FILED

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE

2011 SEP 26 AM 11:03

VIRLYNN TINNELL
SUPERIOR COURT CLERK

IN THE MATTER OF:

PROBATE POST-APPOINTMENT RISK ASSESSMENT TOOL PILOT PROGRAM

ADMINISTRATIVE ORDER 2011-20

WHEREAS, the Court accepts the recommendations of the Committee on Improving Judicial Oversight and Processing of Probate Court Matters that a need exists throughout the State for further monitoring and auditing of guardians and conservatives; and

WHEREAS, it is the desire of the Court to ensure that adult wards are not subjected to abuse or neglect; and

WHEREAS, the court has been presented with a Post Appointment Risk Assessment Tool that can be used to assist the court in identifying general information as well as potential risk;

IT IS ORDERED, that beginning October 3, 2011, in any proceeding where the Court appoints a Court appointed investigator, pursuant to A.R.S. §§ 14-5303 and 14-5407 the Court appointed investigator shall complete a Post Appointment Risk Assessment Tool (see attached). This risk assessment shall be filed as a supplement to the Investigator's report to the Court.

IT IS FURTHER ORDERED, that this pilot program shall end on March 30, 2012, unless modified, amended or replaced.

DATED this 26th day of September, 2011.

Honorable Richard Weiss, Presiding Judge
Mohave County Superior Court

Original: Filed with Clerk of the Superior Court
Copies: Superior Court Judges
Kip Anderson, Court Administrator

Probate Court
Post Appointment Risk Assessment Tool – Triage Model "B"

The risk assessment tool identifies the potential risk factors at the onset of a new guardianship/conservatorship matter and recommends the appropriate level of post appointment court monitoring to be conducted. The recommendations provided in the risk assessment are "suggestive only" and the Court, in their discretion, will make the final determination regarding the post appointment review/monitoring.

After the completion and filing of the initial risk assessment tool, the Court may order an investigation and independent case review to be performed by the Court's designee. Post appointment monitoring is designed to assist the Court's oversight of guardianship/conservatorship cases and provide independent information about the status of the ward/protected person to supplement the mandatory reports filed by the guardian and/or conservator.

Probate Case General Information

☐ Initial Assessment (IA) ☐ Subsequent Assessment (SA) Date:

Court Investigator's / Preparer's Name: Phone Number:

Case Name: Case Number: PB

☐ Ward ☐ Protected Person ☐ Minor ☐ Adult

Petitioner's Name: Petitioner's Phone#:

Address:

City: State: Zip:

Petitioner's Email: Employer:

Ward/PP's Attorney: Phone #:

Petitioner's Attorney: Phone #:

Value of the Estate: $ ☐ Undetermined Bond: ☐ Yes ☐ No ☐ Undetermined

Restricted Assets: ☐ Yes ☐ No ☐ Undetermined

Ward / PP Personal Health and Behavioral Factors:

☐ Developmental Disability / TBI
☐ Dementia / Alzheimer's Disease
☐ Serious Physical Illness
☐ SMI / Substance Abuse / Dual Diagnoses / PSTD
☐ Primary Diagnosis:
☐ Secondary Diagnosis:

Ward / PP Residential:

☐ Resides with Family and/or Guardian/Conservator
☐ Resides in a Skilled Nursing Facility
☐ Resides in an Assisted Living Facility
☐ Other:
☐ Resides Independently in own home or apartment
☐ Resides Alone
☐ Resides in a Licensed Group Home

**This is a "confidential document" pursuant to the Arizona Rules of Probate Procedure, Rule 7.*

Case Name:_____ Case No.:_____

Risk Assessment

The initial risk assessment is performed by the court appointed investigator. The completed form serves as a supplement to the "Court Investigator's Report". The tool may be used in subsequent years at the discretion of the Court to appoint an investigator to reassess the risk factors and provide recommendations.

Initial Assessment ☐ Subsequent Assessment ☐

I. Social Factors: These factors may contribute to an increase in case complexities.

☐ Ward/PP currently appears to be in one or more unhealthy relationships	= 4	____
☐ Ward/PP lacks local supports of family or friends	= 3	____
☐ Ward/PP has a history of family conflict	= 2	____
☐ Ward/PP has a history of active social involvement (12 Step, church, service organizations)	= 1	____
Total Social Factors Scoring Points: (0 – 10)		____

II. Residential: These factors may demonstrate the degree of daily interaction, contact, and monitoring for the Ward/PP.

☐ The Ward/PP is at immediate risk of unsafe discharge or eviction from the residence	= 5	____
☐ Ward/PP currently resides in a short term placement (transitional housing or rehab)	= 4	____
☐ Ward/PP has a history of chronic homelessness	= 4	____
☐ Ward/PP living independently but some self neglect has been noted during investigation	= 2	____
☐ Ward/PP does not qualify for "needed" government entitlements to subsidize housing	= 2	____
☐ Ward/PP living in a licensed institution pending medical or residential stabilization	= 2	____
☐ Ward/PP living w/family member(s)	= 1	____
Total Residential Scoring Points: (0 – 20)		____

III. Guardian/Conservator and Ward/PP Interdependency Issues: These factors may interfere with the ability of the fiduciary to neutrally conduct the affairs of the Ward/PP.

☐ Guardian and/or Conservator receiving income or support from Ward/PP	= 5	____
☐ Guardian/Conservator residing with the Ward or Protected Person	= 3	____
Total Guardian/Conservator Dependency Points: (0 – 8)		____

IV. Legal: These factors demonstrate whether potential issues may arise that will impede the fiduciary's success and if counsel is involved for guidance and legal advocacy..

☐ Petitioner has a criminal history	= 4	____
☐ Petitioner on a Conservatorship Estate is "Unbondable" due to a poor credit history	= 3	____
☐ Guardian/Conservator has a history of non-compliance with the mandatory reporting or law	= 3	____
☐ Ward/PP's legal representative plans to withdraw after the initial appointment hearing	= 2	____
☐ Guardian/Conservator is self represented (*propria persona /pro per)*	= 2	____
Total Legal Points: (0 – 16)		____

V. Government Entitlement Programs with Advocacy/Auditing Features: Government entitlements consisting of income have some minimal checks and balances. Medical entitlements routinely provide some minimal case management services providing additional case oversight as well as mandatory reporting of abuse/exploitation.

☐ Ward/PP denied eligibility to receive "needed" governmental services/entitlements	= 4	____
☐ Ward/PP has not applied for "needed" government entitlements	= 3	____
☐ Ward/PP w/SSA or VA income benefits	= 1	____
☐ Ward/PP w/AZ ALTCS, DES/DDD, RBHS Case management Services	= 1	____
Total Government Entitlement Programs Points: (0 – 5)		____

Total Score: (add all points then check the appropriate boxes in one of the three score ranges below) 0-56 ____

☐ **SCORE = 1-20** (Minimal Risk) ☐ **SCORE = 21-36** (Moderate Risk) ☐ **SCORE = 37-56** (Maximum Risk)

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Case Name:_____ Case No.:_____

Score Range Calculation and Recommended Court Action

☐ **Guardianship/Conservatorship Is Recommended** ☐ **Guardianship/Conservatorship Not Recommended**
(This selection is specific to the Court Appointed Investigator's recommendation to the Court pursuant to A.R.S. § 14-5303 and § 14-5407.)

☐ **Score Range = 1 – 20 (Minimal Risk)**

This recommendation is to be considered when the total score from the risk assessment is in the range 1 – 20 or if the investigator/preparer has justified in the comment(s) section the potential risks are very minimal. Generally, these cases may have multiple agencies involved in oversight and the proposed bond/asset restrictions will reduce the risk of fiduciary neglect, exploitation or abuse. The Ward/PP may have a family member fiduciary who has a history of successful surrogate decision making on behalf of the Ward/PP prior to the need for the legal appointment.

- Recommended Court Action: *Preparer - Please check one or more of the following choices:*

☐ No Post Appointment Independent Case Review or Follow-Up Recommended

☐ Court to Determine Post Appointment Monitoring Upon Review of the Next Report of Guardian or Account of Conservator

☐ Telephonic Interview of Ward/PP or Fiduciary and Status Report Required

☐ Ward/Protected Person Interview/Visit and Short Questionnaire Completed

☐ Guardian/Conservator Interview and Short Questionnaire Completed

☐ Financial Statement/Asset Verification Filed w/Court
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☐ **Score Range = 21 – 36 (Moderate Risk Score)**

This recommendation is to be considered when the total score from the risk assessment is in the range 21 – 36 or if the investigator/preparer has justified in the comment(s) section the potential risks are moderate. Generally, these cases may have other agencies involved in oversight and the proposed bond/asset restrictions will reduce the risk of fiduciary neglect, exploitation or abuse. The Ward/PP's family member is the petitioner and they have little or no experience with Ward advocacy and may need some assistance initially understanding their duties, or preparing the mandatory reports and forms to comply with the legal requirements. The Estate may have minimal assets or assets are all secured and the monthly income is used to sustain the Ward/PP's current monthly expenses with minimal discretionary income remaining.

- Recommended Court Action: *Preparer - Please check one or more of the following choices:*

☐ Ward/Protected Person Visit and Short Questionnaire Completed

☐ Guardian/Conservator Interview and Short Questionnaire Completed

☐ Financial Statement/Asset Verification Filed w/Court
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Case Name:_____ Case No.:_____

☐ **Score Range = 37– 56 (Maximum Risk Score)**

This recommendation is to be considered when the total score from the risk assessment is in the range 37 – 56 or if the investigator/preparer has justified in the comment(s) section the potential risks warrant maximum court oversight and monitoring due to triggers identified but not captured by the risk assessment tool. Contributing factors in determining the Ward/PP is at "Maximum Risk" include one or more of the following: The Ward/PP has no oversight by other agencies, and/or the fiduciary has no or minimal experience and the issues of the case at the onset are complex, and/or the fiduciary is not represented by legal counsel and lacks legal representation to provide guidance in addressing one or more complex issues e.g. multiple assets, recovery actions, difficult placement issues, and/or complex client advocacy issues.

- Recommended Court Action: *Preparer - Please check one or more of the following choices*:

☐ Ward/Protected Person Interview/Visit and Written Report to the Court

☐ Guardian and/or Conservator Interview and Report to the Court

☐ Provider Interview and Report to the Court

☐ Medical and Residential Records Review and Written Report to the Court

☐ Court Case Compliance Audit Performed - Court Accountings, Annual Guardian Report(s), Inventory Compliance

☐ Forensic Investigation: (This selection is only applicable to post appointment risk assessments performed after the initial appointment due to indicators discovered that potential abuse, neglect or financial exploitation has occurred.)

☐ Court Accountings Accuracy and Compliance ☐ Financial Statements Verification ☐ Tax Compliance ☐ Asset Verification

☐ Other Recommendation for Court Ordered Post Appointment Monitoring (See Investigator's Comments Below)

Investigator's Comments:

Preparer's Signature:_____ Date:_____

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