



**ARIZONA STATE SENATE**  
*Fifty-Sixth Legislature, First Regular Session*

**AMENDED**  
FACT SHEET FOR S.B. 1411

developmental disabilities; parents; guardianship

Purpose

Deems that a parent who is the primary caregiver of a minor child receiving services for developmental disabilities automatically and immediately becomes the guardian of that child on the child's 18th birthday.

Background

The Department of Economic Security (DES) provides services to individuals with developmental disabilities through the Division of Developmental Disabilities (DDD). DDD provides support and services to individuals diagnosed with one of the following developmental disabilities: 1) autism; 2) cerebral palsy; 3) epilepsy; 4) cognitive or intellectual disability; or 5) down syndrome. DDD also provides support and services to individuals that are under the age of six and at risk of having a developmental disability ([DES](#)).

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, except that a guardian is not liable to third persons for acts of the ward solely by reason of the guardianship ([A.R.S. § 14-5312](#)).

DES must request the appointment of a guardian for minor and adult clients receiving services if no parent is willing and competent to act and if it appears that the appointment of a guardian would be in the client's best interests. Guardianship or conservatorship for persons with developmental disabilities must be utilized only as is necessary to promote the well-being of the individual, be designed to encourage the development of maximum self-reliance and independence in the individual and must be ordered only to the extent necessitated by the individual's actual mental, physical and adaptive limitations ([A.R.S. § 36-564](#)).

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

Provisions

1. Deems that a parent who is the primary caregiver of a minor child receiving services for developmental disabilities automatically and immediately becomes the guardian of that child on the child's 18th birthday.

2. Requires a parent who is the primary caregiver of a minor child receiving services for developmental disabilities to notify DES at least six months before the child's 18th birthday if the parent does not wish to automatically and immediately become the guardian of that child on the child's 18th birthday.
3. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Corrects a statutory reference.

Senate Action

JUD            2/9/23      DPA    6-2-0

Prepared by Senate Research

February 10, 2023

ZD/SB/sr