

How to ask the court to appoint a guardian of a minor

Use this packet if you want to be appointed a guardian for a person under the age of 18.

This packet does NOT help you with the following processes:

- Guardianship or conservatorship for persons 18 years or older;
- Conservators for minors;
- Testamentary (by will) appointment of a guardian of a minor.

Important Information:

- Make sure you need to be appointed as guardian only, and not conservator, too. If you are not sure, see the Checklist at the beginning of the packet, see the Law Library Resource Center for information on conservatorships, or consult an attorney. The Law Library Resource Center has separate packets for adults and for minors for guardians or conservators, as well as for guardians and conservators combined.
- Arizona law (A.R.S. § 14-5206) requires that any person asking to be appointed guardian or co-guardian of a minor to whom they are not related by blood must be fingerprinted and have a background investigation through the Arizona Department of Public Safety and the FBI. This will help the Court determine that person's suitability to act as a guardian of a minor. The court will accept a current (unexpired) fingerprint clearance card. See fingerprinting section below describing how and where to get your fingerprints taken.
 - Note: In Maricopa County, completed Fingerprint cards must be submitted to the Clerk of Superior Court, Juvenile Division, within 5 days of filing the "Petition for Appointment of Guardianship of a Minor."
- Follow each step carefully. Each step contains certain forms, and some of these forms have instruction sheets to help you. The whole process will take at least a couple of months.

Complete the court forms:

1. Fill out all the forms in the packet completely and in black ink. The terms "child," "children" and "minor" all refer to the minor children for whom you are asking a guardian be appointed.
 - Probate Information Form for Guardianship / Conservatorship. Complete everything but the "Case Number." The Clerk of Superior Court will assign and stamp a Juvenile Court case number when you file the papers. You will use this case number on all court papers you file with the Clerk in this case.
 - Petition for Appointment of Guardian of a Minor. Fill out all the information carefully and notify the people entitled to receive notice about this matter.
 - If you only need a guardianship for 6 months or less, check the boxes for "temporary guardianship."
 - If you have questions about who is entitled to notice see the Law Library Resource Center packet on Service, then read the document called "Information on Legal Notice for Guardianship of a Minor."

- Affidavit of Person to Be Appointed Guardian (A.R.S. § 14-5106). This document must be completed by each person who wants to be guardian (usually the Petitioner). You must file this Affidavit with your “Petition.”
- Consent of Parent to Guardianship (and Waiver of Notice).
 - This document must be completed and signed by BOTH parents of the children, IF:
 - ✓ they are living, and
 - ✓ they have not had their parental rights terminated by a Court Order, or
 - ✓ they have not been declared incompetent by a Court.
 - If you only can find one parent, have that parent sign the Consent.
 - Be prepared to explain to the Court at the hearing why only one parent or no parents signed the consent. If you cannot locate a parent, be prepared to prove to the Court you did everything you could to try to find the parent including publishing notice. See the Law Library Resource Center packet “Service When You Can’t Find the Other Party” for more information on service of notice by publication.
- Consent of Minor to Guardianship (and Waiver of Notice).
 - This document must be completed for all minors age 14 or older.
- Declaration of Completion of Training for Non-Licensed Fiduciaries (contained at the end of the Guardianship Training Manual)

Arizona law requires that a person to be appointed as a guardian and who is neither a state-licensed fiduciary nor a “financial institution” as defined in A.R.S. § 14-5651 complete a training program approved by the Arizona Supreme Court before permanent Letters of Appointment are issued.

Read and follow the instructions within the Guardianship Training Manual. Once you have completed the training fill out the Declaration of Completion of Training for Non-Licensed Fiduciaries, located at the end of the manual and file this with your initial packet.

2. Make 3 copies of all the completed forms listed above. Assemble the copies so that you have 4 complete packets – one set of originals and three sets of copies. The Clerk of Superior Court will keep the original documents; one set of copies will be for the Petitioner’s records, and two set of copies are for serving legal notice on the Mother and Father.

File the court forms:

3. Determine where to file the court forms. There are two facilities for the Maricopa County Juvenile Court:

Durango Facility
3131 W. Durango Street
Phoenix, AZ 85009

Southeast Facility
1810 S. Lewis Street
Mesa, AZ 85210

Cases are assigned to a facility based upon the zip code of the residence of the petitioner. If the zip code is 85200 through and including 85299, or any zip code area that is east of Central Avenue in Phoenix, the case will probably be assigned to the Southeast Facility. Any zip code that is west of Central Avenue will probably be assigned to the Durango Facility.

You can present your documents for filing at either location; however, you are encouraged to take them to the correct facility for faster processing.

4. There is a filing fee that is due at the time you file the papers. 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. Deferral Applications are available at no charge from the Law Library Resource Center and Clerk of Superior Court.

5. Take the originals and 3 sets of copies of the following documents to the Clerk of Superior Court, Juvenile Division, on the first floor of the court, for processing:
 - Probate Information Form for Guardianship / Conservatorship
 - Petition for Appointment of Guardian of a Minor
 - Affidavit of Person to Be Appointed Guardian (for each proposed guardian)
 - Consent of Parent (Mother) (if applicable)
 - Consent of Parent (Father) (if applicable)
 - Consent of Minor (if applicable)
 - Declaration of Completion of Training for Non-Licensed Fiduciaries

NOTE: The Clerk will keep the originals and return your 3 copies of the documents. The Court will review your request and if appropriate, prepare a Notice of Hearing. You will be called when the Notice of Hearing is ready to be picked up.

Complete the fingerprint process:

6. To get your fingerprints taken: If the proposed guardian is NOT related by blood to the children, ARS § 14-5206 requires that the proposed guardian or co-guardian furnish a complete set of fingerprints. The court will accept a current (unexpired) fingerprint clearance card.

The Court will provide the correct fingerprint card to you when you file your petition. To be fingerprinted, take the card to the Maricopa County Sheriff's Office, a police department or a private company that performs this service. It is suggested that you call ahead to determine hours of operation and costs. NOTE: Be sure to bring valid picture identification with you or your fingerprints will not be taken.

- The Maricopa County Sheriff's Office at 201 West Jefferson Street in Phoenix, (West Court Building, 4th floor) does fingerprinting Monday-Friday, from 7:30 a.m. until 5:00 p.m. for a fee of \$8 per card. Cash or money orders. Contact 602-876-1834 for more information.
- The Phoenix Police Department offers this service at 1717 E. Grant St., Suite 100, in Phoenix, Monday through Friday from 7:30 a.m. to 4:00 p.m. for a fee of \$6 per card. Contact 602-534-1127 for more information.
- Other police agencies may offer the service during limited days and hours for locally employed workers and residents only.
- You may also consult the yellow pages under "fingerprints" to find a private agency to fingerprint you.

You MUST return the completed fingerprint card and a \$29 fee for each card WITHIN 5 DAYS of filing the Petition to the Clerk of Superior Court, Juvenile Division.

Your hearing date will be set at about 12 weeks from the day you submit the fingerprint card to allow enough time for the criminal record check to be completed and sent to the Court.

Get Consents signed or give Notice:

7. If you haven't already, have both parents sign the Consent and Waiver form in front of a notary. File the Consents with the Court and bring a copy of each to the Hearing.
8. If a parent won't sign the Consent, you must give them Legal Notice. See packet 2, "Service and Notice of the Court Hearing" for information on how to give Legal Notice. Be sure to file the proof of legal notice with the Court and bring a copy to the Hearing.

Prepare for your hearing:

9. If you do not bring the required documents to the hearing, your hearing may be vacated and reset to another date.

You must bring the original and one copy (for the Court) of the following:

- Petitioner's United States or State issued identification (this is required for all Petitioners).
- Certified copy of Birth Certificate for each child (this is required for all children listed on the Petition).
- If a child is over age 14, you must have the child's consent in writing. File the original, notarized consent of each child over age 14. Bring a copy of the consent to your hearing. You can also bring the child to the hearing to provide their consent in Court.
- If you have written consents from either or both parents, you must file the original, notarized consent with the Court. Bring a copy of each consent to your hearing. A parent may also provide their consent in Court.
- If either parent is deceased, you must bring a "certified copy" of the Death Certificate and an extra copy for the court.
- If either parent will not sign a consent, you must provide proof to the Court that they were served notice. This means they each received copies of the Petition and Notice of Hearing. Instead, the parents may also sign a "Waiver of Notice." For more information on how to give notice, see the packet, "Service and Notice of the Court Hearing."

Need Help?

- Court personnel can answer some questions about the procedures involved, but only an attorney can give you legal advice.
 - You can call the Maricopa County Bar Association's Lawyer Referral Service at 602-257-4434 to schedule a half-hour consultation for a fee.
 - You can find a lawyer through the State Bar of Arizona "find a lawyer" program. See: <https://azbar.legalserviceslink.com/>.
 - The Law Library Resource Center has a list of lawyers who will, for a fee, assist you on a task-by-task basis or advise you on how to conduct your own case. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is. You may view the list on the Court's [web site](#).