

REFERENCE TITLE: compensation; elderly; best interests

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1648

Introduced by
Senator Finchem

AN ACT

AMENDING SECTION 14-5109, ARIZONA REVISED STATUTES; RELATING TO
COMPENSATION DISCLOSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 14-5109, Arizona Revised Statutes, is amended to
3 read:

4 14-5109. Disclosure of compensation; determining
5 reasonableness and necessity

6 A. When a guardian, a conservator, an attorney or a guardian ad
7 litem who intends to seek compensation from the estate of a ward or
8 protected person first appears in the proceeding, that person must give
9 written notice of the basis of the compensation by filing a statement with
10 the court and providing a copy of the statement to all persons entitled to
11 notice pursuant to sections 14-5309 and 14-5405. The statement must
12 provide a ~~general~~ DETAILED explanation of the compensation arrangement and
13 how the compensation will be computed.

14 B. If during the pendency of the action the basis for compensation
15 changes, the guardian, conservator, attorney or guardian ad litem must
16 provide notice of the change to all persons entitled to notice pursuant to
17 this ~~subsection~~ SECTION not less than thirty days before the change
18 becomes effective.

19 C. Compensation paid from an estate to a guardian, conservator,
20 attorney or guardian ad litem must be reasonable and necessary. To
21 determine the reasonableness and necessity of compensation, the court must
22 consider the best interest of the ward or protected person. The COURT
23 SHALL CONSIDER THE following factors ~~may be considered~~ to the extent
24 applicable:

25 1. Whether the services provided any benefit or attempted to
26 advance the best interest of the ward or protected person.

27 2. The usual and customary fees charged in the relevant
28 professional community for the services.

29 3. The size and composition of the estate.

30 4. The extent that the services were provided in a reasonable,
31 efficient and cost-effective manner.

32 5. Whether there was appropriate and prudent delegation to others.

33 6. Any other factors bearing on the reasonableness of fees.

34 D. The person seeking compensation has the burden of proving the
35 reasonableness and necessity of compensation and expenses sought.

36 E. THE COURT SHALL APPROVE THE PROJECTED COST THAT IS LEVIED
37 AGAINST THE ESTATE BY AN ATTORNEY OR A GUARDIAN AD LITEM WHO INTENDS TO BE
38 PAID BY THE WARD BEFORE RENDING THE SERVICE OR INCUR COSTS. ANY COST THAT
39 IS INCURRED MAY NOT EXCEED THE EXPENDITURE AMOUNT IN QUESTION.