



MARICOPA COUNTY SUPERIOR COURT: PROBATE DEPARTMENT

Modified Probate Department Operations during COVID-19 Pandemic

On March 18, 2020, Arizona Chief Justice Robert Brutinel issued [Administrative Order No. 2020-48](#) ("AO 2020-48"). Among other things, AO 2020-48 requires that, to help reduce the risk associated with the COVID-19 public health emergency, all in-person court proceedings be avoided to the greatest extent possible consistent with core constitutional rights. On March 19, 2020, Presiding Judge Joseph C. Welty issued [Administrative Order No. 2020-043](#) ("AO 2020-043") for the Superior Court of Arizona for Maricopa County (the "Maricopa County Superior Court"). Among other things, AO 2020-043 limits physical access to all court buildings of the Maricopa Superior Court. On March 30, 2020, Governor Douglas A. Ducey issued [Executive Order 2020-18](#), which orders that, effective at 5:00 p.m. on March 31, 2020, and through April 30, 2020, all individuals in the State of Arizona limit their time away from their place of residence or property, subject to certain limited exceptions.

Consistent with the foregoing, the Probate & Mental Health Department of the Superior Court of Arizona for Maricopa County (the "Department") is taking the following actions with respect to all probate (Title 14 and Title 36, Chapter 32) cases:

- 1** **During the entire month of April 2020**, all probate matters will be heard in the Downtown Court Facility. Such proceedings will occur on the Fifth Floor of the East Court Building, 101 W. Jefferson, Phoenix, Arizona 85003. On April 1, proceedings will be conducted in courtroom 512. On April 2, proceedings will be conducted in courtroom 513. On April 3, proceedings will be conducted in courtroom 511. Starting on April 6 and until further notice, proceedings will be conducted in courtroom 513.
- 2** **Effective April 1, 2020**, only one judicial officer per day will be available to consider any probate matters that are filed in April 2020.
- 3** **All pending hearings, status conferences, settlement conferences**, and similar court events scheduled in the month of April 2020 are hereby vacated. Such matters will be reset in the future. The only exceptions are for pending hearings relating to the appointment of a temporary guardian and/or conservator for an adult, which will proceed as scheduled and hearings that pertain to a request for the appointment of the Maricopa County Public Fiduciary as a guardian (or as a guardian and conservator).
- 4** **The only probate matters** that will be set for hearing in April 2020 are emergency matters, including (but not necessarily limited to) petitions requesting the appointment of a guardian and/or a conservator for an adult; petitions to determine the validity of, or to enforce, a health care directive; and petitions relating to the disposition of a decedent's body. For a petition to be set for hearing in April 2020, the petition must demonstrate, either in the petition or a separate motion, sufficient facts to establish why the matter(s) raised in the petition must be addressed prior to May 1, 2020.



5 The Court will continue to consider petitions for the appointment of a temporary guardian and/or temporary conservator on an ex parte (without advance notice to interested persons) basis as authorized in A.R.S. §§ 14-5310 and -5401.01. Persons filing such petitions are reminded that the court may grant such relief only if the petition or affidavit accompanying the petition clearly demonstrates that immediately and irreparable injury, loss, or damage will result before the proposed ward or protected person, or that person’s attorney, can be heard in opposition to the petition.

6 The following apply to hearings that are held in April 2020:

- a. **In-person attendance** of persons who are neither lawyers involved in the case, parties, nor witnesses (e.g., family members, significant others, friends, etc.) is prohibited.
- b. **Parties, their lawyers, and witnesses** wishing to participate telephonically in any type of court proceeding are **not** required to file a motion requesting leave to do so. Instead, such person only needs to contact PB-CRTADMSTR@jbazmc.maricopa.gov **by email** to request instructions on **how** to participate telephonically.
- c. **In-person appearances and testimony by parties, lawyers, and witnesses** are limited to those instances that are absolutely necessary. For uncontested proceedings, parties, lawyers, and witnesses are expected to participate telephonically rather than in-person. For contested proceedings, lawyers and self-represented parties are encouraged to limit in-person testimony to only those witnesses whose credibility is crucial to the court’s determination of a disputed issue. Although AO 2020-043 provides that “all temporary guardianship/conservatorship hearings will proceed in-person unless otherwise ordered or directed by the court,” all persons participating in such hearings are strongly encouraged to do so telephonically. Questions about a specific case should be addressed **by email** to PB-CRTADMSTR@jbazmc.maricopa.gov.
- d. **For any case in which in-person attendance occurs**, those in attendance will be required to “social distance” consistent with the Center for Disease Control’s guidelines. Currently, that means the persons attending the court proceeding will be required to remain at least six feet from one another.

7 **Orders to Guardian, Orders to Conservator, Orders to Guardian and Conservator, and Orders to Personal Representative** that have been signed by the fiduciary may be submitted electronically to the assigned Division for the assigned Judicial Officer to sign. Specifically, the fiduciary should sign the order to fiduciary and then scan the order to fiduciary and email it to the assigned Division. The subject line of the email should contain the case name and number and the words “Order to Fiduciary.” If a flatbed scanner is not available, the fiduciary may use an app such as Adobe Scan, which is available for free from the Apple App Store and the Google Play Store.

8 **Fiduciaries, their lawyers, and couriers**, as well as anyone designated by the fiduciary or the fiduciary’s lawyer for such purpose, **may** enter court buildings to obtain certified copies of the order appointing the fiduciary and the fiduciary’s letters of appointment.

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- 9 **If a temporary guardian, temporary conservator, or special administrator's appointment** is set to expire in April or May 2020, that fiduciary (or the fiduciary's lawyer) should file a motion requesting that the appointment be extended. The title of the motion should state "Accelerated Ruling Request." Such motions will be liberally granted. **All efforts should be made to file the motion as a stipulated motion.**
 - 10 **If the release of restricted funds** are needed on an emergency (urgent) basis, a request for the release of restricted funds should be made by motion rather than by petition. The title of the motion should state "Accelerated Ruling Request." **All efforts should be made to file the motion as a stipulated motion.**
 - 11 **Couriers** may enter court buildings to drop off copies of documents in Division inboxes; however, Division staff will not be providing signature verifications.
 - 12 **The Compliance Calendar** has been suspended. Lawyers and parties should not appear for any Compliance Calendar hearings that already have been set. If a party has not complied with a court order by the time of a scheduled Compliance Hearing, the Court automatically will grant an extension of time for the compliance (and will notify the fiduciary in writing of the new deadline). If by the new deadline the fiduciary still has not complied, the matter will be referred to the Judicial Officer assigned to the case to take whatever action that Judicial Officer deems to be appropriate under the circumstances (e.g., setting a telephonic status conference or a telephonic hearing, suspending the fiduciary's authority, etc.).
 - 13 **Requests for continuances and extensions of deadlines**, as well as requests for special accommodations for persons who are at a high risk of illness from COVID-19 will be liberally granted.
 - 14 **The Department** is in the process of making videoconferencing available to the parties, their lawyers, and witnesses. When such technology becomes available, instructions will be provided.

- * **The Law Library Resource Center (“LLRC”)** has been restricted to provide services only to individuals seeking protective orders. Thus, persons wanting to obtain the Court’s probate forms must do so electronically by going [here](#).
- * Lawyers and parties are reminded that many of the people our Department serves fall within the high risk group. Thus, you are strongly encouraged to ensure that persons who are the subject of a guardianship and/or conservatorship proceeding are properly served with notice of any hearing so their personal attendance at the hearing for the sole purpose of waiving service can be avoided. If service has not been properly and timely effectuated, please consider asking that the hearing be continued.
- * Each Division has only two incoming/outgoing telephone lines, which means we are able to handle only two calls at a time. For this reason, we ask for your patience and understanding as our staff handle our high volume calendars telephonically with limited telephone service.

Division contact information is as follows:

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