

## Procedures: How to Request Appointment of Permanent Guardian and Conservator for an Adult

Step 1. Make copies and separate into complete sets as follows:

Set 1: Originals for the Clerk of Superior Court, Probate <ul style="list-style-type: none"><li>• Probate Information Cover Sheet (pb10f)</li><li>• Petition for Permanent Appointment (pbgca11f)</li><li>• Affidavit of Person to be Appointed (pbgc13f)</li></ul>	Set 2: Copies for Judicial Officer (deliver at least 5 days before the hearing) <ul style="list-style-type: none"><li>• Petition for Permanent Appointment</li><li>• Affidavit of Person to be Appointed</li></ul>
Set 4 & More: Copies for Persons (or Agencies) to Receive Notice <ul style="list-style-type: none"><li>• Petition for Permanent Appointment</li><li>• Affidavit of Person to be Appointed</li></ul>	Set 2: Copies for You <ul style="list-style-type: none"><li>• Petition for Permanent Appointment</li><li>• Affidavit of Person to be Appointed</li></ul>

Step 2. Take the originals and all sets of copies to the clerk to file at any of the following Superior Court locations in Maricopa County:

Downtown Phoenix:  
Central Court Building, 1<sup>st</sup> Floor  
201 West Jefferson  
Phoenix, AZ 85003

Northeast Phoenix:  
Northeast Regional Court Facility  
18380 North 40<sup>th</sup> Street  
Phoenix, AZ 85032

Surprise:  
Northwest Regional Court Facility  
14264 West Tierra Buena Lane  
Surprise, AZ 85374

Mesa:  
Southeast Court Facility, 1<sup>st</sup> Floor  
222 East Javelina Avenue  
Mesa, AZ 85210

Step 3. Pay your filing fee plus the probate court investigator fee.

- A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior 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 Superior Court. Deferral Applications are available at no charge from the Law Library Resource Center.

Step 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.

Step 5. Get a court hearing date:

- A. If filing in downtown Phoenix, at 201 West Jefferson, after filing, walk to East Court Building, 3<sup>rd</sup> Floor, to Probate Court Administration to immediately ask to schedule a hearing, or . . .
- B. 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 602-506-5510 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! Or . . .
- C. If filing at a court location where there is no Calendar Clerk available and you do not want to wait the 3-5 days:
- Bring your documents to the downtown Phoenix Probate Court Administration offices in-person to schedule the hearing.
  - Present one clerk-stamped (conformed) copy of the following documents to Probate Court Administration:
    - ❖ Petition for Appointment of Guardian and Conservator for an Adult (Form PBGCA11F),
    - ❖ Affidavit of Person to be appointed (Form PBGC13F),

And the original plus one copy of the:

- ❖ Petitioner's Information Sheet to Court Investigator (Form PBGCA12f),

Probate Court Administration will then provide you with a printout with information on when and where the hearing is, as well as the name of the assigned Judicial Officer.

This is important information. Don't lose this document!

Note the following:

- The hearing will be scheduled for some 4-6 weeks from the date you submit your request, whether submitted by phone or in-person.
- You may file at any of the Clerk of Superior Court locations listed above. The hearing may, however, be scheduled at a different court facility.

Step 6. Get the name and address of a court-appointed lawyer:

**Effective 6/1/2021**

**Step 6 is no longer applicable.**

**Please skip to next step.**

Step 7. Complete the “order appointing attorney, health professional\*, and court investigator” (Form PBGCA14F).

**Effective 6/1/2021**

**Step 7 is no longer applicable.**

**Please skip to next step.**

Note that the Petitioner is responsible for any fees charged by the physician or other evaluator for the examination and for preparing the report to the Court.

Notice: Court authorization for inpatient mental or behavioral health treatment requires recommendation by a licensed psychologist or psychiatrist. A.R.S. § 14-5312.01(B).

Step 8. Give the “order appointing” (form pbgca14f) to the Probate Registrar.

**Effective 6/1/2021**

**Step 8 is no longer applicable.**

**Please skip to next step.**

Step 9. 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 Law Library Resource Center packet #2, “Service and Notice of Court Hearing” for court forms and more detailed information on serving notice regarding conservatorship of an adult.

Step 10. Regarding the physician or other health professional appointed to evaluate the person said to need a guardian and conservator in Steps 7 and 8 above:

- Provide that evaluator with the “Guidelines for Health Professional’s Report” (PBGCA15f) and the case number.
- The physician or other evaluator may use the form supplied with the guidelines or provide the information in any other format that appropriately conveys the necessary information.
- Get the report back from the evaluator. \*
- Make sure the Report has the case number on it.
- Present the Report plus two copies to the filing counter at least five (5) days before the scheduled date of the hearing. The Clerk will date-stamp them all, file one as the original, and return the others to you.
- To keep the Report out of the public record, see “Special Handling for Confidential Documents”, (PB13h) for information on filing as a “Confidential Document”.
- Get the date-stamped copies back from the Clerk, and
  1. Keep one to bring to court with you and keep for your records, and
  2. Deliver one to the attorney appointed in in Step 8 above.

\* Due to concerns about federal patient privacy regulations some medical professionals may not be willing to turn the report over to you since your appointment as guardian and conservator is not yet final. If this is the case, the physician or other evaluator may file the report at or mail it to the Clerk at any of the locations listed in Step 2 above (even though the instructions on the Guidelines say “Please do not file your report with the Clerk of Superior Court”).

If filing in person, do so at least five (5) days before the date of the scheduled hearing. If mailing, it is recommended that the papers be posted at least 10 days before the hearing.

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
  - Order Appointing an Attorney, health professional, court investigator
- 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”.