

REFERENCE TITLE: protected persons; jury trial right

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HB 2972

Introduced by
Representative Keshe1

AN ACT

AMENDING SECTIONS 14-1306 AND 14-5111, ARIZONA REVISED STATUTES; RELATING
TO JURY TRIALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 14-1306, Arizona Revised Statutes, is amended to
3 read:

4 14-1306. Jury trial

5 A. ~~if duly demanded,~~ A party is entitled to trial by jury ~~in any~~
6 ~~proceeding in which any controverted question of fact arises as to which~~
7 ~~any party has a constitutional right to trial by jury.~~

8 B. If ~~there is no~~ THE right to trial by jury under subsection A of
9 this section ~~or the right~~ is waived, the court in its discretion may call
10 a jury to decide any issue of fact, in which case the verdict is advisory
11 only.

12 Sec. 2. Section 14-5111, Arizona Revised Statutes, is amended to
13 read:

14 14-5111. Duties of appointed attorney: contempt

15 A. ~~No~~ NOT later than seven calendar days before the initial hearing
16 on a petition for the appointment of a permanent guardian or permanent
17 conservator, the attorney for the alleged incapacitated person or the
18 person allegedly in need of protection shall fulfill the following minimal
19 duties:

20 1. Interview the alleged incapacitated person or person allegedly
21 in need of protection.

22 2. Inform the alleged incapacitated person or person allegedly in
23 need of protection of all OF the following RIGHTS:

24 (a) The right to a trial by jury, WHICH SHALL BE GIVEN pursuant to
25 section 14-1306.

26 (b) The right to select an attorney of the person's choosing. If
27 the attorney is appointed by the court, the attorney shall explain to the
28 alleged incapacitated person or person allegedly in need of protection
29 that the person may hire a different attorney at the person's own expense.

30 (c) The right of the alleged incapacitated person or person
31 allegedly in need of protection to appear in court and have any person the
32 alleged incapacitated person or person allegedly in need of protection
33 wishes to be present with the alleged incapacitated person or person
34 allegedly in need of protection.

35 3. Provide the ALLEGED incapacitated person or person allegedly in
36 need of protection with BOTH OF THE FOLLOWING:

37 ~~(d)~~ (a) A review of the court process, timelines and expected
38 future proceedings.

39 (b) A copy of ~~the~~ A supreme court ~~promulgated~~ FORM TITLED order to
40 ~~a~~ guardian, order to conservator or order to guardian and conservator, OR
41 A SUCCESSOR FORM, that the court will enter if the relief requested in the
42 petition is granted.

1 ~~B. At the initial hearing on the petition for appointment, the~~
2 ~~attorney for the alleged incapacitated person or the person allegedly in~~
3 ~~need of protection shall attest to the court that the attorney has~~
4 ~~fulfilled the requirements prescribed in this section or shall provide an~~
5 ~~explanation as to why the attorney has been unable to comply with the~~
6 ~~requirements prescribed in this section.~~

7 ~~C.~~ B. The court may find an attorney who fails to fulfill the
8 duties prescribed in this section in contempt of court.