

Self-Service Center

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.

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).

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 and 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. PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN and CONSERVATOR for a MINOR (PBGCM11f)

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**”.

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 DCS (Arizona Department of Child Safety) 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 must be given to:
 1. **The proposed ward’s parents (IF the ward is 14 or older, the ward too).**
 2. **If 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 **how** you are required or permitted by law to give Notice, refer to Self-Service Center packet #2 on **“SERVICE”**.

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.