

Procedures: How to ask the court to end a guardianship of a minor

Instructions:

STEP 1. Complete a Petition for Termination of Guardianship. Write neatly and use black ink. Sign the Petition in front of a notary public or a Clerk of Superior Court.

STEP 2. Go to the Clerk of Superior Court, Juvenile Division:

PHOENIX:
3131 W. Durango Street
Phoenix, AZ 85009

MESA:
1810 S. Lewis Street
Mesa, AZ 85210-6201

- File the original and 4 copies of the Petition for Termination of Guardianship with the Clerk.
- The Clerk should return 2 copies of the Petition to you. The Clerk will keep the original and one of the Petitions.
- Give the Clerk one copy of minor's birth certificate; and an 8 x 11" self-addressed, stamped envelope so the Notice of Hearing can be mailed to you.

The Clerk will deliver a copy of the Petition, the copy of the birth certificate(s) and envelope to the assigned Judge.

The Judge's office will schedule the case for a hearing. The Court will prepare and mail a Notice of Hearing with the date and time of the hearing to you in the envelope you provided. Keep one copy for your records and prepare a copy for all people entitled to Notice.

STEP 3. You must give a copy of the Petition and Notice of Hearing to all interested persons at least 14 days before the date of the hearing.

The following people should be given notice:

- the minor, if over age 14;
- if the minor is married, his/her spouse;
- if minor is unmarried, any living parent;
- the conservator, if the minor has one, unless the guardian is also the conservator;
- the guardian ad litem, if one was appointed by the Court.

For more information about notice, see the Law Library Resource Center information on service and notice.

You do not need to give notice by personal service, but you do need to mail or deliver the Notice of Hearing. First class, prepaid postage mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you want to have notice received the notice. You can also give notice by Publication in some cases.

STEP 4. Complete the Proof of Notice stating how and when you gave notice to all interested persons. Make 2 copies of each of the following documents. Then file the original and 2 copies of the following with the Clerk of Superior Court, Juvenile Division and bring your copy to the hearing:

- Notice of Hearing;
- Proof of Notice;
- Waiver of Notice (if any was signed by interested parties);

Remember to bring copies of your documents to the hearing.

STEP 5. Come to the hearing: Be prepared to tell the Judge why the guardianship should end.

Note: If you or the minor live out-of-state, you may ask the Court in writing to allow you and/or the minor to appear telephonically. It is up to the Judge whether you can appear telephonically, or whether you and/or the minor must appear in person.

All forms referred to in these instructions are available for purchase at the Law Library Resource Center, or for free on the internet.