



# MARICOPA COUNTY SUPERIOR COURT: PROBATE DEPARTMENT

## Modified Probate Department Operations during COVID-19 Pandemic

On May 20, 2020, Arizona Chief Justice Robert Brutinel issued Administrative Order No. 2020-79 ("Supreme Court AO 2020-79"). On May 22, 2020, Presiding Judge Joseph C. Welty issued Administrative Order No. 2020-078 ("Maricopa County AO 2020-078") for the Superior Court of Arizona for Maricopa County (the "Maricopa County Superior Court").

On April 16, 2020, Chief Justice Brutinel issued Administrative Order No. 2020-67 ("AO 2020-67"). Among other things, Supreme Court AO 2020-67 clarifies that, for purposes of Rule 17, Arizona Rules of Probate Procedure, a person may "attend" an initial hearing on a petition by telephone, videoconferencing, or other available audio or audiovisual technology by following the directions provided by the judicial division assigned to the case or set forth in the Notice of Hearing on that petition. In addition, Supreme Court AO 2020-67 authorizes the Superior Court in each county to modify the second sentence of the second paragraph of the Required Warning language set forth in Rule 16(b), Arizona Rules of Probate Procedure, to provide instructions for telephonic or video appearance at an initial hearing on a petition. Pursuant to that authority, on April 27, 2020, Andrew G. Klein, Presiding Judge of the Probate and Mental Health Department, issued Maricopa County Administrative Order No. 2020-064 ("Maricopa County AO 2020-061"), which modifies the second sentence of the second paragraph of the Required Warning language set forth in Rule 16(b), Arizona Rules of Probate Procedure, to read as follows:

**However, if you oppose any of the relief requested in the petition that accompanies this notice, you must file with the court a written response at least 7 calendar days before the hearing date, OR<sup>1</sup> you or your attorney must contact the division assigned to the case at the time of hearing using the following instructions: At least 30 minutes before the time of the hearing, call the assigned Judicial Officer's division at the phone number listed below and request instructions on how to appear electronically at the hearing.**

Maricopa County AO 2020-064, further requires that, in addition to the information required by Rule 16(a), Arizona Rules of Probate Procedure, all notices of an initial hearing on a petition contain the telephone number for the Judicial Officer before the petition is set for hearing.

Consistent with the foregoing, effective Monday, June 8, 2020, 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:

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<sup>1</sup> Although Maricopa County AO 2020-065 actually underlines and capitalizes the "or" between the words "you" and "your attorney," that formatting is the result of a clerical error. The "or" between the word "date" and the word "you" is what was intended to be underlined and capitalized.



- 1 **Adult adoption hearings will be conducted in-person**
- 2 **Contested probate evidentiary** hearings that are anticipated to last more than three hours may, in the assigned judicial officers sole discretion, be conducted in-person.
- 3 **All other probate proceedings will be conducted electronically.** Thus, parties, witnesses, and their lawyers are not required to file a motion requesting leave to participate electronically. See below for more information about electronic appearances.
- 4 **Probable cause hearings, jury trials, and bench trials** in Sexually Violent Person cases may be conducted in-person. However, the respondent may request that a probable cause hearing or bench trial be conducted electronically.
- 5 **To limit the number of co-occurring in-person proceedings** in a courthouse, the scheduling of necessary in-person proceedings will be coordinated by the Presiding Judge of the Probate and Mental Health Department or his designee. In addition, Judicial Officers will schedule only one in-person proceeding to occur at a time in that Judicial Officer's courtroom (multiple in-person proceedings will not be set to begin at the same time).
- 6 **For any type of in-person proceeding,** 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.
- 7 **For any proceeding in which in-person attendance occurs,** those in attendance will be required to "socially 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. In addition, anyone attending the proceeding in-person will be required to wear a mask or face covering in accordance with Maricopa County AO 2020-078.AO 2020-078.
- 8 **If an "interested person" (as defined in Title 14, A.R.S.) appears at the courthouse for the purpose of opposing a petition** that is set for an initial hearing, the interested person will be allowed to enter the courthouse for the limited purpose of notifying the assigned judicial officer's staff of the interested person's presence and desire to oppose the relief requested in the petition. The judicial officer's staff then will provide the interested person with instructions for participating electronically in the initial hearing. Except in extraordinary circumstances, the interested person will not be allowed to enter the courtroom and, instead, will only be allowed access to the courthouse hallway(s).
- 9 **Initial hearings and other court proceedings** that had been scheduled for April 2020 but were vacated are still being reset. If you have any questions about a court proceeding that had been set in April 2020 but was vacated, please contact the Division assigned to that case.

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- 10 **Settlement conferences will proceed electronically.** A party or attorney who does not wish to participate electronically in a settlement conference must notify the assigned settlement conference judicial officer at least seven (7) calendar days prior to the settlement conference, in which event the settlement conference will be vacated.
  - 11 **A new Notice of Hearing form that complies with Maricopa County AO 2020-064** can be found here. Please be certain to use this form for all initial hearings for which you have not yet sent out a notice of hearing. If, prior to May 4, 2020, you provided notice of an initial hearing using a notice of hearing that complied with Rule 16, Arizona Rules of Probate Procedure, you do not need to use the new Notice of Hearing form. If you represent the Subject Person of a guardianship or conservatorship case and if the petitioner is self-represented, you may want to inform the petitioner about the new Notice of Hearing form so the hearing can be conducted efficiently (if you feel such communication is appropriate).
  - 12 **For probate cases assigned to a downtown Judicial Officer,** the division copy of a filed document should be delivered to the Probate Court Drop Box located at the Downtown Court Facility (and not to the assigned Judicial Officer's inbox in the East Court Building). Probate Court Administration then will route the document to the appropriate Judicial Officer.
  - 13 **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.
  - 14 **Court-appointed 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.
  - 15 **A person requesting the appointment of a temporary guardian, temporary conservator, or special administrator** without advance notice to interested persons (i.e., ex parte) may enter court buildings to file the petition that requests such relief, to provide a copy of the petition and related documents to Probate Court Administration, and to provide a copy of the petition and related documents to the Division assigned to the case. If appropriate social distancing is possible, that person may remain in the hallway immediately outside the Division while the assigned Judicial Officer considers the request. If appropriate social distancing is not possible, Division staff may request that the person wait in the assigned Judicial Officer's courtroom if it is not being used or that the person exit the court building until the assigned Judicial Officer has ruled on the petition. If Division staff requests that the person exit the court building, Division staff first shall obtain the person's cell phone number and promptly shall call the person after the Judicial Officer has ruled on the petition. The person then may re-enter the court building to retrieve a copy of that ruling.



**16** Couriers may enter court buildings to drop off copies of documents in Division inboxes; however, Division staff will not be providing signature verifications.

**17** **The Compliance Calendar remains 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.).

**18** **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 COVID19 will be liberally granted.

**19** **Effective June 29, 2020:**

- a.** Commissioner Mata has taken over Commissioner Bell's Downtown probate calendar.
- b.** Commissioner Paula Williams has taken over Commissioner White's Southeast probate calendar.
- c.** Judge Lisa Vandenberg has taken over Judge Bustamante's Northwest calendar.
- d.** Judge Dean Fink has taken over Judge Polk's Downtown calendar, and Judge Polk has taken over Judge Klein's Downtown calendar. Judge Polk remains in East Court Building 511, and Judge Fink is located in East Court Building 611.

**Parties, counsel, and witnesses are strongly encouraged to participate in proceedings using both audio and video. If a participant does not have a computer webcam, the participant may use a camera built into a smartphone or tablet to facilitate video. Most judicial officers now have webcams and are using them.**



- \* Electronic Appearances: Effective May 4, 2020, the Court will be utilizing GoToMeeting for electronic appearances by parties, witnesses, and their lawyers (though, at the settlement conference judicial officer's discretion, a different method may be used for settlement conferences). GoToMeeting is a free service for court users, and apps are available for iOS, MacOS, Windows, and Android. Users may participate using those apps, a web browser, or (for audio only) a telephone line. More information may be obtained from [www.gotomeeting.com](http://www.gotomeeting.com). Judicial staff will provide the petitioner (or, if represented, the petitioner's lawyer) and other parties (or, if represented, their lawyers) with the meeting ID to be used for a particular court proceeding. To allow the general public to access court proceedings, a telephone bridge line will be utilized in most cases (proceedings to appoint, remove, or substitute a guardian and/or conservator and proceedings to terminate a guardianship or conservatorship, as well as settlement conferences, being the exceptions). The telephone bridge line will be merged/connected with a GoToMeeting audio line, both of which then will be connected to the FTR systems to preserve the official record of the court proceeding. The bridge telephone line will be muted so people using the bridge telephone line will only be able to listen to the court proceeding and will not be able to be heard. Not all judicial officers have access to webcams. As a result, you may not be able to view the judicial officer when using GoToMeeting. Although the Department encourages parties, lawyers, and witnesses to use a webcam so the judicial officer can see those persons, use of a webcam is not required.

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:

<https://superiorcourt.maricopa.gov/llrc/probatecourt-forms/>

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.

## Division contact information is as follows:

JUDICIAL OFFICER	JUDICIAL ASSISTANT	DIVISION EMAIL	PHONE NO.
JAY M. POLK	DIANE HILTY	DIANE.HILTY@JBAZMC. MARICOPA.GOV	602.372.0879
DEAN M. FINK	MICA INMAN	MICA.INMAN@JBAZMC. MARICOPA.GOV	602.506.3776
LISA VANDERBERG	KENDRA STEVENSON *	KENDRA.STEVENSON@JBAZMC. MARICOPA.GOV	602.372.6595
JULIE MATA	CAT SOILEAU **	CAT.SOILEAUK@JBAZMC. MARICOPA.GOV	602.372.0270
JUSTIN MCGUIRE	KIMBERLEE HUDSON	KIMBERLEE.HUDSON@JBAZMC. MARICOPA.GOV	602.506.3809
AMY KALMAN	HEATHER HILL	HEATHER.HILL@JBAZMC. MARICOPA.GOV	602.506.3381
THOMAS MARQUOIT	SARAH OLGIN	SARAH.OLGIN@JBAZMC. MARICOPA.GOV	602.372.0756
JANE MCLAUGHLIN	PEGGY KREVITT	PEGGY.KREVITT@JBAZMC. MARICOPA.GOV	602.506.6086
PAULA WILLIAMS	ALEXIA HUIZAR **	ALEXIA.HUIZAR@JBAZMC. MARICOPA.GOV	602.372.0425

- \* Kendra Stevenson will be starting as Judge VandenBerg's Judicial Assistant on or about July 13, 2020. In the meantime, Judge VandenBerg's Courtroom Assistant (Bailiff), Heather McFarland, is serving as the point of contact for her Division. Heather's email address is [heather.mcfarland@jbazmc.maricopa.gov](mailto:heather.mcfarland@jbazmc.maricopa.gov).
- \* Presently, Commissioners Mata and Williams do not have permanent Judicial Assistants. Members of Probate/Mental Health Department Court Administrators are filling in as their Judicial Assistants. We ask that you be patient during this transition period.

[Click here to access available court forms online](#)