

Senate Engrossed

developmental disabilities; parents; guardianship

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

SENATE BILL 1411

AN ACT

AMENDING TITLE 14, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY
ADDING SECTION 14-5318; RELATING TO GUARDIANSHIP.

(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 5, article 3, Arizona Revised
3 Statutes, is amended by adding section 14-5318, to read:

4 14-5318. Developmental disabilities; child preference;
5 guardianship; appointment

6 A. NOTWITHSTANDING SECTIONS 14-5301.03 AND 14-5305, IF A MINOR
7 CHILD WHO IS RECEIVING SERVICES PURSUANT TO TITLE 36, CHAPTER 5.1 IS
8 CAPABLE OF EXPRESSING THE CHILD'S PREFERENCE AS TO WHO SHALL BECOME THE
9 CHILD'S GUARDIAN ON THE CHILD'S EIGHTEENTH BIRTHDAY, THE CHILD'S
10 PREFERENCE SHALL TAKE PRIORITY. IF THE CHILD AND THE CHILD'S PARENT AGREE
11 THAT THE CHILD'S PARENT SHALL BECOME THE CHILD'S GUARDIAN, THE CHILD AND
12 THE CHILD'S PARENT SHALL DECIDE TO WHAT EXTENT THE PARENT WILL BE INVOLVED
13 AS GUARDIAN. IF THE CHILD AND THE CHILD'S PARENT DISAGREE AS TO WHO SHALL
14 BECOME THE CHILD'S GUARDIAN, THE CHILD AND THE CHILD'S PARENT SHALL RETAIN
15 LEGAL COUNSEL TO ASSIST IN DETERMINING WHO SHALL BECOME THE CHILD'S
16 GUARDIAN.

17 B. IF THE MINOR CHILD IS INCAPABLE OF EXPRESSING THE CHILD'S
18 PREFERENCE AS TO WHO SHALL BECOME THE CHILD'S GUARDIAN ON THE CHILD'S
19 EIGHTEENTH BIRTHDAY, THE CHILD'S PARENT SHALL DETERMINE WHO SHALL BECOME
20 THE CHILD'S GUARDIAN, INCLUDING THEMSELVES, IN A CONTINUAL MANNER, WITHOUT
21 THE USE OF AN ATTORNEY AND THROUGH DEVELOPMENTAL DISABILITY FORMS.

22 C. AT THE LAST SCHEDULED DEVELOPMENTAL DISABILITY MEETING BETWEEN
23 THE DEPARTMENT OF ECONOMIC SECURITY, THE CHILD AND THE CHILD'S PARENT
24 BEFORE THE CHILD'S SEVENTEENTH BIRTHDAY, THE DEPARTMENT OF ECONOMIC
25 SECURITY SHALL INITIATE THE PROCESS OF DETERMINING WHO SHALL BECOME THE
26 CHILD'S GUARDIAN ON THE CHILD'S EIGHTEENTH BIRTHDAY.

27 D. THE DEPARTMENT OF ECONOMIC SECURITY SHALL PRESCRIBE FORMS FOR
28 DETERMINING GUARDIANSHIP ON THE CHILD'S EIGHTEENTH BIRTHDAY AND SHALL
29 PROVIDE THE FORMS TO THE CHILD AND THE CHILD'S PARENTS.