGHTS AND PROTECTIONS, GRANTED OR WITHHELD AS  
44 INDICATED BY OUR INITIALS:

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(TO GRANT OR DENY A RIGHT OR PROTECTION DESCRIBED IN A SPECIFIC PARAGRAPH, INITIAL EITHER "ACCEPT" OR "DENY" BELOW THAT PARAGRAPH.)

1. THE RIGHT TO ACQUIRE, HOLD TITLE TO, OWN JOINTLY OR TRANSFER INTER VIVOS OR AT DEATH REAL OR PERSONAL PROPERTY AS A JOINT TENANT WITH ME WITH RIGHT OF SURVIVORSHIP OR AS A TENANT IN COMMON WITH ME.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

2. THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY, PAYEE OR OWNER AS A TRUSTEE NAMED IN AN INTER VIVOS OR TESTAMENTARY TRUST FOR THE PURPOSES OF A NONPROBATE TRANSFER ON DEATH.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

3. THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY AND RECOGNIZED AS A DEPENDENT IN AN INSURANCE POLICY FOR LIFE INSURANCE.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

4. THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY AND RECOGNIZED AS A DEPENDENT IN A HEALTH INSURANCE POLICY IF MY EMPLOYER ELECTS TO PROVIDE HEALTH INSURANCE COVERAGE FOR DESIGNATED BENEFICIARIES.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

5. THE RIGHT TO BE DESIGNATED BY ME AS A BENEFICIARY IN A RETIREMENT OR PENSION PLAN.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

6. THE RIGHT TO PETITION FOR AND HAVE PRIORITY FOR APPOINTMENT AS A CONSERVATOR, GUARDIAN OR PERSONAL REPRESENTATIVE FOR ME.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

7. THE RIGHT TO VISIT ME IN A HOSPITAL, NURSING HOME, HOSPICE OR SIMILAR HEALTH CARE FACILITY IN WHICH A PARTY TO A DESIGNATED BENEFICIARY AGREEMENT RESIDES OR IS RECEIVING CARE.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

8. THE RIGHT TO INITIATE A FORMAL COMPLAINT REGARDING ALLEGED VIOLATIONS OF MY RIGHTS AS A NURSING HOME PATIENT.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

9. THE RIGHT TO ACT AS A SURROGATE DECISION MAKER TO MAKE MEDICAL CARE DECISIONS FOR ME PURSUANT TO TITLE 36, CHAPTER 32, ARIZONA REVISED STATUTES.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

10. THE RIGHT TO NOTICE OF THE WITHHOLDING OR WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES FOR ME PURSUANT TO TITLE 36, CHAPTER 32, ARIZONA REVISED STATUTES.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

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11. THE RIGHT TO CHALLENGE THE VALIDITY OF A DECLARATION AS TO MEDICAL OR SURGICAL TREATMENT OF ME PURSUANT TO TITLE 36, CHAPTER 32, ARIZONA REVISED STATUTES.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

12. THE RIGHT TO ACT AS MY AGENT TO MAKE, REVOKE OR OBJECT TO ANATOMICAL GIFTS INVOLVING MY PERSON PURSUANT TO SECTION 36-848, ARIZONA REVISED STATUTES.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

13. THE RIGHT TO INHERIT REAL OR PERSONAL PROPERTY FROM ME THROUGH INTESTATE SUCCESSION.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

14. THE RIGHT TO HAVE STANDING TO RECEIVE BENEFITS PURSUANT TO THE WORKERS' COMPENSATION LAWS OF ARIZONA IF I DIE ON THE JOB.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

15. THE RIGHT TO HAVE STANDING TO SUE AS A PLAINTIFF FOR MY WRONGFUL DEATH.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

16. THE RIGHT TO DIRECT THE DISPOSITION OF MY LAST REMAINS PURSUANT TO SECTION 36-831, ARIZONA REVISED STATUTES.

PARTY A: ACCEPT\_\_\_ DENY\_\_\_ PARTY B: ACCEPT\_\_\_ DENY\_\_\_

THIS DESIGNATED BENEFICIARY AGREEMENT IS EFFECTIVE WHEN IT IS FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH ONE OF THE DESIGNATED BENEFICIARIES RESIDES.

THIS DESIGNATED BENEFICIARY AGREEMENT CONTINUES IN EFFECT UNTIL ONE OF THE DESIGNATED BENEFICIARIES REVOKES THIS AGREEMENT BY RECORDING A REVOCATION OF DESIGNATED BENEFICIARY FORM IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH THIS AGREEMENT WAS RECORDED OR UNTIL THIS AGREEMENT IS SUPERSEDED IN PART OR IN WHOLE BY A SUPERSEDING LEGAL DOCUMENT.

\_\_\_\_\_  
SIGNATURE OF DESIGNATED BENEFICIARY  
\_\_\_\_\_  
SIGNATURE OF DESIGNATED BENEFICIARY

STATE OF ARIZONA  
COUNTY OF \_\_\_\_\_

THIS DOCUMENT WAS SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ DATE  
BY \_\_\_\_\_  
\_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_  
[SEAL]

NOTARY PUBLIC

1 B. THE INSTRUCTIONS TO EACH PARTY REGARDING HOW TO GRANT OR WITHHOLD A  
2 RIGHT OR PROTECTION BY INITIALING AND THE WORDS "PARTY A" AND "PARTY B" MUST  
3 APPEAR AT THE TOP OF EACH PAGE OF THE STATUTORY FORM.

4 C. A DESIGNATED BENEFICIARY AGREEMENT IS PRESUMED TO EXTEND ALL OF THE  
5 RIGHTS AND PROTECTIONS LISTED IN THE STATUTORY FORM UNLESS THE PARTIES TO THE  
6 AGREEMENT EXPLICITLY EXCLUDE A RIGHT OR PROTECTION.

7 D. A PARTY TO A DESIGNATED BENEFICIARY AGREEMENT MAY LIMIT THE SCOPE  
8 OF A DESIGNATED BENEFICIARY AGREEMENT BY THE TERMS OF THE AGREEMENT OR BY  
9 EXECUTING A SUPERSEDING LEGAL DOCUMENT THAT CONTROLS AND SUPERSEDES PART OR  
10 ALL OF THE DESIGNATED BENEFICIARY AGREEMENT.

11 14-13105. Recording of agreement; duties of county recorder;  
12 public inspection

13 A. A SIGNED AND ACKNOWLEDGED DESIGNATED BENEFICIARY AGREEMENT MUST BE  
14 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY IN WHICH ONE OF  
15 THE PARTIES TO THE AGREEMENT RESIDES. THE DESIGNATED BENEFICIARY AGREEMENT  
16 IS EFFECTIVE AS OF THE DATE AND TIME IT IS RECORDED IN THE OFFICE OF THE  
17 COUNTY RECORDER. THE COUNTY RECORDER MAY REQUIRE THE PERSON RECORDING THE  
18 DESIGNATED BENEFICIARY AGREEMENT TO INDICATE THE MAILING ADDRESS TO WHICH THE  
19 ORIGINAL DOCUMENT SHOULD BE RETURNED AFTER IT IS RECORDED.

20 B. THE COUNTY RECORDER MAY MAKE AVAILABLE COPIES OF THE STATUTORY  
21 FORMS AS PRESCRIBED IN SECTIONS 14-13104 AND 14-13109.

22 C. THE COUNTY RECORDER MUST:

23 1. INDICATE ON THE DESIGNATED BENEFICIARY AGREEMENT OR A REVOCATION OF  
24 A DESIGNATED BENEFICIARY AGREEMENT THE DATE AND TIME THAT IT IS RECORDED WITH  
25 THE CLERK AND RECORDER.

26 2. ISSUE TWO CERTIFIED COPIES OF THE RECORDED DESIGNATED BENEFICIARY  
27 AGREEMENT THAT INDICATE THE DATE AND TIME OF THE RECORDING.

28 3. ISSUE REPLACEMENT CERTIFIED COPIES OF A DESIGNATED BENEFICIARY  
29 AGREEMENT OR A REVOCATION OF A DESIGNATED BENEFICIARY AGREEMENT ON PAYMENT OF  
30 A REPLACEMENT FEE.

31 D. DESIGNATED BENEFICIARY AGREEMENTS AND REVOCATIONS OF DESIGNATED  
32 BENEFICIARY AGREEMENTS ARE OPEN TO PUBLIC INSPECTION.

33 14-13106. Designated beneficiary agreements; effect on other  
34 legal documents; conflicting documents

35 A. THE EXECUTION OF A DESIGNATED BENEFICIARY AGREEMENT DOES NOT  
36 CONSTITUTE EVIDENCE OF AN INTENT TO REVOKE A PRIOR WILL OR CODICIL AND DOES  
37 NOT AFFECT ANY BENEFICIARY DESIGNATION, TRANSFER OR BEQUEST CONTAINED IN ANY  
38 OTHER LEGAL DOCUMENTS.

39 B. TO THE EXTENT THERE IS A CONFLICT BETWEEN A SUPERSEDING LEGAL  
40 DOCUMENT AND A DESIGNATED BENEFICIARY AGREEMENT, THE SUPERSEDING LEGAL  
41 DOCUMENT CONTROLS.

1 14-13107. Affirmation of validity of designated beneficiary  
2 agreement

3 A PERSON WHO EXERCISES RIGHTS OR PROTECTIONS PURSUANT TO A DESIGNATED  
4 BENEFICIARY AGREEMENT AFFIRMS THE VALIDITY OF A DESIGNATED BENEFICIARY  
5 AGREEMENT AND MUST DISCLOSE ANY KNOWLEDGE OF ANY SUPERSEDING LEGAL DOCUMENTS.

6 14-13108. Civil immunity

7 A THIRD PARTY WHO ACTS IN GOOD FAITH RELIANCE ON THE AFFIRMATION OF THE  
8 EXISTENCE OF A VALID DESIGNATED BENEFICIARY AGREEMENT IS NOT SUBJECT TO CIVIL  
9 LIABILITY OR ADMINISTRATIVE DISCIPLINE FOR THAT RELIANCE.

10 14-13109. Revocation of a designated beneficiary agreement;  
11 form

12 A. EITHER PARTY TO A DESIGNATED BENEFICIARY AGREEMENT THAT HAS BEEN  
13 RECORDED PURSUANT TO THIS ARTICLE MAY UNILATERALLY REVOKE THE AGREEMENT BY  
14 RECORDING A REVOCATION WITH THE COUNTY RECORDER OF THE COUNTY IN WHICH THE  
15 AGREEMENT WAS RECORDED. THE PERSON WHO WISHES TO REVOKE THE AGREEMENT MUST  
16 DATE, SIGN AND ACKNOWLEDGE THE REVOCATION. THE REVOCATION IS EFFECTIVE ON  
17 THE DATE AND TIME THE REVOCATION IS RECORDED BY THE COUNTY RECORDER. THE  
18 COUNTY RECORDER SHALL ISSUE A CERTIFIED COPY TO THE PARTY RECORDING THE  
19 REVOCATION AND SHALL MAIL A CERTIFIED COPY OF THE REVOCATION TO THE LAST  
20 KNOWN ADDRESS OF THE OTHER PARTY TO THE DESIGNATED BENEFICIARY AGREEMENT.

21 B. A DESIGNATED BENEFICIARY AGREEMENT IS DEEMED REVOKED ON THE  
22 MARRIAGE OF EITHER PARTY. IN THE CASE OF A COMMON LAW MARRIAGE, A DESIGNATED  
23 BENEFICIARY AGREEMENT IS DEEMED REVOKED AS OF THE DATE THE COURT DETERMINES  
24 THAT A VALID COMMON LAW MARRIAGE EXISTS.

25 C. A REVOCATION OF A DESIGNATED BENEFICIARY AGREEMENT SHALL BE IN THE  
26 FOLLOWING FORM:

27 REVOCATION OF DESIGNATED BENEFICIARY AGREEMENT

28 I, \_\_\_\_\_ (INSERT YOUR FULL NAME), RESIDE AT  
29 \_\_\_\_\_ (INSERT YOUR CURRENT ADDRESS). ON \_\_\_\_\_  
30 (INSERT THE DATE), I ENTERED INTO A DESIGNATED BENEFICIARY  
31 AGREEMENT WITH THE FOLLOWING PERSON \_\_\_\_\_ (INSERT THE  
32 OTHER PERSON'S NAME) WHOSE LAST KNOWN ADDRESS IS \_\_\_\_\_  
33 AND DESIGNATED THAT PERSON AS A DESIGNATED BENEFICIARY. THIS  
34 DESIGNATED BENEFICIARY AGREEMENT WAS RECORDED ON  
35 \_\_\_\_\_ (INSERT THE DATE) IN THE COUNTY OF  
36 \_\_\_\_\_. THE INDEXING FILE NUMBER OF THE DESIGNATED  
37 BENEFICIARY AGREEMENT IS \_\_\_\_\_. I REVOKE THAT  
38 DESIGNATED BENEFICIARY AGREEMENT, EFFECTIVE ON THE DATE AND TIME  
39 THAT THIS REVOCATION IS RECORDED BY THE COUNTY RECORDER OF  
40 \_\_\_\_\_ COUNTY.

41 \_\_\_\_\_  
42 NAME DATE  
43 STATE OF ARIZONA  
44 COUNTY OF \_\_\_\_\_  
45

1 THIS DOCUMENT WAS SUBSCRIBED, SWORN TO AND ACKNOWLEDGED  
2 BEFORE ME ON \_\_\_\_\_ DATE  
3 BY \_\_\_\_\_  
4

5 MY COMMISSION EXPIRES \_\_\_\_\_  
6 [SEAL]  
7 \_\_\_\_\_

8 NOTARY PUBLIC  
9

10 THIS REVOCATION OF DESIGNATED BENEFICIARY AGREEMENT WAS  
11 RECORDED IN MY OFFICE ON \_\_\_\_\_, AT \_\_\_\_\_'CLOCK AND,  
12 PURSUANT TO SECTION 14-13109, ARIZONA REVISED STATUTES, I MAILED  
13 A COPY OF THIS REVOCATION OF DESIGNATED BENEFICIARY AGREEMENT TO  
14 \_\_\_\_\_ AT THE ADDRESS CONTAINED IN THIS REVOCATION OF  
15 DESIGNATED BENEFICIARY AGREEMENT.

16 \_\_\_\_\_ CLERK OF  
17 \_\_\_\_\_ COUNTY

18 BY: \_\_\_\_\_  
19 14-13110. Death of a designated beneficiary; effect on  
20 agreement

21 A. A DESIGNATED BENEFICIARY AGREEMENT TERMINATES ON THE DEATH OF  
22 EITHER PARTY TO THAT AGREEMENT EXCEPT THAT A RIGHT OR POWER THAT A DESIGNATED  
23 BENEFICIARY AGREEMENT CONFERRED ON A DESIGNATED BENEFICIARY SURVIVES THE  
24 DEATH OF THE OTHER DESIGNATED BENEFICIARY.

25 B. A PARTY TO A DESIGNATED BENEFICIARY AGREEMENT WHO SURVIVES A  
26 DESIGNATED BENEFICIARY MAY ENTER INTO A DESIGNATED BENEFICIARY AGREEMENT WITH  
27 A DIFFERENT PERSON IF THAT AGREEMENT MEETS THE REQUIREMENTS OF THIS ARTICLE.

28 Sec. 7. Section 23-1046, Arizona Revised Statutes, is amended to read:  
29 23-1046. Death benefits

30 A. In case of an injury causing death, the compensation therefor shall  
31 be known as a death benefit and shall be payable in the amount, for the  
32 period, and to and for the benefit of the following:

33 1. Burial expenses, not to exceed five thousand dollars, in addition  
34 to the compensation.

35 2. To the surviving spouse, if there are no children, sixty-six and  
36 two-thirds per cent of the average monthly wage of the deceased, to be paid  
37 until such spouse's death or remarriage, with two years' compensation in one  
38 sum upon remarriage. To the surviving spouse if there are surviving  
39 children, thirty-five per cent of the average monthly wage of the deceased,  
40 to be paid until such spouse's death or remarriage with two years'  
41 compensation in one sum upon remarriage, and to the surviving children, an  
42 additional thirty-one and two-thirds per cent of the average monthly wage, to  
43 be divided equally among them until the age of eighteen years, until the age  
44 of twenty-two years if the child is enrolled as a full-time student in any  
45 accredited educational institution, or if over eighteen years and incapable

1 of self-support when the child becomes capable of self-support. When all  
2 surviving children are no longer eligible for benefits, the surviving  
3 spouse's benefits shall be paid as if there were no children. In the event  
4 of the subsequent death or remarriage of the surviving spouse, the surviving  
5 child's or children's benefits shall be computed pursuant to paragraph ~~3~~ 4.

6 3. TO THE SURVIVING DESIGNATED BENEFICIARY, IF THERE ARE NO CHILDREN,  
7 SIXTY-SIX AND TWO-THIRDS PER CENT OF THE AVERAGE MONTHLY WAGE OF THE  
8 DECEASED, TO BE PAID UNTIL THE SURVIVING DESIGNATED BENEFICIARY'S DEATH OR  
9 UNTIL THE SURVIVING DESIGNATED BENEFICIARY NO LONGER IS QUALIFIED AS A  
10 DESIGNATED BENEFICIARY PURSUANT TO TITLE 14, CHAPTER 13. TO THE DESIGNATED  
11 BENEFICIARY IF THERE ARE SURVIVING CHILDREN, THIRTY-FIVE PER CENT OF THE  
12 AVERAGE MONTHLY WAGE OF THE DECEASED, TO BE PAID UNTIL THE DESIGNATED  
13 BENEFICIARY'S DEATH OR UNTIL THE SURVIVING DESIGNATED BENEFICIARY NO LONGER  
14 IS QUALIFIED AS A DESIGNATED BENEFICIARY PURSUANT TO TITLE 14, CHAPTER 13,  
15 AND TO THE SURVIVING CHILDREN, AN ADDITIONAL THIRTY-ONE AND TWO-THIRDS PER  
16 CENT OF THE AVERAGE MONTHLY WAGE, TO BE DIVIDED EQUALLY AMONG THEM UNTIL THE  
17 AGE OF EIGHTEEN YEARS, UNTIL THE AGE OF TWENTY-TWO YEARS IF THE CHILD IS  
18 ENROLLED AS A FULL-TIME STUDENT IN ANY ACCREDITED EDUCATIONAL INSTITUTION, OR  
19 IF OVER EIGHTEEN YEARS AND INCAPABLE OF SELF-SUPPORT WHEN THE CHILD BECOMES  
20 CAPABLE OF SELF-SUPPORT. WHEN ALL SURVIVING CHILDREN ARE NO LONGER ELIGIBLE  
21 FOR BENEFITS, THE SURVIVING DESIGNATED BENEFICIARY'S BENEFITS SHALL BE PAID  
22 AS IF THERE WERE NO CHILDREN. IN THE EVENT OF THE SUBSEQUENT DEATH OR  
23 DISQUALIFICATION OF THE SURVIVING DESIGNATED BENEFICIARY, THE SURVIVING  
24 CHILD'S OR CHILDREN'S BENEFITS SHALL BE COMPUTED PURSUANT TO PARAGRAPH 4.

25 ~~3~~ 4. To a single surviving child, in the case of the subsequent  
26 death or remarriage of a surviving husband or wife, or if there is no  
27 surviving husband or wife, sixty-six and two-thirds per cent of the average  
28 monthly wage of the deceased, or if there is more than one surviving child,  
29 sixty-six and two-thirds per cent to be divided equally among the surviving  
30 children. Compensation to any such child shall cease upon death, upon  
31 marriage or upon reaching the age of eighteen years, except, if over eighteen  
32 years and incapable of self-support, when he becomes capable of self-support,  
33 or if over eighteen years of age and enrolled as a full-time student in any  
34 accredited educational institution, when the child reaches age twenty-two.

35 ~~4~~ 5. To a parent, if there is no surviving husband, wife or child  
36 under the age of eighteen years, if wholly dependent for support upon the  
37 deceased employee at the time of his death, twenty-five per cent of the  
38 average monthly wage of the deceased during dependency, with an added  
39 allowance of fifteen per cent if two dependent parents survive, and, if  
40 neither parent is wholly dependent, but one or both partly dependent, fifteen  
41 per cent divided between them share and share alike.

42 ~~5~~ 6. To brothers or sisters under the age of eighteen years, if  
43 there is no surviving husband or wife, dependent children under the age of  
44 eighteen years or dependent parent, the following shall govern:



1 (a) If one of the brothers or sisters is wholly dependent upon the  
2 deceased employee for support at the time of injury causing death,  
3 twenty-five per cent of the average monthly wage until the age of eighteen  
4 years.

5 (b) If more than one brother or sister is wholly dependent,  
6 thirty-five per cent of the average monthly wage at the time of injury  
7 causing death, divided among such dependents share and share alike.

8 (c) If none of the brothers or sisters is wholly dependent, but one or  
9 more are partly dependent, fifteen per cent divided among such dependents  
10 share and share alike.

11 B. If the deceased employee leaves dependents only partially dependent  
12 upon his earnings for support at the time of the injury, the monthly  
13 compensation shall be equal to such proportion of the monthly payments for  
14 the benefit of persons totally dependent as the amount contributed by the  
15 employee to such partial dependents bears to the average wage of the deceased  
16 at the time of the injury resulting in his death. The duration of  
17 compensation to partial dependents shall be fixed by the commission in  
18 accordance with the facts shown, and in accordance with the provisions of  
19 section 23-1047, but shall in no case exceed compensation for one hundred  
20 months.

21 C. In the event of death of a dependent before expiration of the time  
22 named in the award, the funeral expenses of such person, not to exceed eight  
23 hundred dollars, shall be paid.

24 Sec. 8. Section 36-831, Arizona Revised Statutes, is amended to read:

25 36-831. Burial duties; notification requirements; failure to  
26 perform duty; definitions

27 A. Except as provided pursuant to subsection I or J of this section,  
28 the duty of burying the body of or providing other funeral and disposition  
29 arrangements for a dead person devolves in the following order:

30 1. If the dead person was married, on the surviving spouse unless:

31 (a) The dead person was legally separated from the person's spouse.

32 (b) A petition for divorce or for legal separation from the dead  
33 person's spouse was filed before the person's death and remains pending at  
34 the time of death.

35 2. The person who is designated as having power of attorney for the  
36 decedent in the decedent's most recent durable power of attorney.

37 3. A DESIGNATED BENEFICIARY WHO WAS DESIGNATED IN A DESIGNATED  
38 BENEFICIARY AGREEMENT PURSUANT TO TITLE 14, CHAPTER 13 AS HAVING THE RIGHT TO  
39 DIRECT THE DISPOSITION OF THE DECEDENT'S REMAINS.

40 ~~3.~~ 4. If the dead person was a minor, on the parents.

41 ~~4.~~ 5. On the adult children of the dead person.

42 ~~5.~~ 6. On the dead person's parent.

43 ~~6.~~ 7. On the dead person's adult sibling.

44 ~~7.~~ 8. On the dead person's adult grandchild.

45 ~~8.~~ 9. On the dead person's grandparent.

1           ~~9.~~ 10. On an adult who exhibited special care and concern for the  
2 dead person.

3           ~~10.~~ 11. On the person who was acting as the guardian of the person of  
4 the dead person at the time of death.

5           ~~11.~~ 12. On any other person who has the authority to dispose of the  
6 dead person's body.

7           ~~12.~~ 13. If none of the persons named in paragraphs 1 through ~~11~~ 12 of  
8 this subsection is financially capable of providing for the burial or other  
9 funeral and disposition arrangements, or cannot be located on reasonable  
10 inquiry, on any person or fraternal, charitable or religious organization  
11 willing to assume responsibility.

12           ~~13.~~ 14. If the dead person was a prisoner in the custody of the state  
13 department of corrections at the time of death and none of the persons named  
14 in paragraphs 1 through ~~11~~ 12 of this subsection is willing to provide for  
15 the burial or other funeral and disposition arrangements, or cannot be  
16 located on reasonable inquiry, on the state department of corrections.

17           B. During a person's life, the person's family members that are listed  
18 in subsection A of this section may sign a waiver of decision making that  
19 waives their rights under this section relating to the disposition of the  
20 person's body when the person dies.

21           C. If none of the persons named in subsection A of this section is  
22 willing or financially able to bury or provide other funeral and disposition  
23 arrangements for a dead person, or if the person cannot be located after  
24 reasonable efforts have been made to do so, the county in which death occurs  
25 shall bury or place in a permanent care crypt the dead body or cremated  
26 remains of a dead body. If the decedent is known to be an honorably  
27 discharged veteran or the surviving spouse of an honorably discharged  
28 veteran, the county shall notify the ~~veterans' administration~~ UNITED STATES  
29 DEPARTMENT OF VETERANS AFFAIRS or a local veteran's organization, or both, of  
30 the death and give THE DEPARTMENT OR that organization the opportunity to  
31 provide for the person's burial or for other funeral and disposition  
32 arrangements. If THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR the  
33 LOCAL VETERAN'S organization is unable to provide for the burial of the  
34 veteran or the surviving spouse, the county shall ensure that the decedent is  
35 properly interred and that burial is made in a veterans' cemetery or a  
36 portion of a cemetery that is designated for the burial of veterans and  
37 spouses of veterans.

38           D. If there is more than one member of a category listed in subsection  
39 A, paragraph ~~3,~~ 4, 5, 6, 7, 8, ~~or~~ 9 OR 10 of this section entitled to serve  
40 as the authorizing agent, final arrangements may be made by any member of  
41 that category unless that member knows of any objection by another member of  
42 the category. If an objection is known, final arrangements shall be made by  
43 a majority of the members of the category who are reasonably available.

44           E. If the county medical examiner or person performing the duties of  
45 the county medical examiner knows that the dead person is a member of a

1 federally recognized Native American tribe located in this state, the county  
2 medical examiner or person performing the duties of the county medical  
3 examiner must notify the tribe and give the tribe the opportunity to provide  
4 for the person's burial or other funeral and disposition arrangements. If an  
5 autopsy is required by section 11-597, the county medical examiner or person  
6 performing the duties of the county medical examiner, if possible, shall  
7 complete the autopsy and return the remains to the federally recognized  
8 Native American tribe located in this state within four calendar days after  
9 the determined date of death.

10 F. A person on whom the duty prescribed in subsection A of this  
11 section is imposed who omits or is unwilling to perform that duty within a  
12 reasonable time or is prohibited from performing that duty under subsection I  
13 of this section is liable to the person performing the duty in an amount of  
14 two times the expenses the person incurred in providing for the burial or  
15 other funeral and disposition arrangements. The person who performs this  
16 duty may recover this amount in a civil action.

17 G. Notwithstanding the probate requirements of title 14, if a county  
18 is required to bury a person pursuant to subsection C of this section, the  
19 county may recover the burial costs from the decedent's estate. A financial  
20 institution in possession of monies in an account in the decedent's name must  
21 reimburse the county for the burial costs on presentation by the county of an  
22 affidavit that certifies:

23 1. The date of the decedent's death.

24 2. That, pursuant to this section, the county performed the decedent's  
25 burial.

26 3. The total burial costs incurred by the county.

27 H. A person, a corporation or an agency of government that provides  
28 for the burial or other funeral and disposition arrangements on the  
29 instructions of a person described in subsection A of this section is immune  
30 from civil liability:

31 1. For failing to honor the wishes of the decedent or the wishes of a  
32 person who has a higher priority in subsection A or C of this section if the  
33 person, corporation or agency of government was not aware, after reasonable  
34 inquiry, of the contrary wishes.

35 2. For refusing to follow conflicting directions of persons who have  
36 the same priority in subsection A of this section.

37 3. For following directions of a personal representative that are  
38 consistent with the written testamentary instructions of the decedent.

39 I. The duty to bury or to provide other funeral and disposition  
40 arrangements devolves to the next person in the order prescribed pursuant to  
41 subsection A of this section if the person who is otherwise responsible for  
42 performing this duty is charged with the criminal death of the person to whom  
43 the duty is owed. The person who performs this duty may recover costs as  
44 prescribed in subsection F of this section. If the charges against the  
45 person on whom this duty originally fell are subsequently dismissed or are

1 resolved in that person's favor on the merits, the person is responsible for  
2 only the actual costs.

3 J. If the decedent died while serving in any branch of the United  
4 States armed forces, the United States reserve forces or the national guard,  
5 and completed a United States department of defense record of emergency data,  
6 DD form 93, or its successor form, the duty to bury the decedent or to  
7 provide other funeral and disposition arrangements for the decedent devolves  
8 on the person authorized by the decedent pursuant to that form.

9 K. For the purposes of this section, "person" includes a natural  
10 person, a corporation, a company, a partnership, a firm, an association, a  
11 society, the United States, this state, any territory, state or country, an  
12 Arizona federally recognized Native American tribe, any political subdivision  
13 of this state or a public or private corporation or partnership or  
14 association.

15 L. For the purposes of this article, "burial" includes cremation.

16 Sec. 9. Section 36-848, Arizona Revised Statutes, is amended to read:  
17 36-848. Who may make anatomical gift of decedent's body or part

18 A. Subject to the requirements of subsections B and C of this section,  
19 and unless barred pursuant to section 36-846 or 36-847, an anatomical gift  
20 for transplantation, therapy, research or education may be made by any member  
21 of the following classes of persons who is reasonably available, in the order  
22 of priority listed:

23 1. An agent of the decedent at the time of death who could have made  
24 an anatomical gift pursuant to section 36-843 immediately before the  
25 decedent's death.

26 2. The decedent's spouse.

27 3. A PERSON WHO IS DESIGNATED BY THE DECEDENT AS A DESIGNATED  
28 BENEFICIARY PURSUANT TO TITLE 14, CHAPTER 13 WITH THE RIGHT TO MAKE, REVOKE  
29 OR OBJECT TO ANATOMICAL GIFTS OF THE DECEDENT.

30 ~~3-~~ 4. The decedent's adult children.

31 ~~4-~~ 5. The decedent's parents.

32 ~~5-~~ 6. If the decedent is unmarried, the decedent's domestic partner,  
33 if another person had not assumed financial responsibility for the decedent.

34 ~~6-~~ 7. The decedent's adult siblings.

35 ~~7-~~ 8. The decedent's adult grandchildren.

36 ~~8-~~ 9. The decedent's grandparents.

37 ~~9-~~ 10. An adult who exhibited special care and concern for the  
38 decedent.

39 ~~10-~~ 11. The persons who were acting as the guardians of the person of  
40 the decedent at the time of death.

41 ~~11-~~ 12. Any other person who has the authority to dispose of the  
42 decedent's body.

43 B. If there is more than one member of a class that is listed in  
44 subsection A, paragraph 1, ~~3-~~ 4, 5, 6, 7, 8, 9 or ~~10~~ 11 of this section who  
45 is entitled to make an anatomical gift, an anatomical gift may be made by a

1 member of the class unless that member or a person to which the gift may pass  
2 pursuant to section 36-850 knows of an objection by another member of the  
3 class. If an objection is known, the gift may be made only by a majority of  
4 the members of the class who are reasonably available.

5 C. A person may not make an anatomical gift if, at the time of the  
6 decedent's death, a person in a prior class pursuant to subsection A of this  
7 section is reasonably available to make or to object to the making of an  
8 anatomical gift.

9 D. If the decedent's body is not within the custody of the county  
10 medical examiner, the county health officer may release and permit the  
11 removal of any part from the body in the county health officer's custody for  
12 transplantation, therapy, education or research if the requirements of  
13 section 36-860, subsection A, ~~are~~ are met.

14 Sec. 10. Section 36-3201, Arizona Revised Statutes, is amended to  
15 read:

16 36-3201. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Agent" means an adult who has the authority to make health care  
19 treatment decisions for another person, referred to as the principal,  
20 pursuant to a health care power of attorney.

21 2. "Artificially administered" means providing food or fluid through a  
22 medically invasive procedure.

23 3. "Attending physician" means a physician who has the primary  
24 responsibility for a principal's health care.

25 4. "Comfort care" means treatment given in an attempt to protect and  
26 enhance the quality of life without artificially prolonging that life.

27 5. "Health care directive" means a document drafted in substantial  
28 compliance with this chapter, including a mental health care power of  
29 attorney, to deal with a person's future health care decisions.

30 6. "Health care power of attorney" means a written designation of an  
31 agent to make health care decisions that meets the requirements of section  
32 36-3221 and that comes into effect and is durable as provided in section  
33 36-3223, subsection A.

34 7. "Health care provider" means a natural person who is licensed under  
35 title 32, chapter 13, 15, 17 or 25, a hospice as defined in section 36-401  
36 that is licensed under chapter 4 of this title or an organization that is  
37 licensed under this title, that renders health care designed to prevent,  
38 diagnose or treat illness or injury and that employs persons licensed under  
39 title 32, chapter 13, 15, 17 or 25.

40 8. "Interested person" means the patient, a person listed under  
41 section 36-3231, subsection A, a health care provider directly involved in  
42 the patient's medical care or an employee of a health care provider.

43 9. "Living will" means a statement written either by a person who has  
44 not written a health care power of attorney or by the principal as an  
45 attachment to a health care power of attorney and intended to guide or

1 control the health care treatment decisions that can be made on that person's  
2 behalf.

3 10. "Mental health care power of attorney" means a written designation  
4 of an agency to make mental health care decisions that meets the requirements  
5 of section 36-3281.

6 11. "Physician" means a doctor of medicine licensed pursuant to title  
7 32, chapter 13 or doctor of osteopathy licensed pursuant to title 32,  
8 chapter 17.

9 12. "Principal" means a person who is the subject of a health care  
10 power of attorney.

11 13. "Surrogate" means a person authorized to make health care decisions  
12 for a patient ~~by~~ PURSUANT TO a power of attorney, a court order, ~~or the~~  
13 ~~provisions of~~ section 36-3231 OR TITLE 14, CHAPTER 13.