

Information on Legal Notice for Guardianship of a Minor

What is Legal Notice?

After you have filed the guardianship Petition, Affidavit, and other papers with the Court, AND received a "Notice of Hearing" from the Court, you must tell all "interested persons" about the papers and Court hearing. This is called Legal Notice.

What court documents do I need to give Legal Notice about?

- Petition: This document explains what you want the Judge/Commissioner to do and why.
- Notice of Hearing: This document provides information about the hearing, including the date, location, and the name of the Judge/Commissioner who will hear the case.

It is recommended that you give people entitled to notice copies of all documents you filed with the court. After giving notice to those persons, you must then file a "Proof of Notice" listing the name of each person given notice and the title of each of the documents you provided. See section "How do I show that I gave Legal Notice" below for further information.

Who is entitled to Legal Notice?

Arizona law (ARS 14-5207) requires that notice regarding guardianship of a minor must be given to:

- The Minor, if 14 years or older;
- The person who has had the principal care and custody of the Minor during the 60 days preceding the date of the Petition; AND
- Any living parent of the minor whose rights have not been permanently terminated by court order.

How do I give Legal Notice in a case to Appoint a Guardian for a Minor?

- You can give Notice in the following ways:
 1. Hand delivery.
 2. Mail, using 1st class postage-prepaid. If you want proof of delivery and receipt, you can use other methods such as certified or registered mail with return receipt, or signature and delivery confirmation.
 3. Personal service, using a process server, Sheriff Deputy, or acceptance of service.
 4. Waiver. A parent or other adult entitled to notice can waive notice, by signing a "Waiver of Notice."
 5. Publication. Publication is permitted as a last resort when you do not know how to locate the person. The Court will only permit notice by publication after you have made every reasonable effort to locate the person, and you prove to the Court's satisfaction that you did everything you could to try to find the person or the person's address. Then, you must publish the Notice once a week at least 3 times in a newspaper in the county where the Court hearing is held. See A.R.S. § 14-1401(A)(3).

When do I give Legal Notice?

- 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 first publication must be at least 14 days before the hearing.

Note: The newspaper will not provide the Affidavit of Publication to you until all 3 required notices have been published at least once a week for 3 weeks before the hearing.

How do I show that I gave Legal Notice?

- You must complete a “Proof of Notice” form and file it with the Court to prove you gave notice to all interested persons.
 - Fill out this form after you have given Notice to all interested persons. Be sure to list the title of any documents given, and the names of the persons to whom you gave the copies. Also list the date you gave each person copies, how they were served (delivered), and the relationship between the person to whom you gave copies and the Minor). If the Minor has an attorney, be sure the attorney receives copies also.
 - If you have given notice by mail with return receipt, signature confirmation, by process server, or by acceptance of service, attach the proof to your “Proof of Notice.” The proof includes things like the green card, signature card, or the affidavit/declaration of service,
 - Make 3 copies of the “Notice of Hearing” and “Proof of Notice” (including any attachments).
 - At least 10 business days before the scheduled hearing date, file the original with the Clerk of Superior Court, Juvenile Division.

Note: Keep a copy of each document for your records. Bring them with you to the court hearing.

NEXT STEP: Prepare for the court hearing and get the rest of the paperwork in order. If you still have questions, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “attorneys.” Also, the Law Library Resource Center has a list of lawyers who will, for a fee, help you help yourself. The list shows where the lawyers are located, how much they charge per hour, and what their experience is.

All forms referred to in these instructions are available at the Law Library Resource Center or on the court’s website: <https://superiorcourt.maricopa.gov/lrc/court-forms/>.