

Appointment of a Special Conservator for a Minor (Settlements with Annuities)

After consideration, the department will adopt a protocol in which judicial officers may appoint a special conservator for minors who are involved in personal injury cases and in which the all of settlement funds distributed to the minor is used to purchase an annuity. This protocol is effective 1/1/13. Here is how it would work:

1. Petitioner files a Petition for Conservatorship of a Minor.
2. Hearing is set in front of the judicial officer.
3. At the hearing, JO will do the following:
 - a. Appoint a Special Conservator under A.R.S. § 14-5409, even if the Petitioner petitioned for a regular conservatorship under A.R.S. § 14-5407 under the cost-benefit and least restrictive means concepts.
 - b. Approve the settlement and the distribution of the funds (if appropriate).
 - c. Allow the Special Conservator to sign the release of claim and/or settlement agreement for the tortfeasor(s).
 - d. Allow the Special Conservator to purchase the annuity contract, and order that the proof of the annuity contract be filed within 60 days of the appointment, and set a compliance hearing date.
 - e. Order that the Special Conservator is discharged when the proof of purchase of the annuity contract is filed with the court.
 - f. Waive the bond and non-licensed fiduciary training.
4. When the proof of annuity contract is filed and determined to be properly filed by the probate examiners, probate court administration will terminate the case. There will be no further monitoring of the case.