Maricopa Probate Court Reforms
The High Performance Court Framework at a Glance

**Customer Perspective**
How should we treat all participants in the legal process?

**Internal Operating Perspective**
What does a well functioning court do to excel at managing its work?

**Innovation Perspective**
How can court personnel learn to respond and adapt to new circumstances and challenges?

**Social Value Perspective**
What is a court’s responsibility to the public and funding bodies?
The Quality Cycle

Identify the Problem
Clearly state problem to be solved. Perception that family law cases are taking too long and backlog is growing.

Collect the Data
Gather data to define gap between desired and actual performance. Family court customer opinion is sought and case processing data compiled.

Evaluate the Results
With new information, business processes can be further refined. Continue monitoring relevant family law performance indicators.

Analyze the Data
Data is examined and interpreted to further clarify the problem. In the family division, results show time to disposition is up and customer satisfaction is down.

Take Corrective Action
In-depth knowledge of the problem helps choose best course of action.
- Re-design family law pro se process
- Develop and improve staff training
- Collaborate with stakeholders such as the family law bar

Sufficient time elapses to test corrective actions.

Continue Cycle of Corrective Action Until Improvements Achieved
- Ensure issues get on family law judges' agenda
- Add family law coordinator
- Initiate family law clinic

3
Four phases of pitching:

1) set position

2) windup

3) pitch

4) follow-through
1. The Set Position
   - Pitcher takes an environmental scan of the situation
     - how many outs?
     - who is at bat?
     - what kind of pitch should be thrown in this situation?
   - Pitcher receives and shares critical information with catcher and coaching staff
2. The Windup

- Pitcher takes aim and initiates the pitch (the plan)
4. Follow-through

- Pitcher completes the motion and readies himself to field any ball hit into play
What does your court value? Prioritize?

What is your culture?

How are your resources deployed?

What service delivery areas need improvement?

Reference performance measures

Communication within the organization to identify problems, challenges, and bottlenecks

Check the inventory to be sure people are IN THE GAME.

What is at stake, how should we play the rest of this inning, what relief is available and can we turn this batter into a double play?
2. The Windup

- Begin to implement plan
- Align resources for success
- Communicate with stakeholders and members of the court
3. The Pitch

- Provide resources and energy to the delivery of the services and programs
4. Follow-through

- Be prepared to assess and evaluate the success of new initiatives
- Make sure to follow-through initiatives to the end
- Re-measure and prepare for the next ‘pitch’

Follow through is a professional’s completion of a task, or evaluating a solution or initiative. The job continues.
NCSC Review – Phase One

Improving Protective Probate Processes:
An Assessment of Guardianship and Conservatorship Procedures in the Probate and Mental Health Department of the Maricopa County Superior Court

August 2011

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National Center for State Courts
Welcome to the Committee on Improving Judicial Oversight and Processing of Probate Court Matters


To view the Final Report, CLICK HERE

IMPLEMENTATION OF THE PROBATE COURT COMMITTEE’S RECOMMENDATIONS UNDERWAY

The Supreme Court adopted new rules and changes to the Rules of Probate Procedure in December 2011, based on the recommendations made by the Probate Court Committee in its Final Report. Of the 24 probate rules adopted, 15 took effect February 1, 2012 and 9 are effective September 1, 2012.

On June 18, 2012, the Arizona Judicial Council will consider proposed administrative rules and training curriculum necessary to implement the Probate Rules effective September 1, 2012. The Probate Rules with the September 1st effective date fall into 4 main areas:

1. Training for attorneys serving as appointed counsel or guardians ad litem, for court investigators and for non-licensed fiduciaries.
2. Changes to Arizona Code of Judicial Administration (“ACJA”) § 7-202. Fiduciaries to implement statutory changes resulting from Senate Bill 1499 and other amendments necessary to implement the new Probate Rules.
4. Statewide Fee Guidelines. A new ACJA Section § 3-303 adopts the recommendation of the Probate Court Committee for statewide Fee Guidelines.

The Arizona Judicial Council meeting is open to the public. More details, including the location, time, agenda and documents pertaining to the above topics may be viewed by CLICKING HERE.
## 2012 Filings and Pending Caseload

<table>
<thead>
<tr>
<th>Category</th>
<th>Begin Pending</th>
<th>Filed</th>
<th>Disposed</th>
<th>End Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guardianships and Conservatorships</td>
<td>18,830</td>
<td>2,078</td>
<td>1,787</td>
<td>19,121</td>
</tr>
<tr>
<td>Estate and Trust Administration</td>
<td>8,418</td>
<td>3,543</td>
<td>4,522</td>
<td>7,439</td>
</tr>
<tr>
<td>Adult Adoptions</td>
<td>8</td>
<td>32</td>
<td>29</td>
<td>11</td>
</tr>
<tr>
<td>Mental Health</td>
<td>2,997</td>
<td>3,904</td>
<td>3,880</td>
<td>3,021</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30,253</strong></td>
<td><strong>9,557</strong></td>
<td><strong>10,218</strong></td>
<td><strong>29,592</strong></td>
</tr>
</tbody>
</table>
## Guardianship and Conservatorship Caseload

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Begin Pending</strong></td>
<td>22,011</td>
<td>21,487</td>
<td>21,587</td>
<td>18,617</td>
<td>18,830</td>
</tr>
<tr>
<td><strong>Filed</strong></td>
<td>2,120</td>
<td>2,110</td>
<td>2,123</td>
<td>1,968</td>
<td>2,078</td>
</tr>
<tr>
<td><strong>Disposed</strong></td>
<td>2,644</td>
<td>2,010</td>
<td>5,093</td>
<td>1,755</td>
<td>1,787</td>
</tr>
<tr>
<td><strong>End Pending</strong></td>
<td>21,487</td>
<td>21,587</td>
<td>18,830</td>
<td>18,830</td>
<td>19,121</td>
</tr>
</tbody>
</table>
## Pending Adult G/C Caseload

<table>
<thead>
<tr>
<th>Monitoring Workload</th>
<th>Staff Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>4,000 Adult Guardianships</td>
<td>5 Court Investigators</td>
</tr>
<tr>
<td>2,000 Adult G/C’s</td>
<td>4 Court Accountants</td>
</tr>
<tr>
<td>500 Annual New Petitions</td>
<td>1 Volunteer Coordinator</td>
</tr>
<tr>
<td>1,600 Annual Accounts Filed</td>
<td>25 Volunteers</td>
</tr>
</tbody>
</table>
Integrated Case Management Plan

- Case Management Protocol
- Probate Evaluation Tool
- Accounting Triage Filters
- Court Monitor
- Community Outreach
Case Management Protocol

Petition Filed

Hearing 45-60 days
Commissioner Calendar

Contested

Settlement Conference
90 Days

Resolved

Unresolved
Transfered To
Presiding Judge

Pretrial Conference Set

Uncontested
Orders Signed

Settlement Conference
90 Days

Resolved

Unresolved
Transfered To
Presiding Judge
Pretrial Conference Set
Case Management Protocol

Petition Filed

Adult Guardianship/Conservatorship

Hearing 45-60 Days Commissioner Calendar
- Contested Settlement Conference Set
- Uncontested Orders Signed

Settlement Conference Judge Pro Tem or Commissioner
- Settled—Orders Signed
- Unresolved-Transferred to Judges’ Calendar
Caseflow Fundamentals Applied to Probate

Cases Are NOT Equivalent
- 5% Guardianships high risk
- 10% Conservatorships high risk

Case Differentiation
- Employ Evidence Based Methods to identify high risk cases

Prioritize Workload
- Direct more staff resources to oversight of high risk cases
Case Triage for Guardianships
Probate Evaluation Tool

MARICOPA COUNTY SUPERIOR COURT OFFICE OF PROBATE INVESTIGATIONS
PROBATE EVALUATION TOOL

Case Name: 
Case Number: PB
Investigator: 
Date: 

Maricopa County Probate Evaluation Tool is a snapshot of how the case appears during the initial investigation or follow-up investigation of a case. This information is used to determine the appropriate timing of the next visit.

In the following questions the word “ward” is used to describe the proposed ward, protected person, or a ward in an existing case.

<table>
<thead>
<tr>
<th>LEGAL</th>
<th>Points</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Police or Adult Protective Services involvement with family members or at the ward’s residence?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Historical involvement</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>C. No apparent involvement</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>L2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Are there allegations of financial exploitation, or emotional, physical or mental abuse against the petitioner or another person close to the ward?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. No / Not Applicable</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>L3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Changes were made in a will or Power of Attorney within the past 6 months.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Will or Power of Attorney was signed</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C. Will or Power of Attorney was changed</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>L4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. The petitioner remains in compliance with Court Orders (filing accountings, Annual Report of Guardian, appears when ordered).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. No / Unknown</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>B. Yes / Not Applicable (petitioner has attorney)</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

TOTAL LEGAL SECTION
PET Questions and Scoring

A) 7 Sections/Categories (43 questions), with section score

- **Legal (4)**
  - Max Pts = 10
- **Case Information (2)**
  - Max Pts = 2
- **Social (5)**
  - Max Pts = 7
- **Resident and Environment (6)**
  - Max Pts = 11
- **Medical and Benefits (8)**
  - Max Pts = 10
- **Ward (10)**
  - Max Pts = 18
- **Petitioner (8)**
  - Max Pts = 23

B) Each Section Score above is assigned a rating (low = 1, medium = 2, high = 3) and a point value

- **Legal (4)**
  - 0-3, Low (1 pt)
  - 4-6, Med (2 pt)
  - 7-10, High (3 pt)
- **Case Information (2)**
  - 0, Low (1 pt)
  - 1-2, Med (2 pt)
- **Social (5)**
  - 0-2, Low (1 pt)
  - 3-5, Med (2 pt)
  - 6-7, High (3 pt)
- **Resident and Environment (6)**
  - 0-3, Low (1 pt)
  - 4-7, Med (2 pt)
  - 8-11, High (3 pt)
- **Medical and Benefits (8)**
  - 0-2, Low (1 pt)
  - 3-5, Med (2 pt)
  - 6-10, High (3 pt)
- **Ward (10)**
  - 0-3, Low (1 pt)
  - 4-7, Med (2 pt)
  - 8-18, High (3 pt)
- **Petitioner (8)**
  - 0-3, Low (1 pt)
  - 4-7, Med (2 pt)
  - 8-23, High (3 pt)

C) The point values for each of the 7 sections are summed to create a total score. The total score is used to identify the recommended Visit Level

- **Low Visit Level**
  - Score = 7 to 8
- **Medium Visit Level**
  - Score = 9 to 11
- **High Visit Level**
  - Score = 12 to 20

81 max points
1600 Annual Accounts
10% of cases high risk—fees account for significant estate depletion
Two metrics identify high risk cases
Judges and Court Accountants partner to devise audit plan for high risk cases
Filter One looks at the totality of fees and assesses whether there is evidence that the estate value is declining faster than expected.

Estate value in prior period is greater than $______, decreased by more than $______ AND more than ____% AND total attorney and fiduciary fees are more than $______ or more than ____% of the decrease in value.
Filter Two is derived from the newly issued statewide fee guidelines and examines whether conservator and guardian fiduciary fees appear reasonable--and in line with market rates charged in the community. The guidelines specify the numbers of hours that should be spent on certain fiduciary activities such as bill paying, visiting the ward, and shopping.
**Account Cover Memo—Filters Embedded**

### SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

<table>
<thead>
<tr>
<th>In the Matter of the Estate of:</th>
<th>Case #</th>
<th>Judicial Officer</th>
<th>Hearing Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Estate Value</th>
<th>Account</th>
<th>Current Period</th>
<th>Prior Period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>% Change</th>
<th>Prepared by</th>
<th>Date Prepared</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### Accounting Internal Cover Memo to the Court

The purpose of this cover memo is to advise the Court about this estate’s value as well as fees requested, approved and paid for the current and prior accounting periods.

<table>
<thead>
<tr>
<th>Name</th>
<th>For/Function</th>
<th>Requested</th>
<th>Approved</th>
<th>Hours</th>
<th>Prior Period</th>
<th>Approved</th>
<th>Hours</th>
<th>% Change</th>
<th>Fees*</th>
<th>Hours</th>
</tr>
</thead>
</table>

**Attorneys**

<table>
<thead>
<tr>
<th>Total Attorney Fees</th>
<th>% of Estate Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ -</td>
<td>NO CP EV</td>
</tr>
</tbody>
</table>

**Fiduciaries**

<table>
<thead>
<tr>
<th>Total Fiduciary Fees</th>
<th>% of Estate Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
<td>NO CP EV</td>
</tr>
</tbody>
</table>

**Total**

<table>
<thead>
<tr>
<th>% of Estate Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>$ -</td>
</tr>
</tbody>
</table>

*Litigation?*
Do you know someone who has a guardian and/or conservator and is being abused or exploited?

Do you want the physical care they are receiving, or their financial records, investigated?

If your answer is yes, call the Probate Investigations Monitor Report Line 602-606-6730.

Or, you can send an email to ProbateInv@superiorcourt.maricopa.gov

**How does the Report Line work?**

When you call into the Report Line you will be asked for your contact information and a statement about the abuse and/or exploitation you are reporting. If you are sending an email, include your name, contact information, and a brief outline of your concerns. The Probate Investigations Supervisor will review the details of your concerns. If not immediately addressed, all reports will be responded to within one business day. If necessary, the Commissioner assigned to the case will be notified. If warranted an investigation will be launched.

**The Report Line:**

- Helps to ensure adults who are vulnerable are protected.
- Is a number you can call to report suspected abuse or exploitation of any adult ward.
- All reports are reviewed by the Probate Investigations Supervisor.
- Investigations are undertaken by a trained Court Investigator.
- The Probate Court is open Monday through Friday, 8:00 a.m. to 5:00 p.m., and closed weekends and holidays, however, you can leave a message at any time and you will receive a response within one business day.
- Or, you can send an email to ProbateInv@superiorcourt.maricopa.gov
Community Outreach—Volunteer Visitors

**Guardian Review Program**

**Locations**

**GRP Main Office**
Old Courthouse (OCH)
125 W. Washington
Phoenix, AZ 85003

**GRP Satellite Locations**
- Northeast Regional Court Center (NE)
  18380 N. 40th Street
  Phoenix, AZ 85032
- Northwest Regional Court Center (NW)
  14264 W. Tierra Buena Lane
  Surprise, AZ 85374
- Southeast Regional Court Center (SE)
  222 E. Javelina Ave.
  Mesa, AZ 85210

**Volunteers Wanted**

Volunteers with the Guardian Review Program (GRP) serve as Court Visitors, assisting the Probate Court by making post-appointment visits to vulnerable adults who have been deemed to need a guardian by the court. GRP Volunteers are skilled trained observers, who act as the "eyes and ears" of the court. They are objective, adaptable, polite, and perceptive. If this sounds like you, contact us, and we would love to have you as part of our team. Initial training and continuing education are provided. Find out more information on the Court webpage, or on Facebook.

**Volunteers Making a Difference**

Superior Court of Arizona
Maricopa County
Probate Court
125 West Washington
Phoenix, Arizona 85003
Phone: 602-506-8200

GRP@superiorcourt.maricopa.gov

Find us on Facebook: Guardian Review Program, Volunteers
“How To” Probate Videos
Results

- Early intervention and Scrutiny of business and billing practices impacting fiduciary and attorney community
  - Chastised fiduciary rescinds pending fee requests and asks to modify and refile
  - Hearing to dispute fees results in avowal to change future practices
Phase Three

- Expansion of ADR to increase settlement in contested probate cases
- Settlement conferences for disputed accountings
- “How To” videos and classes for self represented litigants
For a copy of the Probate Evaluation Tool, or for more information contact:

Phillip Knox, Deputy Court Administrator
pknox@superiorcourt.maricopa.gov

Elizabeth Evans, Probate Court Administrator
evanse001@superiorcourt.maricopa.gov