



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

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ARIZONA ATTORNEY GENERAL

May 17, 1984

Dr. Douglas X. Patino, Director
Arizona Department of Economic Security
P. O. Box 6123
Phoenix, Arizona 85005

Re: 184-071 (R84-051)

Dear Dr. Patino:

You have requested clarification of Ariz. Atty. Gen. Op. 180-201 concerning the appointment of Adult Protective Services workers as guardians or conservators for adults who are clients of Adult Protective Services or who are the subject of an Adult Protective Services investigation or proceeding. In our previous opinion we stated that the intent of the legislature in enacting A.R.S. § 46-452.B was "to prohibit adult protective services workers from being appointed as guardian when an adult protective services worker has filed for appointment of same."

Apparently, certain Adult Protective Services workers are interpreting the language of Ariz. Atty. Gen. Op. 180-201 to mean that they are allowed to be appointed as guardians or conservators in private cases where the petition for appointment was filed by someone other than a person employed by or acting on behalf of Adult Protective Services. That interpretation of our previous opinion is incorrect.

A.R.S. § 46-452.B provides:

The Department or a Protective Services Worker employed by the Department may not be appointed as a guardian, conservator or temporary guardian.

The language of the statute is unambiguous and unequivocal. It prohibits an Adult Protective Services worker from being appointed as guardian, conservator or temporary guardian of any

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individual who is an Adult Protective Services client or who is the subject of an Adult Protective Services investigation or proceeding, regardless of which entity or person filed the petition for appointment of a guardian or conservator. We thus modify Ariz. Atty. Gen. Op. 180-201 insofar as that opinion is construed to reach a conclusion contrary to this opinion.

Very truly yours,

Bob Corbin

BOB CORBIN
Attorney General

BC:SMS:pd