

1 Honorable Jay M. Polk  
2 Probate and Mental Health Presiding Judge  
3 Superior Court of Arizona in Maricopa County  
4 101 W. Jefferson  
5 Phoenix, Arizona 85003

6 IN THE SUPREME COURT OF THE STATE OF ARIZONA

7 In the Matter of:

} Supreme Court No. R-22-0019

8  
9 PETITION TO AMEND RULE 45,  
10 RULES OF PROBATE  
11 PROCEDURE

}  
} COMMENT TO PROPOSED  
} AMENDMENT OF RULE 45,  
} RULES OF PROBATE  
} PROCEDURE

---


13 Pursuant to Rule 28, Arizona Rules of the Supreme Court, I submit the  
14 following comment in support of the proposed amendment to Rule 45 of the  
15 Arizona Rules of Probate Procedure.

16  
17 Prior to being appointed to the Superior Court, I was a probate practitioner  
18 for almost twenty years. I have served on the probate bench for the past five  
19 years, and have served on all three Supreme Court committees that created and  
20 then amended the Arizona Rules of Probate Procedure. I have previously been  
21 an Arizona licensed fiduciary and for the past 10 years I have served as the  
22 Judicial Officer member of the Fiduciary Board.

23 I support the proposed amendment, submitted by the Certification and  
24 Licensing Director of the Administrative Office of the Courts, to restore to the  
25 Probate Rules the requirement that conservators must amend the conservators'  
26 inventory if circumstances change after the filing of the initial inventory. In  
27 addition to restoring to the courts an important tool to monitor conservators'  
28 actions on behalf of protected persons, I believe the amendment will promote

1 transparency, which was one of the primary goals of the 2010-11 reforms to  
2 Arizona's guardianship and conservatorship statutes and rules.

3 Respectfully submitted this 25<sup>th</sup> day of April, 2022.

4  
5   
6 Hon. Jay M. Polk, Presiding Judge  
7 Probate and Mental Health Department  
8 Superior Court of Arizona in Maricopa  
9 County

10 Clerk of the Arizona Supreme Court  
11 1501 W. Washington, Suite 402  
12 Phoenix, AZ 85007

13 Copy e-mailed this  
14 25<sup>th</sup> day of April, 2022 to:

15 David K. Byers, Director  
16 Administrative Office of the Courts  
17 1501 W. Washington St.  
18 Phoenix, Arizona 85007  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28