GUARDIAN AND CONSERVATOR

For a MINOR

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1

For Permanent (Longer than 6 months) Appointment For A Minor

Part 1: Preparing the First Court Papers

(**Forms**)

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PBGCM1f – 5246 - 051514

IMPORTANT NOTICE

TRAINING REQUIREMENTS

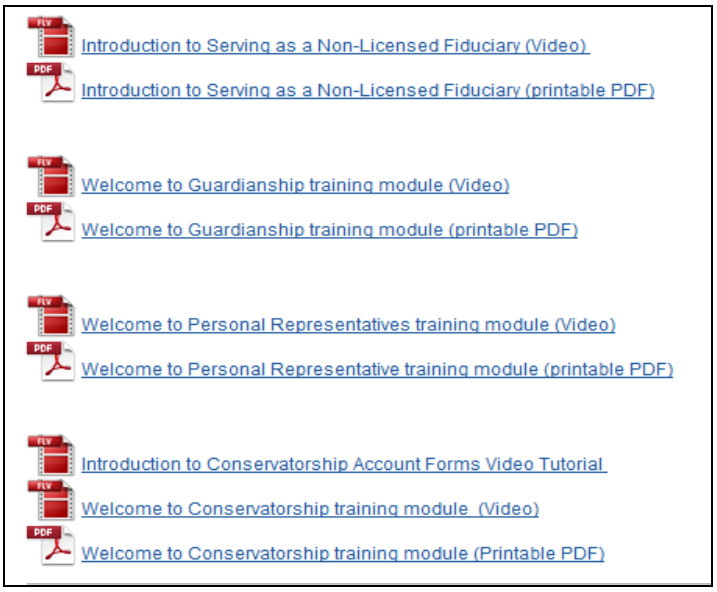
Effective September 1, 2012

The Arizona Supreme Court requires that any person who is not a state-licensed fiduciary (or a financial institution) must complete a training program approved by the Supreme Court **before** Letters of Appointment to serve as a guardian, conservator, or personal representative can be issued by the Clerk of the Court, or within 30 days of a temporary or emergency appointment.

TRAINING *SHOULD BE* COMPLETED BEFORE THE COURT HEARING
***Additional time may be granted for good reason*.**

You may access and complete the training FREE online at:
www.azcourts.gov/probate/Training.aspx

Go to the section for **"Non-licensed Fiduciaries"** and click on the link to access a narrated slide-show presentation of the materials applicable to your situation.



You may also pick up a printout of the training materials in English *or Spanish* from the Self-Service Center. AFTER reviewing the materials, you will need to inform the Court that you have completed the training by filing either the Certificate available at the end of the online training, or the Declaration of Completion form available from the Self-Service Center. If you have questions about the training, contact the Probate Clerk at 928-428-3100.

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INSTRUCTIONS: HOW TO COMPLETE THE FORMS TO ASK THE COURT FOR PERMANENT (LONGER THAN 6 MONTHS) APPOINTMENT OF A GUARDIAN AND CONSERVATOR FOR A MINOR

PLEASE NOTE THE FOLLOWING:

FINGERPRINT REQUIREMENT: Arizona law requires that any person asking to be appointed guardian of a minor to whom he / she is not related must submit a fingerprint card to the court.

- The card will be submitted to the **Arizona Department of Public Safety (DPS)** and to the **FBI** for use in conducting a criminal record check to help the Court determine that person's suitability to act as a guardian of a minor.
- **If** the guardian is unrelated to the ward, due to the time required for the record check, this process, from time of filing to the signing of the court order, may take as long as **four months**.
- ***If there is an urgent situation that requires the actions of a Guardian/Conservator in less than that amount of time*, or** the guardian/conservator will only be needed for a period of ***6 months or less***, see the Self-Service Center packet for "**TEMPORARY ORDERS**" for Guardianship/Conservatorship.
- Refer to the checklist in the **Temporary Orders** packet to help determine whether you need to file for Temporary Orders ***only***, **or *in addition to*** "permanent" appointment of more than 6 months.

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ALSO NOTE:

1. **If the minor is at least age 17 and a half and** will only need a guardian-conservator ***after*** reaching the age of 18, please see the Self-Service Center packet **"Guardianship and Conservatorship for an Adult - or person at least age 17.5 years old *to become effective at age 18.*"**

2. **The minor you say needs a guardian and conservator may be referred to by *any* of the following terms in the court forms or instructions:**
   - "the ward", "the proposed ward", "the proposed protected (or "incapacitated") person"
   - "the person* to be protected"*, or "the person* needing protection",
   - "the person* needing a guardian and conservator". *or "the minor", etc.

INSTRUCTIONS: HOW TO COMPLETE THE FORMS

Fill out all forms completely *and in **BLACK INK**.*

FORM 1. **PROBATE INFORMATION COVER SHEET** (form **PB10f**).
(If two people are applying to serve as co-guardian-conservators, fill out a separate cover sheet for each).

Fill in the information requested about:

- **the ward**, the minor for whom the guardian-conservator is to be appointed,
- **the petitioner**, you, the person filling out and filing these forms, **and**
- **the fiduciary**, the person who is to serve as guardian-conservator (who is usually but not always the petitioner).

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Leave "**Case Number**" blank. A case number beginning with the letters "**PB**" will be stamped on the papers by the Clerk of the Court when you file the papers. Use this case number on all other papers you file with the court in this case.

- **Indicate whether an interpreter will be needed**, **for what language**, and **for whom;**
- Leave the boxes for "Reasons Fee Not Paid" blank, and
- For "**Nature of Action**", if filing for **guardian <u>and</u> conservator**, go to **#240** and place a check next to the number **241** to indicate **"for a Minor"**.
- On page 2, fill in the information about the fiduciary (the proposed guardian/conservator) and sign.

FORM 2. <u>PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN and CONSERVATOR for a MINOR</u> (PBGCM11f)

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Read carefully and provide all applicable information requested – **in BLACK INK.**
If additional space is needed for any section:

- Write "**See attached**" below the answer space provided, and
- Complete the information on an attached page with the same title as that section, for example: "Other Protective Proceedings".

At top, left: Fill in the requested information ("Your Name", etc.) that applies to the Petitioner, the person filing the papers requesting appointment of a guardian and conservator.

In the case caption, under "In the Matter of", write in the name of the minor(s) for whom the guardian and conservator is to be appointed. Leave "Case Number" blank. The Clerk will stamp a case number on the papers when the Petition and other papers are filed with the court.

1. **Information about Petitioner:** Provide the information requested in the space provided (even if it duplicates what you filled in at top, left). Describe your connection to the minor(s) for whom the guardian-conservator is to be appointed in the space provided to list your "interest in or relationship to" the persons to be protected.

2. **Information about the Minors to be protected:** Provide the requested information. Check the box to indicate which, if any, of the minors are legally married.

3. **Information about the Proposed Guardian-Conservator:**

   a. **If** the Petitioner is asking to be appointed guardian and conservator, **OMIT** this section and go to part "B". ***If*** the Petitioner is naming ***someone else*** to serve as guardian-conservator, provide the information as applies to that other person.

   b. Arizona law establishes a priority list of persons who may serve as guardians and conservators (**A.R.S. § 14-5206,** and **§ 14-5410,** respectively). Check the box(es) to indicate which applies to the person named to serve as guardian and conservator in the petition. If none of those listed apply, you may review the statutes at a law library or online to determine if the proposed guardian-conservator is otherwise qualified. If so, check the box for "Other", and briefly describe the "other qualification" in the space provided.

4. **Other Protective Proceedings:** This refers only to other court cases involving matters of guardianship or conservatorship for the minors for whom protection is requested in this petition. Check the appropriate box. Provide the information requested about any other guardianship or conservatorship cases. If additional space is needed, write "**See attached**" and complete the information on an attached page with the same title as this section, "**Other Protective Proceedings**".

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5. **Other Court Cases or Administrative Proceedings:** This refers to any other type of court case such as family court cases involving who has authority to make legal decisions for the minors and days and hours the minors will be with one parent or the other ("parenting time"), or administrative proceeding such as a CPS (Child Protective Services) hearing. If additional space is needed, write "**See attached**" and complete the information on an attached page with the same title as this section.

6. **Assets and Income:** Check the box to indicate whether the minor(s) have income or assets (bank accounts, land, cash, property that can be exchanged for cash). If "yes", list or describe.

7. **Reasons for Conservatorship:** Check the box for any statement (one or more) that applies.

8. **Disability or Incapacitation:** Check one box to answer "Yes" or "No". If "yes", list the name of any minor named in this petition who will continue to need a guardian **or** conservator *after* reaching the age of 18.

9. **Required Statements to the Court:** According to Arizona law ALL THREE of these statements MUST be true in order for this court to have the power to appoint the person proposed as guardian and conservator for the minor(s) named in this petition. If you are not sure all of the statements are true, you should not proceed unless advised to do so by an attorney licensed to practice in Arizona.

10. **Attachments:** If there was not enough space to provide all the information requested for ***any*** section of the Petition and you listed or continued the information on an attached page, check this box ***and be sure to attach the extra pages.***

Read the **NOTICE** about ***who*** the law requires you to give notice to about your request for the court to appoint a guardian/conservator for the proposed protected person(s).

11. **Persons Entitled to Notice.** In this section, list every person (or agency) legally entitled to receive notice of your request to have a guardian-conservator appointed for the proposed ward. Arizona law, **A.R.S. § 14-5405**, provides that notice <u>must</u> be given to:

    1. **The proposed ward's parents (IF the ward is 14 or older, the ward too)**.
    2. **<u>If</u> the proposed protected minor is married, his or her spouse**.
    3. **Any person who is serving as guardian or conservator** as well as any person who the ward is living with or who is providing care for the ward.
    4. ***In case no other person is notified under #1 or 2 above***, **notice must be given to at least one of the ward's closest adult relatives** if any can be found.
    5. **Any person who has filed a *Demand for Notice*** with the Clerk of the Court.

    For more detailed information on **<u>how</u>** you are required or permitted by law to give Notice, refer to Self-Service Center packet #2 on "**SERVICE**".

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FORM 3. **AFFIDAVIT OF PERSON TO BE APPOINTED** (PBGC13f).

- This document required by Arizona law **A.R.S. §14-5106(A),** must be completed ***by the proposed guardian and conservator*** and filed with the Petition. The proposed guardian and conservator is usually, *but not always*, the same person as the Petitioner.
- Read carefully, answer truthfully, **and** *attach any required explanations* as instructed.
- **If two people are nominated to serve as co-guardian-conservators**, fill out a separate **Affidavit of Person to be Appointed** *for each*.

FORM 4. **CONSENT OF PARENT (with Optional WAIVER OF NOTICE)** (PBGCM13f).
and
FORM 5. **CONSENT OF** (other) **PARENT (with Optional WAIVER)** (PBGCM13f).

- **If both parents are living and can be located, *each* parent may complete and sign a CONSENT to the appointment to be filed with the Court.**
- If a parent does not feel the need to receive legal notice of future court proceedings about this guardianship-conservatorship, he or she may optionally choose to check the box to **Waive Notice** of future filings and court proceedings.
- **If you are unable to obtain the signed consent** of one or both parents, be prepared to show the court that you **gave proper legal notice** to both parents.
- **If you were unable to deliver notice** to one or both parents, be prepared to inform the Court of what actions you took to **try** to deliver notice, and to show that you gave notice by publication (running a legal notice advertisement). See the Self Service Center packet #2 on "**SERVICE**" for detailed instructions on giving notice ***by publication***.
- Notice does not have to be given to a parent whose rights have been permanently terminated ("severed"), **or** who has been declared legally incompetent by a court order, but note that getting copies of these usually sealed orders to present to the court can be difficult.

OTHER COURT DOCUMENTS IN THE #1 FORMS PACKET:

- **NOTICE OF HEARING** (PBGC18F). **AFTER** you file your papers with the Clerk, you will get the information to fill out the **Notice of Hearing,** and serve the Notice along with the other required papers on those entitled to receive notice of this case. See the separate "**Procedures**" document (PBCM10P) in this packet for information.

- **WAIVER OF NOTICE** and **SERVICEMEMBERS CIVIL RELIEF ACT WAIVER** (PBGC19F). Persons entitled to notice **may** sign a notarized **Waiver of Notice** which will allow you to **NOT** have to serve notice to those persons unless they later file to reverse that waiver. Persons entitled to notice who are unavailable due to active duty military service may also separately choose to waive rights that may exist under the **Servicemembers' Civil Relief Act** that might delay or otherwise interfere with the court proceeding.

These documents are not filed with the Clerk at the beginning of the case.

NEXT: Read and follow instructions on the separate "**PROCEDURES**" document (PBGCM10p) in this packet for what to do after you have completed these forms.

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PROCEDURES: WHAT TO DO AFTER COMPLETING ALL FORMS
TO REQUEST APPOINTMENT OF PERMANENT GUARDIAN AND CONSERVATOR FOR A MINOR

STEP 1. MAKE COPIES and SEPARATE INTO COMPLETE SETS as follows:

Set 1: *Originals* for the Clerk of Court, Probate • **Probate Information Cover Sheet** (pb10f) • **Petition for Permanent Appointment** (pbgcm11f) • **Affidavit of Person to be Appointed** (pbgc13f) • **Consent of Parent** (if applicable) (pbgcm13f) • **Consent of** (other) **Parent** (if applicable) (pbgcm13f)	**Set 2: Copies for Judicial Officer** (deliver *at least* **5** days before the hearing) • **Petition for Permanent Appointment** • **Affidavit of Person to be Appointed** • **Consent of Parent** (if applicable) • **Consent of** (other) **Parent** (if applicable)
Set 4 *& More*: Copies for Persons (or Agencies) **to Receive Notice** • **Petition for Permanent Appointment** • **Affidavit of Person to be Appointed** • **Consent of Parent** (if applicable) • **Consent of** (other) **Parent** (if applicable)	**Set 3: Copies for You** • **Petition for Permanent Appointment** • **Affidavit of Person to be Appointed** • **Consent of Parent** (if applicable) • **Consent of** (other) **Parent** (if applicable)

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2. TAKE THE ORIGINALS AND ALL SETS OF COPIES TO THE CLERK TO FILE at any of the following Superior Court locations in Graham County:

GRAHAM COUNTY SUPERIOR COURT
800 WEST MAIN STREET
SAFFORD, ARIZONA 85546

3. PAY YOUR FILING FEE AND FILE.

- A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

- If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

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4. GET YOUR COPIES BACK. The Clerk will file the originals, **stamp the copies with a case number** to indicate the copies ***conform*** to (are the same as) original documents filed with the Court, **and return the copies to you**. **NOTE YOUR CASE NUMBER** beginning with "**PB**" and use it on every paper you file with the court in this matter from now on.

FINGERPRINT REQUIREMENT NOTICE

If the proposed guardian is NOT related to the proposed ward, Arizona law A.R.S. §14-5206 requires the guardian to submit a fingerprint card to the court for use in conducting a criminal background check to help the court determine that person's suitability to act as a guardian of a minor.

- The card **MUST** be submitted **within 5 days** of filing the Petition.
- There is a fee for processing fingerprint cards.
- The card may **only** be presented to Probate Court Administration at the "Old Court House" location at 125 W. Washington Street in downtown Phoenix.
- **FINGERPRINTING IS NOT REQUIRED IF THE GUARDIAN IS RELATED TO THE WARD.**
- **See Steps 6** and **7** below for more specific information.

5. GET A COURT HEARING DATE:

A. ***If filing at a court location where there is no Calendar Clerk available:***

- WAIT until 2 to 3 days after filing (so Clerk can see information in data system).
- Call 928-428-3100 and tell the clerk you need to schedule a hearing.
- Provide the case number.
- The Clerk will provide *you* with the date, time, and location of the hearing, as well as the name of the Judicial Officer assigned to conduct the hearing.
- **PLEASE WRITE IT DOWN!** ***DON'T LOSE IT!***

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- **PETITION FOR APPOINTMENT OF GUARDIAN and CONSERVATOR for an Minor** (PBGCM11F),
- **AFFIDAVIT OF PERSON TO BE APPOINTED** (PBGC13F)**,**
- **CONSENT OF PARENT** (PBGCM13F) *(if applicable)*
- **CONSENT OF PARENT** (PBGCM13F) (for **other** parent, *if applicable*)

Probate Admin will then provide you with printed information about the time, date, and location of the hearing, as well as the name of the Judicial Officer assigned.

THIS IS IMPORTANT INFORMATION. ***DON'T LOSE THIS DOCUMENT!***

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NOTE THE FOLLOWING:

- If the proposed guardian-conservator **is related** to the proposed ward and **Consent**(s) **of Parents** and/or **Waivers of Notice** are filed for all parents or parties entitled to notice, the hearing may be scheduled for as little as **two weeks** from the date you request the hearing.
- If the proposed guardian-conservator **is related** to the proposed ward, the hearing will be scheduled for approximately **4 weeks** from the date you request a hearing, whether requested by phone or in-person.
- If the proposed guardian-conservator is **NOT related** to the proposed ward, the hearing will be scheduled for **16 weeks** from the date you submit your request, due to the time required for the criminal record check.
- The hearing may be scheduled at a court facility *other than* the one at which the papers were filed.

6. GET YOUR FINGERPRINTS TAKEN:

(Again) Fingerprinting is **only** required for a proposed guardian who is **NOT** related to the proposed ward, and the completed fingerprint card **must** be presented **within 5 days** after a petition for guardianship of a minor is filed.

A. You may go to a government / law enforcement agency or private company to have your fingerprints taken, including:

- **Local law enforcement departments.**

- The **Grahm County Sheriff's Office's**

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- The **Safford Police Department** .

- **Numerous private companies** offering fingerprinting services can be found in the online or printed yellow pages under “fingerprinting services”.

B. **Present valid photo identification or your prints will NOT be taken.**

C. **Tell the person taking your prints that they are for a guardianship of a minor** and pay the fee (usually $8.00-$20.00)**.** They will take your fingerprints and give you the fingerprint card (usually a white card with blue lines and text) to present to the court.

7. SUBMIT FINGERPRINT CARD TO PROBATE ADMINISTRATION and PAY FEE.

- There is a fee for processing a fingerprint card
- Verify current amount for processing a fingerprint card.
- The card **MUST** be submitted **within 5 days** of filing the Petition.

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Court Administration will help you complete the **Fingerprint Card** with the following information:

- Court case number, (begins with “**PB**”)
- Hearing Date
- Name of the hearing officer
- The phrase **"pursuant to A.R.S. 14-5206"** in the "Reason Fingerprinted" section.

  (Do **NOT** complete the "Employer and Address" section.)

8. **SERVE NOTICE:** Fill out the **Notice of Hearing** form (PBGC18f) with the information about time and place of the hearing that you obtained in Step 5 above, and **SERVE NOTICE** to ***everyone*** who is legally entitled to know about the court case and what you have asked the Court to order concerning the person to be protected. To “**Serve**” notice means to deliver notice as required or permitted by law.

Persons entitled to notice may sign a notarized **Waiver of Notice** (PBGC19f), which will allow you to **NOT** serve notice to those persons, unless they later file to reverse that waiver.

Notice can (or must) be given in different ways to different persons. READ “**INFORMATION ON LEGAL NOTICE**” (PBGC20h) in this packet, and see Self-Service Center packet #2, “**Service and Notice of Court Hearing**” for court forms and more detailed information on serving notice.

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READ THIS: ***AFTER*** **GIVING NOTICE TO ALL INTERESTED PERSONS:**

- Complete the **Declaration of Notice** stating how and when you gave notice.
- Make two (2) copies of the:

  ☐ **NOTICE OF HEARING**

  ☐ **WAIVER OF NOTICE** (if any)

  ☐ **DECLARATION OF NOTICE PROVIDED**

- **If filing *in-person*, do so at least 5 days before the hearing.**
- **If you file** the documents before the hearing, the Clerk will stamp and keep one set, and ***return the copies*** **for you to bring with you to the hearing.**

- ***If you are MAILING these documents to the Court:***
  - **Make a copy before mailing to keep and bring to the hearing**;
  - It is recommended that you post them **10** full days before the hearing.
  - The Probate Clerk will file the originals for you and deliver the copies to the Judicial Officer assigned to the hearing.
  - **Remember to bring your copies of the documents to the hearing.**

IMPORTANT: Guardians and Conservators must complete court-approved training before permanent appointment! See "**Notice Regarding Training Requirements**".

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SPECIAL HANDLING for

CONFIDENTIAL DOCUMENTS*

DOCUMENTS DEFINED OR DESIGNATED AS "CONFIDENTIAL DOCUMENTS" SHALL BE SUBMITTED TO THE CLERK IN SEPARATE, *UN*-SEALED (9"x12") ENVELOPES.*

The following documents are defined as "Confidential":

- Medical Reports and Records
- Inventories and Appraisements
- Accountings
- Credit Reports
- Any other document ordered by the court to be "confidential".

A separate envelope is required for *each* confidential document ***and***
THE FOLLOWING INFORMATION MUST APPEAR ON THE OUTSIDE OF EACH ENVELOPE:

1. **Case Name and Number** ("In the Matter of *xxxxx*" and "PB 2009xxxxxx"),
2. **Name of the document** ("Annual Accounting", "Annual Report", "Medical Records". etc,)
3. **Name of the party filing the document**, and
4. the words **"Confidential Document"**

"CONFIDENTIAL INFORMATION" in *Non*-CONFIDENTIAL DOCUMENTS*

DOCUMENTS NOT LABELED AND SUBMITTED AS "CONFIDENTIAL" SHOULD NOT CONTAIN CONFIDENTIAL INFORMATION,* *such as:*

- the **Social Security Number** of a living person, and/or
- any **financial account numbers**, including those for credit card, bank and **brokerage accounts, insurance policy and annuity contract numbers**, etc. as well, ***unless only the last 4 digits are displayed.***

The Court may order (or you may *request* that the Court order) that:

1. a document containing confidential information be filed as "a confidential document", or
2. confidential information contained in a non-confidential document be *redacted* (covered up or hidden).

*Rule 7, **Arizona Rules of Probate Procedure**

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HELPFUL INFORMATION ON LEGAL NOTICE FOR GUARDIANSHIPS AND CONSERVATORSHIPS

1. WHAT IS "LEGAL NOTICE TO ALL INTERESTED PERSONS"?

After you have filled out and filed the guardianship and/or conservatorship petition and other documents with the Court, you must inform all "interested persons" of what you have filed and what you have asked the court to do. **Interested persons** are people (or agencies) who have a legal right to be notified of court actions that may affect the person said to need the guardian or conservator.

A. WHAT COURT DOCUMENTS AM I REQUIRED TO GIVE NOTICE OF? Copies of which documents <u>have</u> to be delivered according to law?

1. The **"Petition"** explains what you want the court to do and why.
2. The **"Affidavit of Person to be Appointed"** contains information about the person who is to serve as guardian or conservator.
3. The **"Notice of Hearing"** lists the time, date, and location of the court hearing and the name of the Judicial Officer assigned to hear the case.

After notice has been served to all those entitled to receive it and in a manner required or permitted by law, you must then fill out and file a **DECLARATION OF NOTICE PROVIDED** (see section C, below) to tell the Court **who** you gave notice to, **how** notice was given, **what** documents were provided, and when.

B. <u>HOW</u> AM I ALLOWED OR REQUIRED TO GIVE LEGAL NOTICE?

1. **Personal Service** (delivery by sheriff, private process server, or recipient signs an "ACCEPTANCE OF SERVICE"
2. **Mail or Hand-Delivery** (not always permitted)
3. **Publication** (run a legal notice advertisement. This MAY be permitted if ***<u>after all reasonable efforts</u>*** you still cannot find the person or his or her address)

Personal Service requires that a registered process server or the sheriff serves the documents on the interested persons ***or*** that those persons voluntarily sign an **ACCEPTANCE OF SERVICE** form in the presence of a Notary Public or Deputy Clerk of Court. Personal service is NOT required in all cases. When personal service is required, it means the law is written to <u>make sure</u> that a person who needs notice of a case **gets** the notice. For more detailed information on *personal service,* refer to #**4** below.

Mail and Hand-Delivery are less formal methods of giving notice, but are ***<u>not</u> permitted in all cases***. When you are permitted to give notice by mail, 1st class postage-prepaid mail is usually acceptable to the court. Certified mail with return- receipt is an optional extra step you can take to prove delivery. Make sure you are allowed to use mail or hand-delivery in the type of case you are involved in, and for any particular persons you want to give notice to by these methods. See **3C** below for more information.

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Publication of Notice is used when you do not know the address of the person to whom you need to give notice, and **after** you have done everything you could to try to find the person you are still unable to come up with an address. Notice is then published **at least 3 times** in a newspaper in the county where the court hearing is held.

WARNING! **If the Court is not satisfied that you have made *every reasonable effort* to find an address and have the papers personally delivered, you may be required to take additional steps adding delay and expense to your case, and then have to *publish again*.**

For more detailed information on Service by Publication, review the **"Procedures: How to Serve Legal Papers by Publication",** which is in the #2 **"SERVICE"** packet.

C. HOW DO I SHOW THE COURT THAT I GAVE NOTICE?

- **Fill out and file a DECLARATION OF NOTICE PROVIDED** form with the court to show who you gave notice to, when, and how. Fill out this form **after** the documents have been delivered or you have otherwise served notice on all interested persons.
- **Submit other documents required to support the DECLARATION OF NOTICE PROVIDED. Depending on method(s) of service** (how Notice was given)**, this may include one or more of the following:** (an)
  1. **Acceptance of Service** signed by the person receiving notice,
  2. **Affidavit of Publication** supplied by the newspaper if serving by publication,
  3. **Affidavit of Service** signed by the process server or sheriff.

D. WHEN CAN I SKIP GIVING LEGAL NOTICE?

1. **When a person entitled or required to receive notice signs a WAIVER** giving up the right to receive notice of court filings and proceedings in this matter. Please note*:* If an incapacitated *adult* for whom the guardian or conservator is to be appointed signs a Waiver, he or she must attend the hearing for service to be valid.
2. **When the person to receive notice is present at the hearing and will accept service.** Only rely on this method if you are **absolutely** certain the person will be at the hearing and will accept service.

2. WHEN MUST LEGAL NOTICE BE GIVEN? WHAT TIME FRAMES?

Generally, you must give **all** interested persons notice of the court papers **at least 14 days before the hearing**. If you are giving NOTICE BY PUBLICATION, *the date of the first publication* must be ***at least* 14 days before the hearing**.

Note: The newspaper will provide an **AFFIDAVIT OF PUBLICATION *after* all 3 notices** have been published to show proof that the ad has run.

3. WHO ARE "INTERESTED PERSONS"?

According to Arizona law (A.R.S. § 14-5309 AND 14-5405) notice must be given to:

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A. THE PERSON TO BE PROTECTED (incapacitated adult or a minor)**: Personally serve the adult** (or a minor aged 14 or over) **said to need the guardian/conservator.**

> **Neither ACCEPTANCE OF SERVICE nor WAIVER OF NOTICE** by the person said to need a guardian or conservator is legal ***unless*** he or she **also attends the court hearing.**

B. THE PARENTS AND SPOUSE (if applicable) **of the person to be protected:**

1. **Personally serve the spouse and parents if they are in Arizona;**
2. **Serve by mail or hand-delivery if not in Arizona; or**
3. **Serve by publication if you do not know and cannot find the address *after all reasonable efforts*. You will have to describe those efforts to the court.**

C. OTHERS: You may give notice by mail, hand-delivery or publication to:

1. **Any adult children of the person to be protected;**
2. **Any person who is serving as the guardian or conservator or who has the care and custody of the person to be protected;***
3. **If the person to be protected has no parent or spouse or adult children, then to the closest adult relative,** *if any can be found*, **AND**
4. **Any person who has filed a "DEMAND FOR NOTICE"** with the Court**.***

***** This may also include *agencies* such as Adult Protective Services or the VA.

4. THE METHODS OF PERSONAL SERVICE:

> **PLEASE NOTE: "PERSONAL SERVICE" DOES *NOT* MEAN THAT YOU PERSONALLY HAND-DELIVER THE PAPERS***
> ***though you MAY be able to do that if the person receiving them is willing to voluntarily sign an **ACCEPTANCE OF SERVICE** as described below.

A. ACCEPTANCE OF SERVICE: This method requires that you give or mail copies of the court papers and include an "**Acceptance of Service"** form. The other party must sign the "**Acceptance**" in front of a Notary and return it to you, or file it with the court himself (herself), but it can't be signed in advance of the date you filed the petition with the court.

Signing this form does **not** mean the person agrees; only that he or she admits receiving the papers without being served in person by a Sheriff or Process Server.

B. PROCESS SERVER: You must hire and pay a Registered Process Server yourself. You may locate process servers in the commercial section of the phone book under "PROCESS SERVER", or online by using the search term "Arizona process servers" or similar, or at the web site of the Arizona Process Servers Association at:

http://arizonaprocessservers.org/

- **May offer greater flexibility in serving papers "after-hours" or on short notice.**
- **Are paid directly by you, not through the court.**
- **Fees may not be deferred or waived by the court.**
- **Fees vary. Compare.**

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C. SHERIFF: This method requires you to contact the Sheriff's Office in the county where the person to receive notice lives to arrange for a Sheriff's deputy to serve the papers. This method requires you to pay a fee to the Sheriff's office, unless you apply for and receive a fee deferral or waiver. A deferral or waiver application is available through the Court in the county service where notice is to be delivered for persons who cannot afford the cost. The Application will require you to explain **why** your circumstances call for service by sheriff.

5. HOW DO I LET THE COURT KNOW NOTICE HAS BEEN GIVEN?

You will be filing the **"Declaration of Notice Provided"** form and supporting documents referred to immediately above and in section "1.C." on page 2 of this document to inform the court of who you gave notice to, when, and how.

6. WHAT ELSE TO KNOW ABOUT LEGAL NOTICE:

A. AFTER "INTERESTED PERSONS" RECEIVE NOTICE, THEY MAY:

1. **Do nothing,** if they agree with, or at least do not want to file papers or show up in court to disagree with your request, **OR**
2. **File a Response, *if*** they want to:
   - **Object to what the Court has been asked to order,**
   - **Disagree with something stated in the Petition or other court papers, *or***
   - **Tell the Judge/Commissioner something besides what is in the Petition.**

Filing a Response requires payment of a filing fee, unless *deferred* (granted a payment plan). If the Response is written, copies must be delivered to all the interested parties. The Self-Service Center has a packet titled "**Guardianship and/or Conservatorship: *To Object to a Court Proceeding***" with court forms and instructions to file a response.

B. AFTER "NOTICE" COMES THE HEARING.* Carefully read and follow the directions on the applicable instruction and procedure documents in the #2 **SERVICE** packet to properly serve notice and to then file your proof of service with the Court. See Self-Service Center packet #3, "**Preparing for and Attending the Court Hearing**" for court forms and instructions on how to complete the forms you will need to bring with you to the hearing and helpful information on how to otherwise prepare.

***IMPORTANT: BEFORE THE HEARING the proposed guardian or conservator, if not a state-licensed fiduciary, must complete court-approved training.** See **"Important Notice Regarding Training Requirements**" in this packet.

C. OTHER HELP: Court employees can answer questions about court procedures but only an attorney can give legal advice. The Self-Service Center has a list of lawyers whom you can hire to advise you on how to handle your case yourself, or to help you on a task-by-task basis for a fee, and a list of mediators who may be able to help resolve disputes as well. You will find both lists online.

The **Probate Lawyers Assistance Project** (**PLAP)** offers a 30-minute consultation for a low flat fee or free, depending on financial situation. Consultations are by appointment only, on Wednesdays, at the offices of the Maricopa County Bar Association at 303 East Palm Lane in Phoenix. Call **602-732-2834** to schedule an appointment.

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IMPORTANT NOTICE

TRAINING REQUIREMENTS

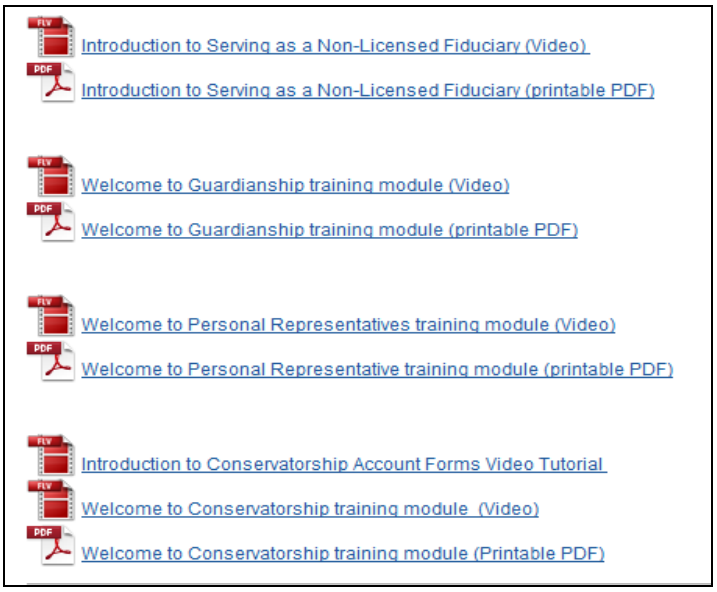
Effective September 1, 2012

The Arizona Supreme Court requires that any person who is not a state-licensed fiduciary (or a financial institution) must complete a training program approved by the Supreme Court **before** Letters of Appointment to serve as a guardian, conservator, or personal representative can be issued by the Clerk of the Court, or within 30 days of a temporary or emergency appointment.

TRAINING *SHOULD BE* COMPLETED BEFORE THE COURT HEARING
***Additional time may be granted for good reason*.**

You may access and complete the training FREE online at:
www.azcourts.gov/probate/Training.aspx

Go to the section for **"Non-licensed Fiduciaries"** and click on the link to access a narrated slide-show presentation of the materials applicable to your situation.



You may also pick up a printout of the training materials in English *or Spanish* from the Self-Service Center. AFTER reviewing the materials, you will need to inform the Court that you have completed the training by filing either the Certificate available at the end of the online training, or the Declaration of Completion form available from the Self-Service Center. If you have questions about the training, contact the Probate Clerk at 928-428-3100.

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SELF-SERVICE CENTER

APPOINTMENT OF PERMANENT GUARDIAN AND CONSERVATOR FOR A MINOR

NOTE: A MINOR GENERALLY NEEDS A CONSERVATOR if:

1. The minor owns money or property in excess of $5,000 that requires management or protection which cannot be otherwise provided;
2. The minor has business affairs/assets which may be jeopardized or prevented by his or her being a minor; and/or
3. The minor needs funds for his or her support and education and protection is necessary or desirable to obtain or provide the funds.

A MINOR GENERALLY NEEDS A GUARDIAN if he or she needs the care and supervision of an adult, which is not presently available.

CHECKLIST

You may use this packet if . . .

- ✓ You want the court to appoint a **guardian and conservator** for a person under the age of 18;*
- ✓ The guardian-conservator will be needed for longer than **6** months (See separate "Temporary Orders" packet if need expected to be for 6 months or less);
- ✓ The minor lives in Graham County;
- ✓ The parents will ***either:***
  - **a.** sign a **"Voluntary Consent"** to the guardianship and conservatorship, **or**
  - **b.** after receiving notice of the **Petition to Appoint a Guardian <u>and</u> Conservator** will **not** come to court **<u>or</u>** file papers to object to the appointment.

***Note:** <u>For a person at least 17 and-a-half</u> who will need a Guardian or Conservator as an adult (but **not** as a minor), you may instead file papers "for an Adult or a person at least 17.5 years of age" for an appointment that will *become effective at age 18*.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

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SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

PROBATE INFORMATION COVER SHEET

Case Number: _____

A person needing a guardian or conservator is the "**ward**". A person who died is the "**decedent**".

INFORMATION ABOUT THE WARD or THE DECEDENT

NAME: _____ **DATE OF BIRTH:** _____
MAILING ADDRESS : _____
STREET ADDRESS (if different)**:** _____
TELEPHONE (Home): _____ **SSN:** _____
TELEPHONE (Cellular): _____ **EMAIL:** _____
☐ **ADDITIONAL WARDS ARE INVOLVED. Information listed separately.**

INFORMATION ABOUT THE PETITIONER, the person filing these papers.

NAME: _____
MAILING ADDRESS: _____
TELEPHONE: _____ **EMAIL:** _____

INFORMATION ABOUT PETITIONER'S ATTORNEY: ☐ **Petitioner is not represented by an attorney, *or***
NAME: _____ **BAR #** _____
TELEPHONE: **EMAIL:**

☐ **An INTERPRETER IS NEEDED for this language:** _____ **By**
(List Names of) **Persons who need interpreter:** **Name:** _____
Name: _____ **Name:** _____

STAFF USE ONLY: REASON FEES NOT PAID: ☐ Government Charge ☐ Deferred

NATURE OF ACTION: Place an "X" next to number which describes the nature of the case. Check only **ONE**.

200 ESTATE
____ 201 Formal Appointment of Personal Representative
____ 202 Informal Appointment of Personal Representative
____ 203 Ancillary Administration
____ 204 Affidavit of Succession to Realty
____ 205 Trust Administration
____ 206 Formal Probate of Will
____ 207 Informal Probate of Will
____ 208 Proof of Authority
____ 210 Other _____
Specify
____ 211 Single Transaction/Limited Conservatorship
____ 212 Foreign Domicilliary

220 CONSERVATOR
____ 221 Minor
____ 222 Adult Incapacitated Person

230 GUARDIANSHIP
____ 231 Minor
____ 232 Adult (including those with Dementia, Alzheimer's)
____ 233 Adult Requiring In-Hospital Mental Health Treatment

240 GUARDIANSHIP-CONSERVATOR COMBINATION
____ 241 Minor
____ 242 Adult (including those with Dementia, Alzheimer's)
____ 243 Adult Requiring In-Hospital Mental Health Treatment

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Case No. _____

INFORMATION ABOUT THE FIDUCIARY, **the person to serve as guardian, conservator, or personal representative** (executor) **of the Estate of someone who died.**

NAME:				**DATE OF BIRTH:**		
MAILING ADDRESS:						
STREET ADDRESS: (if different)						
TELEPHONE (Home):			**SSN:**			
TELEPHONE (Cellular):			**EMAIL:**			
TELEPHONE (Work):			**CERTIFICATION #** (for State-Licensed Fiduciaries ONLY)			
RELATIONSHIP TO THE WARD OR (if an estate matter) **THE DECEDENT:**						
PHYSICAL DESCRIPTION:	**RACE:**		**HEIGHT**		**WEIGHT:**	
	EYE COLOR:			**HAIR COLOR:**		

By signing below, I state to the Court under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

_____
Petitioner or Attorney Signature

NOTICE

SUBMIT THIS FORM WITH NEW CASES ONLY.
If there is already a (Graham County) Probate Court case number and you are filing in an existing Superior Court case in Graham County, **DO NOT SUBMIT THIS FORM**.

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

In the Matter of
Guardianship and Conservatorship of:

_____
A Minor

Case Number: _____

PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN AND CONSERVATOR FOR A MINOR
A.R.S. § 14-5201, § 14-5401

UNDER OATH OR BY AFFIRMATION

INFORMATION REQUIRED BY ARIZONA LAW (A.R.S. § 14-5401)

1. INFORMATION ABOUT THE PETITIONER (the person filing this petition)

(My) Name: _____
Address: _____
Telephone: _____ Date of Birth: _____
My interest in or relationship to the person(s) to be protected _____

_____
(examples: mother, father, sister, brother, grandparent, legal guardian)

2. INFORMATION ABOUT THE MINOR(S) TO BE PROTECTED (also known as the "*proposed protected Minor*", "*the Ward*" or *"the proposed Ward"*).

Name: _____ ☐ is married
Address: _____
Telephone: _____ Date of Birth: _____

Name: _____ ☐ is married
Address: _____
Telephone: _____ Date of Birth: _____

Name: _____ ☐ is married
Address: _____
Telephone: _____ Date of Birth: _____

☐ **Continues on attachment titled "Additional Minors to be Protected", made part of this document by reference.**

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3. INFORMATION ABOUT THE PROPOSED GUARDIAN-CONSERVATOR: (Complete this ***only*** **if** the proposed guardian-conservator is **not** the same person as the Petitioner.)

Name: _____

Address: _____

Telephone: _____ Date of Birth: _____

Relationship to the proposed Ward(s): _____

(examples: mother, father, sister, brother, grandparent, legal guardian)

A. The proposed guardian-conservator has priority for appointment *as a CONSERVATOR* under Arizona law A.R.S. § 14-5410, because he or she *is*:

☐ (Already) An appointed conservator, guardian or other similar fiduciary appointed or recognized by the appropriate court of *any other jurisdiction* in which the person to be protected resides.

☐ An individual or corporation nominated by the protected person if the protected person is at least fourteen years of age and has, in the opinion of the court, sufficient mental capacity to make an intelligent choice.

☐ The spouse of the protected minor.

☐ A person nominated by the will of a deceased parent.

☐ Any non-parent relative of the protected person with whom the protected minor has resided for more than six months before the filing of the petition.

☐ A person nominated by someone who is caring for or paying benefits to the protected minor.

☐ A fiduciary who is licensed pursuant to Arizona law **A.R.S. § 14-5651**, other than a public fiduciary.

☐ A public fiduciary who is licensed pursuant to Arizona law **A.R.S. § 14-5651.**

☐ **OTHER. Explain:**_____

B. The proposed guardian-conservator qualifies for appointment *as a GUARDIAN* under Arizona law, A.R.S. §14-5202 (and sections that follow) **because:** (Check all that apply)

☐ Proposed appointee was selected by the WILL of a deceased parent.

☐ Proposed appointee was selected by the Minor who is 14 or more years of age.

☐ Proposed appointee is a relative of the Minor and has had care and custody of the Minor for at least six (6) months prior to filing this Petition.

☐ Proposed appointee was chosen to be the guardian by someone who is caring for the Minor or is paying benefits for the Minor.

☐ Proposed appointee is a public fiduciary, a professional guardian, conservator, or the Arizona Veterans' Service Commission.

☐ The proposed appointee is not related by blood to the Minor and the person will submit a full set of fingerprints to the court required by **A.R.S. § 14-5206 within five (5) days** of filing this Petition.

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4. REASONS FOR CONSERVATORSHIP: A Conservator is needed because the Minor(s): (Check all that apply):

☐ Owns money or property that requires management or protection which cannot otherwise be provided;

☐ May have business affairs which may be jeopardized or prevented by his or her minority;

☐ Needs funds for his or her support and education, and protection is necessary or desirable to obtain or provide funds.

5. ASSETS OF THE MINOR(s) TO BE PROTECTED:

(Check one box)

☐ **There are currently no substantial assets or income belonging to the proposed ward(s), but appointment is necessary to protect expected or potential income or assets.**

OR

☐ **The proposed ward(s) has/have assets and/or annual income in the approximate amount of $ _____ List/Describe:**

_____

_____

_____

6. REASONS FOR GUARDIANSHIP: The appointment of a guardian for the Minor is necessary or desirable to provide continuing care and supervision of the Minor, and is in the best interests of the minor because:

_____

_____

7. PARENTAL RIGHTS. All parental rights of custody regarding the Minor have been terminated or suspended by:

☐ **Written consent** of the parent(s) to the guardianship.

☐ **Prior court order.** (You must provide the court with a certified copy of the order.)

☐ **Abandonment** of the Minor for at least six (6) months prior to the filing of this Petition.

☐ **Other circumstances.** Explain:

_____

_____

8. DISABILITY OR INCAPACITATION. Is the Minor (or any proposed protected Minor) disabled or incapacitated to the extent that he or she will continue to need a guardian or conservator AFTER reaching the age of 18?

☐ **NO.** No proposed protected minor will need a guardian or conservator after the age of 18.

☐ **YES.** At least one proposed protected minor **WILL** need a guardian or conservator after the age of 18.

If "yes", and protection is proposed for *more than one* Minor in this petition, the names of those who will continue to need a guardian or conservator *after* the age of 18 are:

_____ _____

_____ _____

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9. INFORMATION ABOUT OTHER CONSERVATOR OR GUARDIAN):

To the best of my knowledge: (Check one box.)

☐ **No Guardian or Conservator has been appointed in any other court, and no court proceedings are pending for such appointment**;

OR

☐ **Someone *has* been appointed Guardian or Conservator, *or* court proceedings are pending**. (If "yes", provide details below.)

Name: _____

Address: _____

Telephone: _____ Date of Birth: _____

Relationship to the person to be protected is: _____

Was appointed ☐ GUARDIAN ☐ CONSERVATOR for the ward named in #2 above in:

Name of Court: _____ Located in:

City and State: _____

Date Appointed: _____ Other Details: _____

10. INFORMATION ABOUT OTHER COURT CASES OR AGENCY INVOLVEMENT

☐ **There are or were other court cases or involvement with government, social services or law enforcement agencies involving the ward. (Describe below**, including type of case, name of court or agency involved (such as Child Protective Services), location, and date).

_____

_____

_____

☐ **Continues on attachment "Additional Cases or Agency Matters", made part of this document by reference.**

11. INFORMATION ABOUT NEAREST RELATIVE:

The nearest known relative is ☐ the petitioner ☐ the proposed conservator ☐ NEITHER.

Name: _____

Address: _____

Telephone: _____

Relationship to the person to be protected is: _____

12. OTHER CLAIMS TO CHILD(REN): (Provide the information requested **IF** there are persons [or agencies] with whom the child(ren) have lived or others who might claim rights to the child(ren).)

Name: _____

Address: _____

Telephone: _____

Relationship to the person to be protected is: _____

☐ **Continues on attachment titled "Additional Claims", made part of this document by reference.**

(The following statement is required to appear on all petitions for guardianship. A.R.S. § 14-5303(B))

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Authority granted to a guardian may include the authority to withhold or withdraw life sustaining treatment, including artificial food and fluid.

NOTICE

ARIZONA LAW § 14-5405 *requires* that notice of the hearing on a matter of *conservatorship* shall be given to each of the following:

1. **The protected person or the person allegedly in need of protection if that person is fourteen years of age or older.**
2. **The spouse, parents and adult children of the protected person or person allegedly in need of protection, or if no spouse, parents or adult children can be located, at least one adult relative of the protected person or the person allegedly in need of protection, if such a relative can be found.**
3. **Any person who is serving as guardian or conservator or who has the care and custody of the protected person or person allegedly in need of protection.**
4. **Any person who has filed a demand for notice.**

13. PERSONS ENTITLED TO NOTICE:

☐ **I WILL PROVIDE NOTICE OF THIS MATTER TO THE FOLLOWING PERSONS:**

	Name	**Address** (Street Address, City, State, Zip)
Proposed Ward: (required if *over 14)*		
Attorney for Ward: (if applicable)		
Mother of the Ward*		
Father of the Ward*		
Current Guardian: (State relation to the Ward, if any)		
Person the Ward recently lived with:		
Other: (State relation to Ward, if any)		
Other: (State relation to Ward, if any)		

***if** parental rights have not been permanently severed/terminated by court order.

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14. REQUIRED STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION: (Check the box for each TRUE statement. **If** any of these statements are not true, do NOT file this Petition unless you have been directed to do so by an attorney licensed to practice in Arizona.)

☐ This court is the proper ***venue*** for this case because the Minor(s) who needs protection lives in or is present in this county, or has assets in this county.

☐ The proposed guardian-conservator has completed an "**Affidavit of Person to be Appointed"** as required by Arizona law, A.R.S. § 14-5106, which is filed with this Petition.

☐ The person proposed is a suitable and proper person to act as guardian-conservator and is entitled to consideration for appointment under Arizona law, including A.R.S. §§ 14-5106, 5206, 5311, and/or 5410.

REQUESTS TO THE COURT: Petitioner asks the Court to:

1. Schedule a hearing to determine if a guardianship and conservatorship is appropriate;

2. After Petitioner gives notice of the hearing to all entitled or required by law to receive notice, hold a hearing to determine if the Court should order a guardianship and conservatorship;

3. Make a finding that the person needs protection under law including a guardian-conservator;

4. Appoint a permanent guardian-conservator for the proposed ward or wards;

5. Make any other orders the Court decides are in the best interests of the minor(s) to be protected,

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY that the contents of this document are true and correct to the best of my knowledge and belief.

_____ Date

_____ Petitioner's Signature

Sworn or Affirmed before me this: _____ (Date) by _____ Printed Name

My Commission Expires: (or Seal below) _____

_____ Deputy Clerk or ☐ Notary Public

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

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Representing ☐ **Self, without a Lawyer** **or** ☐ **Attorney for** ☐ **Petitioner** **OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

In the Matter of the
Guardianship and/or Conservatorship of:

_____
☐ an Adult or ☐ a Minor

Case Number: _____

AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN OR CONSERVATOR

A.R.S. § 14-5106

INSTRUCTIONS: As required by Arizona law A.R.S. § 14-5106, indicate whether statements 1-11 below are true or false, and provide the information requested to complete "12" and "13". Explain any "false" statements on separate page(s) and attach to this document before filing. Sign the document in the presence of a Clerk of the Court or a Notary Public, and file along with the ***Petition for Appointment of Guardian and/or Conservator***.

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM:

1. ☐True or ☐False. I have not been convicted of a felony in any jurisdiction.

2. ☐True or ☐False. I have not acted as a guardian or conservator for another person for at least three years before I filed this Petition.

3. ☐True or ☐False. I know and understand the powers and duties I would have as a guardian and/or conservator.

4. ☐True or ☐False. I have not had a power of attorney for anyone for at least three years before I filed this Petition.

5. ☐True or ☐False. To the best of my knowledge, neither I nor any business in which I have an interest is listed in the Elder Abuse Registry at the Office of the Arizona Attorney General.

6. ☐True or ☐False. If I have been a guardian/conservator before, I either filed the required documents on time, or within 3 months of receiving a notice from the court that the report/accounting was due.

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Case No. _____

7. ☐True or ☐False. I have never been removed by the court as a guardian or conservator.

8. ☐True or ☐False. Neither I nor any business in which I have an interest has ever received anything of value greater than a total of one hundred dollars in any one year by gift, or will, or inheritance from an individual or the estate of an individual to whom I was not related by blood or marriage and for whom I served at any time as guardian, conservator, trustee, or attorney-in-fact.

9. ☐True or ☐False. To the best of my knowledge, neither I nor any business in which I have an interest is named as a personal representative, trustee, devisee (beneficiary of a will), or other type of beneficiary for any individual to whom I am not related by blood or marriage and for whom I have ever served as guardian, conservator, trustee, or attorney-in-fact.

10. ☐True or ☐False. I have no interest in any business that provides housing, health care, nursing care, residential care, assisted living, home health services, or comfort care services to any individual.

(Explain every "false" above on separate page(s) and attach to this document before filing.)

11. My relationship to the proposed person in need of protection is:
(Examples: parent/grandparent/sister/caregiver/friend)

_____

12. I met the proposed ward under the following circumstances:

_____

_____

OATH OR AFFIRMATION OF THE PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR

I swear or affirm that I have read and understand the contents of this document, and that the information I have provided is true and correct to the best of my knowledge and belief.

_____ Date

_____ Signature

Affirmed before me this: _____ (Date) by _____ Printed Name

My Commission Expires: /Seal (below): _____

_____ ☐ Deputy Clerk or ☐ Notary Public

NOTE: IF YOU ANSWERED "FALSE" TO ANY QUESTION ABOVE, YOU MUST ATTACH AN EXPLANATION AS INSTRUCTED ON THE NEXT PAGE.
The page following is an instruction page only. Do NOT file it with the Court.

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Case No. _____

EXPLANATIONS THAT MUST BE ADDED TO THE AFFIDAVIT OF A PERSON WHO WANTS TO BE APPOINTED GUARDIAN OR CONSERVATOR

(Required by Arizona Law: A.R.S. § 14-5106)

For any corresponding numbered statement on the Affidavit which you marked "False", ***explain the following*** on a separate page or pages and attach to your Affidavit. The information provided in the attachment is covered by the same oath or affirmation and penalty of perjury as the Affidavit.
***FILE THE EXPLANATIONS WITH THE AFFIDAVIT*, BUT DO NOT FILE THIS PAGE**.

DO NOT FILE THIS SHEET WITH THE CLERK'S OFFICE

INSTRUCTION SHEET ONLY

1. As to each felony for which you have been convicted, list:
   a. The nature of the offense.
   b. The name and address of the sentencing court.
   c. The case number.
   d. The date of conviction.
   e. The terms of the sentence.
   f. The name and telephone number of any current probation or parole officer.
   g. The reasons why the conviction should not disqualify you from appointment.

2. If you have acted as guardian or conservator within three years before filing this petition, list:
   a. The names of individuals for whom you are currently serving, and court case numbers.
   b. The names of individuals for whom your appointment has been terminated within the three-year period, and the court case number.

3. State the total number of persons for whom you have served as a guardian or conservator. If you have acted under a power of attorney for the proposed ward/protected person, explain:
   a. The date the power of attorney was signed.
   b. The place where it was signed.
   c. The actions you have taken pursuant to the power of attorney.
   d. Whether the power of attorney is currently in effect.

4. If you do not have the required information, please explain how you intend to obtain this information.

5. State the reason for such listing on Elder Abuse Registry and the name of any business in which you have an interest that is listed on the Registry**.**

6. List the name and location of the court and the name and case number of the files in which you were delinquent in filing the required report.

7. List the name and location of the court, the name and case number of each file, and the circumstances of your removal.

8. State the number of occasions on which you and/or any business in which you have an interest received such gifts, list and describe the gifts, the dates received, and list the value of each.

9. State the number of occasions on which you or any business in which you have an interest have been named as a personal representative, trustee, or other type beneficiary listed.

10. List the name and address of each business and the extent and nature of your interest.

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____
Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

In the Matter of:

_____
Name of Minor(s)

Case Number: _____

CONSENT OF PARENT TO (Check one *or both*)
☐ **GUARDIANSHIP and/or**
☐ **CONSERVATORSHIP**
OF A MINOR CHILD and
(OPTIONAL) **WAIVER OF NOTICE**

UNDER PENALTY OF PERJURY:

1. **INFORMATION ABOUT ME,** the parent**:**

Name: _____

Address: _____

Telephone: _____

Date of Birth: _____

I am the natural or legally adoptive ☐ **MOTHER or** ☐ **FATHER** of the minor child or children named above, for whom a guardian and/or conservator is to be appointed.

2. I have read the **Petition for Appointment of a Guardian and/or Conservator** and consent to the appointment of**:** _____

as ☐ **Guardian,** ☐ **Conservator, or** ☐ **Guardian <u>and</u> Conservator of the minor child(ren).**

3. (Optional) ☐ **I WAIVE NOTICE OF ALL FURTHER PROCEEDINGS IN THIS MATTER.**

OATH OR AFFIRMATION

I swear or affirm that I have read and understood this document and the information I have provided is true and correct to the best of my knowledge and belief.

_____ Date

_____ Parent's Signature

Sworn to or Affirmed before me this: _____ (date) by _____ Parent's Printed Name

My Commission Expires: _____
(or Seal below)

_____ Deputy Clerk or Notary Public

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Person Filing: _____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
Lawyer's Bar Number:_____
Licensed Fiduciary Number: _____
Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

In the Matter of:

_____
Name of Minor(s)

Case Number: _____

CONSENT OF PARENT TO (Check one *or both*)
☐ **GUARDIANSHIP and/or**
☐ **CONSERVATORSHIP**
OF A MINOR CHILD and
(OPTIONAL) **WAIVER OF NOTICE**

UNDER PENALTY OF PERJURY:

1. **INFORMATION ABOUT ME,** the parent**:**

Name: _____

Address: _____

Telephone: _____

Date of Birth: _____

I am the natural or legally adoptive ☐ **MOTHER or** ☐ **FATHER** of the minor child or children named above, for whom a guardian and/or conservator is to be appointed.

2. I have read the **Petition for Appointment of a Guardian and/or Conservator** and consent to the appointment of**:** _____

as ☐ **Guardian,** ☐ **Conservator, or** ☐ **Guardian <u>and</u> Conservator of the minor child(ren).**

3. (Optional) ☐ **I WAIVE NOTICE OF ALL FURTHER PROCEEDINGS IN THIS MATTER.**

OATH OR AFFIRMATION

I swear or affirm that I have read and understood this document and the information I have provided is true and correct to the best of my knowledge and belief.

_____ Date

_____ Parent's Signature

Sworn to or Affirmed before me this: _____ (date) by _____ Parent's Printed Name

My Commission Expires: _____
(or Seal below)

_____ Deputy Clerk or Notary Public

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Your Name: _____

Your Address: _____

Your City, State, Zip: _____

Your telephone No: _____

Representing Self, Without an Attorney

IN THE SUPERIOR COURT OF ARIZONA GRAHAM COUNTY

In the Matter of the Guardianship of:	)	Case No. _____
	)	
_____	)	**CONSENT AND WAIVER**
	)	
_____	)	
_____	)	
_____ Minor(s) _____	)	_____ Judge/Commissioner

1. **Check one box:**

   I am: ☐ _____(minor)

   ☐ the mother of _____

   ☐ the father of _____

2. I consent to the appointment of _____ and/or _____ as guardian(s) and waive notice of the hearing on the appointment.

The undersigned swears or affirms that the statements set forth above are true and correct, subject to the penalties of making a false affidavit or declaration.

_____ _____

Signature Date

Subscribed and sworn to before me this _____ day of _____, 20_____

by_____.

_____ _____

My Commission Expires Notary Public / Deputy Clerk

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ **Self, without a Lawyer** **or** ☐ **Attorney for** ☐ **Petitioner** **OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

In the Matter of
Guardianship and/or Conservatorship for:

_____
☐ an Adult ☐ a Minor

Case Number: _____

NOTICE OF HEARING REGARDING
(Check one box)
☐ **Guardianship** ☐ **Conservatorship**
☐ **Guardianship and Conservatorship**

THIS IS A LEGAL NOTICE; Your rights may be affected.
An important court proceeding that affects your rights has been scheduled. If you do not understand this notice or the other court papers, contact an attorney for legal advice.

1. **NOTICE IS GIVEN** that the Petitioner has filed with the Court the following Petition and other court paper indicated below (Check the box to indicate whether the Petition was for a Permanent or Temporary appointment, and a second box to indicate whether for Guardian and Conservator, or just one):

Petition for ☐ ***Permanent*** ☐ ***Temporary*** **Appointment of a** ☐ **Guardian and Conservator** (or) ☐ **Guardian or** ☐ **Conservator** (only)

Affidavit of Person to be Appointed

2. **COURT HEARING**. A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

DATE and TIME _____
PLACE: _____
JUDICIAL OFFICER: _____

3. **RESPONSE TO PETITION.** You are not required to respond to this Petition, but if you choose to respond, you *may* do so by filing a written response *or* by appearing in-person at the hearing. *If you choose to file a written response:*

- File the original with the Court;
- Provide a copy to the office of the Judicial Officer named above; and
- Mail a copy to all interested parties at least five (5) business days before the hearing.

If you object to any part of the Petition or Motion that accompanies this notice, you must file with the court a written objection describing the legal basis for your objection at least three (3) days before the hearing date or you must appear in person or through an attorney at the time and place set forth in the notice of hearing. There is a FEE for filing a response. If you cannot afford the fee, you may file a *Fee Deferral Application* to request a payment plan from the Court.

DATED: _____ _____
(Month/Day/Year) **Petitioner's Signature**

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

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Representing ☐ **Self, without a Lawyer** **or** ☐ **Attorney for** ☐ **Petitioner** **OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN GRAHAM COUNTY

In the Matter of:

_____
An incapacitated or protected **Adult** *or* ☐ **Minor**

Case Number: _____

(Optional) **WAIVER OF NOTICE and**
(Optional) **WAIVER OF SERVICE MEMBERS CIVIL RELIEF ACT(SCRA) RIGHTS**
regarding:
☐ **Guardianship**
☐ **Conservatorship**
(check one or both)

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM:

1. **MY RELATIONSHIP** to the incapacitated or protected person named above is:

   (examples: parent, grandparent, guardian) _____

2. **I HAVE RECEIVED the Petition and/or other court papers indicated below:**
   (Check the box next to [only] the documents you received.)

   ☐ **Petition for Permanent Appointment of:** ☐ **Guardian** ☐ **Conservator**
   ☐ **Petition for *Temporary/Emergency* Appointment of:** ☐ **Guardian** ☐ **Conservator**
   ☐ **Order Appointing Attorney, Health Professional, Court Investigator**
   ☐ **Affidavit of Person to be Appointed** ☐ **Consent of Parent** (*only* if regarding a minor)

   or ☐ **Petition for Approval of Accounting** ☐ **Annual Report of Guardian**
   ☐ **Other:** _____

3. (Optional) ☐ **I WAIVE NOTICE** of all court filings and proceedings regarding this matter.
   I understand that I can reverse this waiver by filing a written document with the court under this case number declaring that I no longer waive notice of hearings and other court proceedings.

4. **MILITARY STATUS**

   ☐ **I am <u>NOT</u> on active duty in the U.S. military**;

   OR

   ☐ **I <u>AM</u> on active duty in the U.S. military.**

If you *are* on active duty with the U.S. military, see the information on your rights under the *Servicemember's Civil Relief Act* and the optional waiver of the right to delay this court proceeding under the Act on the page following.

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Case No. _____

SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA)
INFORMATION AND *OPTIONAL* WAIVER

NOTE: When military duty interferes with the ability to participate in a case, the **Servicemember's Civil Relief Act** (SCRA) may permit a service member to delay or overturn a civil court proceeding. Waiving this right does **NOT** affect your right to later request a change regarding court appointment of a guardian or conservator.
It is generally advisable to consult a military legal assistance attorney before waiving any rights under the Servicemember's Civil Relief Act. If Luke Air Force Base is the military installation closest to you, you can contact the legal office at **623-856-6901**. Otherwise, contact the legal office at the nearest military installation.

IF ACTIVE DUTY MILITARY and you do not wish to delay court proceedings in this matter, check the box below to WAIVE any right that may apply under the SCRA to cause the court to delay.
(Optional)

☐ **I WAIVE any right I may have under the SCRA to delay this matter.**

WAIVER OF NOTICE and *(if applicable)*
SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA) WAIVER

I have read and understand this **Waiver of Notice** and the separate **Servicemember's Civil Relief Act Waiver**. I understand that I am not required to either waive notice ***or*** any rights that may apply under the SCRA, but **if** I have waived either notice or any rights under the SCRA as indicated above or on the preceding page, I do so voluntarily.

UNDER PENALTY OF PERJURY

I swear or affirm that I have read and understand this document and that the information I have provided is true and correct to the best of my information and belief.

_____ Date

_____ Signature of Person Receiving Documents

Sworn to or Affirmed before me: _____ (Date) by _____ Printed Name

My Commission Expires: (or Seal below) _____

_____ ☐ Deputy Clerk or ☐ Notary Public

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