

Appendix D

Risk Assessment Form, Instructions, & Order

Probate Court Post Appointment Risk Assessment Tool –Triage Model “A” and “B”

**This Risk Assessment Tool in its entirety is a “confidential document” pursuant to the Arizona Rules of Probate Procedure, Rule 7.*

This risk assessment tool identifies the potential risk factors at the onset of a new guardianship/conservatorship matter and recommends the appropriate level of court monitoring or Independent Case Review (ICR) to be conducted. The ICR 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/conservator.

The initial risk assessment is performed by the court appointed investigator. The completed form serves as a supplement to the “Court Investigator’s Report”. This tool may also be used in subsequent years by the “Preparer” assigned by the Court to reassess the risk factors and provide recommendations for court monitoring. The recommendations provided by the court appointed investigator in the assessment are “suggestive only” and the Court in their discretion makes the final determination regarding the post appointment review/monitoring.

Courts implementing Triage Model “A” (Mandatory Post Appointment Court Monitoring) shall consider the risk assessment information provided by the Post Appointment Risk Assessment and enter an “Order Appointing Investigator to Conduct an Independent Case Review/Investigation.” The Order directs the investigator to perform the ICR selecting one or more methods provided or as individually specified by the Court.

Courts implementing Triage Model “B” (Elective Post Appointment Court Monitoring) have full discretion to review all reports/plans, certain reports/plans based on a range of rating scores, or only those considered to be “Maximum Risk” and subsequently elect to forego any post appointment case review. Options to take “No Action” are provided.

Probate Case General Information

<input type="checkbox"/> Initial Assessment <input type="checkbox"/> Subsequent Assessment		Date: _____
Court Investigator’s/Preparer’s Name: _____		Phone # _____
Cause Name: _____	Petitioner’s Name: _____	
Cause No: _____	Petitioner’s Phone #: _____	
<input type="checkbox"/> Ward <input type="checkbox"/> Protected Person <input type="checkbox"/> Minor <input type="checkbox"/> Adult	Petitioner’s Address: _____	
Ward/PP’s Attorney: _____		_____
Value of the Estate: \$ _____	<input type="checkbox"/> Undetermined	Petitioner’s Attorney: _____
Bond: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undetermined	Petitioner’s Email: _____	
Restricted Assets: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undetermined	Petitioner’s Employer: _____	
Ward/PP Personal Health and Behavioral Factors:		
<input type="checkbox"/> Developmental Disability/TBI	<input type="checkbox"/> SMI/Substance Abuse/Dual Diagnoses/PTSD	
<input type="checkbox"/> Dementia/Alzheimer’s Disease	<input type="checkbox"/> Primary Diagnosis: _____	
<input type="checkbox"/> Serious Physical Illness	<input type="checkbox"/> Secondary Diagnosis: _____	
Ward/PP Residential:		
<input type="checkbox"/> Resides with Family and/or Guardian/Conservator	<input type="checkbox"/> Resides independently in own home or apartment	
<input type="checkbox"/> Resides in a Skilled Nursing Facility	<input type="checkbox"/> Resides Alone	
<input type="checkbox"/> Resides in an Assisted Living Facility	<input type="checkbox"/> Resides in a Licensed Group Home	
<input type="checkbox"/> Other: _____	_____	

Risk Assessment

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

- | | | | |
|--|-----|-------|---------|
| <input type="checkbox"/> Ward/PP currently appears to be in one or more unhealthy relationships | = 4 | _____ | |
| <input type="checkbox"/> Ward/PP lacks local supports of family or friends | = 3 | _____ | |
| <input type="checkbox"/> Ward/PP has a history of family conflict | = 2 | _____ | |
| <input type="checkbox"/> 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.

- | | | | |
|---|-----|-------|---------|
| <input type="checkbox"/> The Ward/PP is at immediate risk of unsafe discharge or eviction from their residence | = 5 | _____ | |
| <input type="checkbox"/> Ward/PP currently resides in a short term placement (transitional housing or rehab) | = 4 | _____ | |
| <input type="checkbox"/> Ward/PP has a history of chronic homelessness | = 4 | _____ | |
| <input type="checkbox"/> Ward/PP living independently but some self neglect has been noted during investigation | = 2 | _____ | |
| <input type="checkbox"/> Ward/PP does not qualify for "needed" government entitlements to subsidize housing | = 2 | _____ | |
| <input type="checkbox"/> Ward/PP living in a licensed institution pending medical or residential stabilization | = 2 | _____ | |
| <input type="checkbox"/> Ward/PP living w/family member(s) | = 1 | _____ | |
| Total Residential Scoring Points: (0-17) | | | = _____ |

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.

- | | | | |
|---|-----|-------|---------|
| <input type="checkbox"/> Guardian and/or Conservator receiving income or support from Ward/PP | = 5 | _____ | |
| <input type="checkbox"/> Guardian and/or 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.

- | | | | |
|---|-----|-------|---------|
| <input type="checkbox"/> Petitioner has a criminal history | = 4 | _____ | |
| <input type="checkbox"/> Petitioner on a Conservatorship Estate is " Unbondable " due to a poor credit history | = 3 | _____ | |
| <input type="checkbox"/> Guardian/Conservator has a history of non-compliance with mandatory reporting or law | = 3 | _____ | |
| <input type="checkbox"/> Ward/PP's legal representative plans to withdraw after the initial appointment hearing | = 2 | _____ | |
| <input type="checkbox"/> Guardian/Conservator is self represented (propria persona / "pro per") | = 2 | _____ | |
| <input type="checkbox"/> Ward/PP not present at adjudication or subsequent hearing(s) | = 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.

- | | | | |
|---|-----|-------|---------|
| <input type="checkbox"/> Ward/PP denied eligibility to receive "needed" governmental services/ entitlements | = 4 | _____ | |
| <input type="checkbox"/> Ward/PP has not applied for "needed" government entitlements | = 3 | _____ | |
| <input type="checkbox"/> Ward/PP w/ SSA or VA income benefits | = 1 | _____ | |
| <input type="checkbox"/> 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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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.

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

- Court to Determine PostAppointment Monitoring Upon Review of the Next Report of Guardian or Account of Conservator
- Ward/Protected Person Visit and Short Questionnaire Completed
- Remote Interview by Video Conferencing with Ward/PP and Short Questionnaire Completed (Check resource availability)
- Guardian/Conservator Visit or Telephonic Interview and Short Questionnaire Completed
- Financial Statement/Asset Verification Filed w/Court
- Telephonic Interview of Ward/PP and/or Fiduciary and Status Report Required (Triage Model "B" only)
- No Post Appointment Independent Case Review or Follow-Up Recommended (Triage Model "B" only)

Investigator/Preparer's Comments: _____

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.

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

- Ward/Protected Person Visit and Short Questionnaire Completed
- Guardian/Conservator Visit or Telephonic Interview and Short Questionnaire Completed
- Financial Statement/Asset Verification Filed w/Court

Investigator/Preparer's Comments: _____

Score Range Calculation and Recommended Court Action (Continued)

Score Range = 28 – 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.

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

- Ward/Protected Person Visit and Long Questionnaire completed and filed
- Guardian and/or Conservator Interview and Long Questionnaire completed and filed
- Provider Interview and Questionnaire completed and filed
- Court Case Compliance Audit Performed - Court Accountings, Annual Guardian Report(s), Inventory Compliance, Address
- 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

Investigator/Preparer's Comments: _____

Investigator/Preparer's Final Recommendation to the Court:

Triage Model "A" and "B" (These selections are applicable to both Triage Models "A" and "B")

- Court to Determine Post Appointment Monitoring Upon Review of the Next Report of Guardian or Account of ~~Conservator~~
- Ward/Protected Person Visit and Short Questionnaire Completed
- Remote Interview by Video Conferencing of Ward/PP and Short Questionnaire Completed (Check resource availability)
- Guardian/Conservator Visit or Telephonic Interview and Short Questionnaire Completed
- Financial Statement/Asset Verification Filed w/Court
- Ward/Protected Person Visit and Long Questionnaire completed and filed
- Guardian and/or Conservator Interview and Long Questionnaire completed and filed
- Provider Interview and Questionnaire completed and filed
- 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 Assets Verification

Triage Model "B" Recommendation Exceptions: (These two electives are not applicable to Triage Model "A" - Mandatory Post Appointment Court Monitoring)

- No Post Appointment Independent Case Review or Follow-Up Recommended (Triage Model "B" only)
- Telephonic Interview of Guardian/Conservator and Court Status Report Required (Triage Model "B" only)

Preparer's Signature: _____ Date: _____

- Confidential Envelope prepared and attached in accordance with the Arizona Rules of Probate Procedure, Rule 7.

***** This Section to Be Completed By the Court *****

Method of Independent Case Review (ICR):

Triage Model "A" and "B" (These selections are applicable to both Triage Models "A" and "B")

- Ward/Protected Person Visit and Short Questionnaire Completed
- Remote Interview of Ward/PP by Video Conferencing and Short Questionnaire Completed (Check resource availability)
- Guardian/Conservator Visit or Telephonic Interview and Short Questionnaire Completed
- Financial Statement/Asset Verification Filed w/Court
- Ward/Protected Person Visit and Long Questionnaire completed and filed
- Guardian and/or Conservator Interview and Long Questionnaire completed and filed
- Provider Interview and Questionnaire completed and filed
- Court Case Compliance Audit Performed - Court Accountings, Annual Guardian Report(s), Inventory Compliance
- Telephonic Interview of Guardian/Conservator and Court Status Report Required
- 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 Assets Verification

Triage Model "B" Recommended Exceptions: (These two electives are not applicable to Triage Model "A" – Mandatory Post Appointment Court Monitoring)

- Telephonic Interview of Guardian/Conservator and Court Status Report Required (Triage Model "B" only)
- No Post Appointment Independent Case Review or Follow-Up Recommended (Triage Model "B" only)

Key Issue(s): The court appointed designee will perform the following checked task(s), specific to this individual case, and report the results as verified to the Court:

- Minor still attending school of record
- Minor's address, telephone and email confirmation
- Fiduciary's address, telephone and email confirmed
- Fiduciary not at risk of foreclosure or eviction
- Fiduciary provide proof of medical provider and insurance for Ward
- Fiduciary needs assistance in initial preparation of first annual mandatory reports
- Minor still residing with custodian of record
- Minor not at risk of residential displacement
- Fiduciary's place of employment verified
- Other: _____

Court Appointed Designee:

A court appointed designee will perform the Independent Case Review (ICR) or other Court action checked.

- Court appointed Counsel (CAC)
- Court Staff
- Volunteer court monitoring program
- Other: _____
- Public Fiduciary
- Independent Contract Investigator/Auditor
- Court Accountant/Auditor

Independent Case Review Due Date: _____ One-Time Annual Biennial Triennial Other

Date Order Sent to appointed Independent Case Review Investigator/Designee: _____

Name: _____ Title: _____

Printed Name: Court Staff

Name: _____ Date: _____

Signature: Court Staff

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

**PROBATE COURT POST APPOINTMENT RISK ASSESSMENT TOOL
Triage Model "A" and "B"**

INSTRUCTIONS

1.0 Introduction/Background

The statutory fiduciary oversight function of Arizona probate courts is primarily carried out through review of the annual reports filed by the guardian and/or conservator. The annual reports are usually the only continuing source of information about the ward/protected person that are available to the court to confirm the welfare and well-being of the ward and proper administration of the protected person's income and assets.

In 2010/2011 the Committee on Improving Judicial Oversight and Processing of Probate Court Matters recommended to the Arizona Judicial Council a rule be adopted in Arizona to require a post-appointment visitation of the ward on an annual, biennial, or triennial basis to verify the wellbeing of the ward/protected person and their estate.

The risk assessment tool was developed in an effort to provide a resource for courts to use to institute an initial post-appointment Independent Case Review (ICR) that matches available local resources to case-based levels of risk. The risk assessment form, completed at the onset of the case by the court appointed investigator, is a tool based on a triage approach that identifies and assesses risks, recommends a method of follow up and permits the court to assign resources accordingly.

During the first year of the case, many decisions must be made by the fiduciary in stabilizing a ward/protected person's placement, health and financial well-being. The initial year can be a period of intense and stressful adjustment as the fiduciary and the ward/protected person become more familiar with one another and issues are resolved. Over time, many cases progress to a level of stability.

The Risk Assessment Tool will initially be implemented as a "Pilot Project." Maricopa County Probate Court is committed to piloting Triage Model "A" that provides mandatory post appointment monitoring and ensures all adult Wards are visited within two (2) years of the initial appointment of a fiduciary. Maricopa County has had a Volunteer Guardian Monitoring Program modeled on the AARP Model since 1999. Maricopa County collects filing fees and has Court Investigators and Auditors to aid in performing the pilot project. Counties without the necessary resources can pilot Triage Model "B" which provides full judicial discretion in electing to perform post-

appointment monitoring. The benefit of piloting the risk assessment tool is it provides valuable information to aid judicial decision making as a supplement to the court investigator's report there are no additional court costs. The participating counties who pilot the tool for six months will allow a proper sampling of the instruments effectiveness in its ability to measure "risk" and to make the necessary improvements in the process and instructions to streamline its future implementation as a mandatory statewide uniform triage model.

2.0 Purpose

The Risk Assessment Tool is designed to help the court gauge the following:

- **Level of Priority:** Determine what level of priority the case might need for post-appointment monitoring by identifying known risk factors that might exist in a given case; and
- **Method of Review:** The tool then provides an opportunity for the Investigator to provide their opinion as to the recommended appropriate method of post-appointment monitoring to assign. The Court ultimately decides based on all the facts presented and the resources available what method will be most appropriate for post-appointment monitoring; and
- **Appropriate Person or Entity:** The tool provides a selection of designees who may be appropriate to be designated to conduct the Independent Case Review or other monitoring as ordered by the court.

3.0 Probate Court - Subsequent Application of the Post Appointment Risk Assessment Tool

Use of the risk assessment tool does not have to be limited to the first year of the case. A guardianship or conservatorship case can have a long shelf life. Periods of stability might be long, short or intermittent depending on the individual's circumstances. The court may decide that a risk assessment or subsequent independent case review is not necessary for subsequent years. The court may direct the annual, biennial or triennial filing of a short form questionnaire as a supplement to the information contained in the guardian's report. If a red flag arises at some point, the court might decide to order a new risk assessment and adjust the level of attention to require a long form questionnaire or other additional monitoring or audit of the fiduciary.

4.0 Risk Assessment Tool Preparer

The risk assessment tool is intended to originally be completed at the onset of the case by the court appointed investigator, however, the Court, has the discretion to assign court staff or another party to complete the risk assessment tool. Subsequent assessments may be performed by any party, but a party familiar with the case or file may provide more accurate, timely and cost efficient form completion and filing with the Court.

The information gathered by the Investigator during interviews with the petitioner, alleged ward/protected person or their counsel may not be independently verified due to the lack of resources, time and expense. The information is the work product of the Investigator or preparer.

5.0 Analysis of Risk Assessment and Recommendation Tool

The court appointed investigator performing the initial investigation, or other party designated by the court, completes the risk assessment consistent with the instructions provided. In the event the court investigator does not recommend a guardian and/or conservator be appointed, the risk assessment tool would still need to be completed. The court investigator's report is one of many considerations weighed by the court in making the determination to adjudicate a person incapacitated or in need of protection. During the hearing on the Petition for the Appointment of Guardian and/or Conservator, the Court ultimately decides if adjudication is warranted, based on the evidence and further directs the post appointment monitoring of the fiduciary, if deemed applicable and appropriate.

Some early feedback "Investigator's Comments – Risk Assessment Tool" by the Maricopa County Court Investigator's (April 26, 2011) provided valuable insight to aid future "Pilot Counties" in adapting and aligning to the tool for optimum effectiveness. Excerpts of the "Comments" are provided in these instructions and are noted with an asterisk with clarification, if applicable.

6.0 Risk Assessment Tool – Confidential Document¹

The Risk Assessment Tool in its entirety is a "confidential document" pursuant to the Arizona Rules of Probate Procedure, Rule 7. CONFIDENTIAL DOCUMENTS AND INFORMATION.

¹ A copy of Rule 7, Confidential Documents and Information is attached to these instructions

The preparer of the Risk Assessment Tool when filing the document with the court, files the Risk Assessment Tool with the Clerk of the Arizona Superior Court, placing the original document in an envelope that bears the case name and number, the name of the document being filed "Probate Court Post Appointment Risk Assessment Tool", the name of the person filing the document (the preparer), and the phrase "Confidential Document." A separate envelope shall be used for each confidential document. A confidential document shall not be maintained as part of the public record of a probate case.

7.0 New Case - Independent Case Review (ICR)

The Investigator assigned appointed by the court to conduct the Independent Case Review (ICR) will begin the process of the ICR or other court assigned monitoring in a timely fashion to ensure filing by the Court Ordered due date. The Investigator shall be responsible for tracking the due date and filing the appropriate forms, financial statements and/or report(s). The ICR short form or long form questionnaire or other status report will serve as an independent source of information and will serve to supplement other reports received from the fiduciary e.g. the annual report of guardian and annual account of conservator.

8.0 Completing the Risk Assessment Tool - Instructions

RISK ASSESSMENT TOOL - GENERAL INFORMATION INSTRUCTIONS - PAGE NO. 1

1. Initial or Subsequent Assessment: Select the applicable box.
2. Date: Enter the date the form is being completed.
3. Name: Enter the Court Investigator's and phone number.
4. Case Information: Enter the "Cause No", "Cause Name", and Case Type (Ward, Protected Person, Minor, Adult) from the Court's Order appointing the post appointment monitoring, investigation or the Independent Case Review (ICR) if an existing case.
5. Value of the Estate: Enter the most current value of the Estate. This information may also be discovered by contacting the petitioner or the petitioner's attorney. This information may be found in the Petition for Guardianship and/or Conservatorship or if an existing case in the Inventory, Account or Budget of

Conservator. Commentary: **"Frequently, the fiduciary does not know the value of the estate until the Letter are issued and they go to the financial institutions".* The Investigator should attempt to gather all information that is "reasonably obtainable" and can select "undetermined" or write unknown. If additional clarification is needed, the Investigator's comments section may provide for an explanation to the Court.

6. Bond: Select the applicable box. This information may be located in the Petition for Guardianship and/or Conservatorship or can be discovered by contacting the petitioner or the petitioner's attorney. Commentary: **"Conservator is unbondable, Once again, the Investigator takes the word of the petitioner that they are bondable or have a poor credit history".* If the fiduciary is not represented by counsel, it is possible the first time the bond issue may come up is when the Investigator asks the question. The fiduciary's bondability and credit history is valuable information to provide the Court, even if the source of information is the Petitioner.
7. Restricted Assets: Select the applicable box. This information may be located in the Petition for Guardianship and/or Conservatorship or can be discovered by contacting the petitioner or the petitioner's attorney. Commentary: **"Most assets will not be restricted until the appointment".* The actual restricting of the assets is a finding of the Court, however, if the petitioner is seeking to restrict assets to reduce the amount of bond needed, the petitioner or their attorney will know and the Petition may state restrictions sought.
8. Attorney for the Ward/Protected Person: This information is usually found in the Order appointing attorney, investigator and physician. It is also noted on the legal pleadings in the listing of the parties to the case.
9. Petitioner's Information: A majority of this information will be in the Petition for Guardianship and/or Conservatorship. Additional discovery can be made by contacting the petitioner or the petitioner's attorney. If there are multiple "Co-Petitioner's, please attach an additional sheet of paper with the information.
10. Attorney for Petitioner: This information will be in the Petition for Guardianship and/or Conservatorship or noted on the legal pleadings in the listing of parties to the case.
11. Ward/PP Personal Health and Behavioral Factors: Select the applicable box(es). If the Ward/PP has multiple diagnoses, it may result in selecting more than one

box. List the primary and secondary diagnoses found on the physician's report, medical records, guardianship report(s) or subsequent filed risk assessment(s).

12. Ward/PP Residential: Select the applicable box(es) for the current, verified residential environment.

**RISK ASSESSMENT
INSTRUCTIONS - PAGE NO. 2**

The Risk Assessment Tool provides an opportunity for the Investigator to assign a level of risk measurement when assessing the Ward/PP. The current social structure, residential environment, interdependency issues and available resources, and legal and social advocacy services are the key categories related to measuring the Ward/PP's current and future stability and potential for harm or loss. The weight of importance assigned to the assessment criteria will serve as a guide and allow for a risk calculation to be performed.

The court recognizes that not every situation or circumstance relevant to the degree of risk can be captured and measured by this tool. Due to these limitations the Investigator is encouraged to utilize the Risk Assessment Tool uniformly and to its fullest capacity while providing comments and proper justification when deviation from the available scoring range(s) is appropriate.

I. Social Factors

The Court recognizes the many nuances that initially contribute to a party filing a petition for protection of a vulnerable person and provides some examples as follows:

- The Estate or proposed Ward/Protected Person' stability is in a state of flux.
- The family members may find they need to make decisions outside of the scope of their previous experience for a loved one.
- The Ward/PP may need someone to advocate and take charge to stabilize their placement, health or financial well-being.

The previous issues arising prior to the filing of a petition for protection are often intense and stressful. There is an adjustment period and learning curve that gradually helps the family and the Ward/PP become more familiar with one another in their new roles. Issues are frequently resolved over time. Many cases progress to a level of stability.

During the investigation for determination of need of guardian and/or conservator the investigator will have an opportunity to observe the interaction of the proposed Ward/PP within their support structure. The investigator's interviews with the Ward/PP, petitioner, and the available caregivers, family, friends and associates will help determine if it appears there are potential risks identified within the Ward/PP's current social structure.

Likewise, proposed Wards/PP's who have a history of being highly active within their current social structure are likely to have a harder time adjusting to the initial changes brought on by changes in residency and social structure. The losses in autonomy and inability to make independent decisions are significant and may warrant additional post appointment monitoring to ensure autonomy is preserved to the greatest extent possible. Least restrictive alternatives and best interest standards are required by Law.

II. Residential

Routinely, there is a direct correlation between the proposed Ward/PP's residential environment and their current level of stability. The unique circumstances of each individual situation and the proposed Ward/PP's lifestyle preferences contribute significantly to what is safe for one person versus another. Person's at risk of being evicted or discharged unsafely will have a higher for post-appointment follow up. Persons with a history of being electively chronically homeless may be at a lesser risk as this may be more of a preferred lifestyle than a deprivation of structured living. Persons residing with family may in some instances be a stabilizer but in other instances be a higher risk factor depending on the dynamics and available resources and support. Proposed Wards/PP's residing in a licensed institution receives some staffing oversight. Licensed facilities are also subject to the Ombudsman program and have a Resident's Bill of Rights. Complaints are investigated by the Arizona Department of Health Services (ADHS).

III. Guardian/Conservator and Ward/PP Interdependency Issues

A guardian and/or conservator may be residing with the proposed Ward/PP or have become dependent on income or resources of the Ward/PP to address the day to day household expenses. It is sometimes conceptually hard for the petitioner to understand the "new" standards they will be held to as a steward of a vulnerable adult's well being, income or resources. What is in the "best interest" of the Ward/PP may not align with what has been happening historically, pre-adjudication. To the degree possible, the Investigator needs to assess whether there are current

trends that demonstrate these inherent risk factors elevate the need for post-appointment monitoring and make recommendations accordingly.

IV. Legal

The investigator can usually assess whether legal counsel for the Ward/PP will continue by contacting the attorney and asking them what their intentions are. The Ward/PP having legal representation beyond the initial court appointment has an additional layer of legal advocacy and potential oversight available to them. The size of the Estate, case complexities and cost to benefit analysis is usually applied to determine if it is in the proposed Ward/PP's best interest to have continued legal representation. Legal advocacy services provided by the Ward/PP's counsel include the review of the timely filing of guardian/conservator annual reports, inventories, budgets and accounts.

Similarly, when the fiduciary has legal representation it may aid in ensuring some level of guidance for meeting the first year mandatory requirements and general legal guidance throughout the fiduciary's administration. Pro per guardians/conservators may have to seek assistance to complete the first annual mandatory reports and accounts. They may be at more risk of non-compliance with mandatory reporting.

The petitioner with a criminal history in and of itself does not prohibit them from serving as guardian and/or conservator, unless they are an Arizona licensed fiduciary. The court will take into consideration the nature of any criminal history and the duties being delegated by the court prior to appointing a guardian and/or conservator with a criminal history.

*To determine if the petitioner has a poor credit history or is unbondable, the Investigator will need to largely depend on information provided by the petitioner during their interview.

V. Government Entitlement Programs with Advocacy/Auditing Features

A Ward with Federal government entitlements (SSA/VA) has a federal representative payee appointed. The federal government Representative Payee is responsible to prepare and submit an annual summary accounting/report. The report provides some oversight of how much money is spent for the Ward/PP's annual housing, care, personal needs, fiduciary fees and savings accrued. A Ward/PP with government

income entitlements has some inherent oversight for the accountability of this income via the annual reports filed with the federal entity.

A Ward/PP with AZ government entitlements (ALTCS, DES/DDD, RBHS) has a case manager assigned who performs routine case visits and reports back to the government agency as to the Wards well being within the jurisdiction of that specific program. Arizona Long Term Care System (ALTCS) contracts out case management services and the case manager visits quarterly and completes documentation as to the medical, pharmaceutical and overall care plan needs of the Ward/PP. The Department of Economic Securities, Division of Developmental Disability (DES/DDD) provides case managers who oversee the Ward/PP's programming and residential needs to ensure the Individual Service Plan (ISP) is being properly maintained by all of the state's contract providers and the guardian/conservator. Quarterly multi-disciplinary meetings are conducted to ensure the plans goals and objectives for the Ward/PP are being implemented. The Regional Behavioral Health Authority (RBHA) for the region within Arizona where the Ward/PP resides has assigned case management services, day treatment programming, pharmaceutical support and medical group staffing(s). The Ward/PP who is eligible for some level of these services has improved oversight and more frequent contact with the public.

Scoring the Risk Assessment: The Investigator totals the categories I – V and calculates the total score at the bottom of Page No. 2. The corresponding box for the matching range is selected. One Score Range Box is selected from the categories Minimal Risk, Moderate Risk, Maximum Risk.

SCORE RANGE CALCULATION AND RECOMMENDED COURT ACTION INSTRUCTIONS - PAGE NO. 3

The "Score Range Calculation and Recommended Court Action" has two selection boxes to allow the court investigator to check the one box most aligned with the court investigator's final conclusion and recommendation pursuant to the duties prescribed in A.R.S. § 14-5303 and § 14-5407.

Guardianship/Conservatorship Is Recommended - If this box is selected then proceed to complete the recommendation from page 3 or 4 of the Risk Assessment Tool.

Guardianship/Conservatorship Not Recommended - If this box is selected then proceed to the bottom of page 4, sign and complete the data requested and file the form with the court as a supplement to the "Court Investigator's Report" with the "Confidential Envelope."

Select Risk Level – Select the one risk area that is being recommended to the Court (Minimum Risk, Moderate Risk, Maximum Risk) from page 3 or page 4. Add any comments, if desired, to further support the recommendation. If necessary, the Court Investigator can provide additional comments or resource information by attaching a narrative and identifying the specific area being addressed within the source document.

Selecting the Recommended Post Appointment Action

The balancing of the guardianship and/or conservatorship case to the appropriate level of post-appointment oversight is key to the court's success in post appointment Ward/Protected Person and Fiduciary case monitoring. The Investigator needs to make the best recommendation based on the information reasonable available.

Minimum Risk/Moderate Risk - Recommended Court Action(s)

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

In some unique situations, a recommendation of "Court to Determine Post Appointment Monitoring Upon Review of the Next Report of Guardian or Account of Conservator" is a valid recommendation. The investigator can provide a brief explanation in the comments section.

Ward/Protected Person Visit and Short Questionnaire Completed

The Investigator conducts a Ward/PP interview using a checklist "Short Questionnaire" and allows for brief narrative notes and a recommendation regarding future monitoring. The questionnaire is Ward/PP focused and is not intended to be a full comprehensive assessment or an interview of multiple disciplines.

Guardian/Conservator Visit or Telephonic Interview and Short Questionnaire Completed

The Investigator conducts a fiduciary interview using a checklist "Short Questionnaire" and allows for brief narrative notes and a recommendation regarding future monitoring. The questionnaire is focused on the fiduciary's report of the Ward/PP's wellbeing and current financial situation and does not imply a verification of fact has occurred regarding the information obtained during the fiduciary interview. This selection is not intended to be a full comprehensive assessment or a lengthy interview of the fiduciary. This selection does provide an opportunity to provide some support to the fiduciary who expresses a need and to further direct the fiduciary to Web based court forms and related guardianship and conservatorship internet links.

□ Remote Interview by Video Conferencing or In-Person Interview with Ward/PP and Court Status Report Required (Check Resource Availability)

The Investigator conducts a remote interview by video conferencing or in-person Ward/PP interview using a checklist "Short Questionnaire" and allows for brief narrative notes and a recommendation regarding future monitoring. The questionnaire is Ward/PP focused and is not intended to be a full comprehensive assessment or an interview of multiple disciplines.

□ Financial Statement/Asset Verification Filed w/Court

A record(s) verification would be performed by the assigned investigator with the financial institution, investment company or broker, or through the Recorders office to ensure assets and bank accounts had proper restrictions and were titled and held in a form consistent with the ownership interest and court order. Insurance verification may be performed on assets that require protection from loss or damage. Information can be obtained from the fiduciary if it cannot be obtained otherwise. Financial records should have a date stamp and source reference identifying their authenticity.

Note: The next two recommendations are only available to Court's using Triage Model "B" that allows for non-mandatory post appointment monitoring.

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

The assigned Investigator would contact the Ward/PP or the Guardian and/or Conservator and perform a brief interview and file a brief narrative status report. The report will specifically address any key issues identified at the onset of the new appointment critical to the individual case and verify the fiduciary is aware of their duties consistent with the "Court Order to Guardians and/or Conservators and Acknowledgement." The assigned investigator would verify both the fiduciary and Ward/PP's address(es). In the event the address is not current, the assigned investigator would provide the court with the current address and contact the fiduciary and advise them they are non-compliant with the "Probate Information Form" requirement. The assigned investigator may provide the fiduciary a reference to locating the form to encourage filing.

This is also an opportunity for the fiduciary to ask any questions regarding the preparing of the mandatory reports and the assigned investigator may be a liaison to aid compliance.

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

**SCORE RANGE CALCULATION AND RECOMMENDED COURT ACTION
INSTRUCTIONS - PAGE NO. 4**

Maximum Risk - Recommended Court Action (Score Range 37-56)

- Ward/Protected Person Visit and Long Questionnaire completed and filed
- Guardian and/or Conservator Interview and Long Questionnaire completed and filed
- Provider Interview and Questionnaire completed and filed
- Case Compliance Audit Performed

The assigned investigator would canvas the court docket and court file and complete a mandatory report status grade card. This would establish the fiduciary's timeliness in complying with their mandatory obligations. A lack of timeliness may result in subsequent court fees and fines to the fiduciary.

Forensic Investigation:

A detailed examination of financial records verified with supporting documents to determine if there are any defalcations, misappropriations or neglectful asset management.

Specific areas that may be directed by the court for a forensic investigation are: conservator account reports, financial statements, tax compliance, or asset verifications

Investigator Final Recommendation to the Court (Bottom of page 4)

1. Select the applicable box or boxes being recommended
2. Sign and date
3. Print your name
4. Post the date from the legal document of your appointment date
5. Post the date you are filing the document with the court
6. Comply with the Confidential Envelope requirements pursuant to the Arizona Rules of Probate Procedure, Rule 7.

**COURT ACTION
INSTRUCTIONS - PAGE NO. 5**

This section is completed by the court. The court has the final discretion in determining the appropriate level of case review or monitoring and the selection of the designee.

Types of Designees

A court appointed designee will have a "court appointed investigator" status as granted in the Court's Order enabling the designee to perform the Independent Case Review or other Court action. The Designees suggested like Court Appointed Counsel, Court Staff, Public Fiduciary, Court Investigator already have some court related functions and accountability and the assignment to perform a telephonic interview and file a report or provide an accompanying bank statement when applicable, would result in minimal time and little to no expense depending on the Court's volume of probate cases.

Volunteer Court Visitor - The completion of a Ward/PP visit and completion of a short form questionnaire by a volunteer visitor would result in satisfying the judicial monitoring obligation with minimal to no cost to the Court or Estate. Maricopa County Superior Court has a Volunteer Visitor Program actively in operation. Rural counties may be able to develop some volunteers through CASA, Victim Witness, retirees or Area Agency on Aging programs to facilitate this level of post appointment visitation and reporting.

Independent Contract Investigator/Auditor – The designees performing these services would be independent contractors and would be procured similar to contract counsel. The court appointed designee would require more time and fact gathering, forensic analysis and result in lengthier reporting. This would be most expensive level of monitoring due to the higher risk assessed.

*In Maricopa County, the duties of post appointment court monitoring are delegated among several disciplines, e.g. accounting, examiners and investigators, or the Guardian Review Project. The Court may select more than one box in appointing a designee.

Once a first post appointment visit has been conducted the report can advise the Court if annual, biennial or triennial visits are recommended accordingly.

Triage Model "A" or Triage Model "B"

The Court has an option to choose between Triage Model "A" or Triage Model "B". In addition, the Court, in their discretion, may specifically direct a task to be performed by the post appointment independent case review investigator. Some key issues for specific follow-up to be determined by the court are listed on page "Court's Section" Page No. 5. "Key Issue(s) Pending Verification."

- Minor still attending school of record
- Minor still residing with custodian of record
- Minor's address, telephone and email confirmed
- Minor not at risk of residential displacement
- Fiduciary's address, telephone and email confirmed
- Fiduciary's place of employment verified
- Fiduciary not at risk of foreclosure or eviction
- Fiduciary has proof of medical provider and insurance for Ward
- Fiduciary needs assistance in initial preparation of first annual mandatory reports
- Other: _____

9.0 National Probate Court Standards Specific to Court Oversight and Monitoring:

On July 11, 2001, the Arizona Supreme Court formally adopted the National Probate Court Standards that were developed by the Commission on National Probate Standards, first published in 1999, and directed that these national standards "shall govern probate cases in the superior court." [Administrative Order 2001-63]

Standard 1.3.4, Responsibility for Enforcement

The probate court should be responsible for the enforcement of its orders.

Standard 3.3.15 Monitoring of the Guardian

The probate court should have written policies and procedures to ensure the prompt review of reports and requests filed by guardians

Standard 3.3.17 Enforcement

(a) The probate court should enforce its orders by appropriate means, including the imposition of sanctions. These may include suspension, contempt, removal, and appointment of a successor.

(b) Where the court learns of a missing, neglected, or abused respondent, it should take immediate action to ensure the safety and welfare of that respondent.

Standard 3.4.15 Reports by the Conservator

(a) A conservator should be required to file with the probate court an inventory of the respondent's assets and a statement setting forth a plan to meet the respondent's needs and to allocate resources for those needs, with annual accountings or updates provided by the conservator thereafter.

(b) A conservator should seek initial approval from the court for any significant distributions for the respondent's maintenance and support, and obtain the court's permission before making any significant deviations from the initially approved plan. When considering such applications, the court should balance the immediate benefit of permitting the requested disbursement against the prudence of conserving the respondent's assets for future use.

Standard 3.4.16 Monitoring of the Conservator

The probate court should have written policies and procedures to ensure the prompt review of reports and requests filed by conservators.

1 Proposed Forms
2 Order – Appointing Investigator for Post Appointment Independent Case Review
3 Name: _____
4 Address: _____
5 City, State, Zip: _____
6 Phone: _____
7 Comp.# (if applicable): _____

8 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

9 IN AND FOR THE COUNTY OF _____

10
11 In the Matter of the Guardianship for and/or
12 Conservatorship of:
13 Minor/Protected Person/Incapacitated
14 Person

Cause No.
ORDER APPOINTING INVESTIGATOR FOR
POST APPOINTMENT INDEPENDENT CASE
REVIEW/INVESTIGATION

15 Adult Minor

16 Upon good cause found,

17 IT IS ORDERED:

18
19 (A) Appointing _____, the following Court designee as the court
20 investigator to conduct a post appointment independent case review:

- 21 Court appointed Counsel (CAC)
- 22 Public Fiduciary
- 23 Court staff
- 24 Court Accountant
- 25 Court Examiner
- 26 Court Investigator
- 27 Independent Contract Investigator/Auditor
- 28

1	<input type="checkbox"/> Volunteer Program (GRP)	
2	(B) The investigator shall conduct a court appointed investigation and independent case	
3	review and file the appropriate report as follows:	
4	<input type="checkbox"/> Court to Determine Post Appointment Monitoring Upon Review of the Next Report of	
5	Guardian or Account of Conservator	
6	<input type="checkbox"/> Ward/PP Visit and Short Questionnaire Completed	
7	<input type="checkbox"/> Remote Interview of Ward/PP by Video Conferencing and Short Questionnaire	
8	Completed	
9	<input type="checkbox"/> Guardian/Conservator Visit or Telephonic Interview and Short Questionnaire	
10	Completed	
11	<input type="checkbox"/> Financial Statement/Asset Verification Filed w/Court	
12	<input type="checkbox"/> Ward/Protected Person Visit and Long Questionnaire completed and filed	
13	<input type="checkbox"/> Guardian and/or Conservator Interview and Long Questionnaire completed and filed	
14	<input type="checkbox"/> Court Compliance Audit Performed - Accountings, Annual Guardian Report(s), Inventory	
15	<input type="checkbox"/> Forensic Investigation: (This section only applicable to post appointment risk	
16	assessments performed after the initial appointment due to indicators discovered that	
17	potential abuse, neglect or financial exploitation has occurred.)	
18		
19	<input type="checkbox"/> Court Accountings Accuracy and Compliance <input type="checkbox"/> Financial Statements Verification	
20	<input type="checkbox"/> Tax Compliance <input type="checkbox"/> Assets Verification <input type="checkbox"/> Other: _____	
21	Triage Model "B" Exceptions: (These two electives are not applicable to Triage Model "A" –	
22	Mandatory Post Appointment Court Monitoring)	
23	<input type="checkbox"/> Telephonic Interview of Guardian/Conservator and Court Status Report Required	
24	<input type="checkbox"/> No Post Appointment Independent Case Review or Follow-Up	
25	(C) Ordering, the investigator to verify the following information and include their discovery in	
26	their report to the Court as follows:	
27	<input type="checkbox"/> Minor still attending school of record	
28		

- 1 Minor still residing with custodian of record
- 2 Minor's address, telephone and email confirmation
- 3 Fiduciary's employer verified
- 4 Minor not at risk of residential displacement
- 5 Fiduciary's address, telephone and email confirmation
- 6 Fiduciary not at current risk of foreclosure or eviction
- 7 Fiduciary provide proof of medical provider and insurance for Ward/PP/Minor

8 (D) All agencies shall cooperate with the Court appointed Investigator, in
 9 performing their investigation, and the Court appointed Investigator shall have full access
 10 to the records and information belonging to the Ward/Protected Person/Minor specified in
 11 this Order necessary to complete the independent case review investigation.

- 12 Investigations, case management records and status reports;
- 13 Medical records;
- 14 Financial account/asset verification;
- 15 School/employment records;
- 16 Other: _____

17 (E) All financial institutions shall provide copies of financial information and as
 18 requested by the Court appointed Investigator regarding accounts held by or for _____
 19 _____ Ward/Minor/Protected Person.

20 (F) The investigator shall file a written report as to their findings and recommendations
 21 for the ward/protected person/Minor, _____ [Name] _____ by _____ [Date] _____.

22 DATED this _____ day of _____

23
 24
 25
 26
 27 _____
 28 HONORABLE
 Judicial Officer of the Arizona Superior Court
 Division #

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2	Copies of the foregoing were mailed/delivered	
3	This _____ day of _____, _____ to:	
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