

# PROCEDURES: HOW TO REQUEST APPOINTMENT OF PERMANENT GUARDIAN AND CONSERVATOR FOR AN ADULT

## STEP 1. MAKE COPIES and SEPARATE INTO COMPLETE SETS as follows:

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

## 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:

<b>Phoenix:</b>	<b>125 West Washington Street, 1st Floor, Phoenix, Arizona 85003</b>
<b>North Phoenix:</b>	<b>18380 North 40<sup>th</sup> Street, Phoenix, Arizona 85032</b>
<b>Mesa:</b>	<b>222 East Javelina Avenue, 1st Floor, Mesa, Arizona 85210</b>
<b>Surprise:</b>	<b>14264 West Tierra Buena Lane, Surprise, Arizona 85374</b>

## 3. PAY YOUR FILING FEE PLUS the PROBATE COURT INVESTIGATOR FEE.

- A list of current fees is available from the Self Service Center and from the Clerk of 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 the Court. Deferral Applications are available at no charge from the Self-Service Center.

## 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.

## 5. GET A COURT HEARING DATE:

- A. If filing in downtown Phoenix** at 125 West Washington, after filing walk a few feet to the right from the filing counter to **Probate 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 Administration offices in-person to schedule the hearing.**
- **Present one clerk-stamped (conformed) copy of the following documents to Probate 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 Admin 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 the Court locations listed above, the hearing may however be scheduled at a different court facility.

**6. GET THE NAME AND ADDRESS OF A COURT-APPOINTED LAWYER:**

**WHO TO CALL AND WHAT TO SAY:** The person you say needs a conservator **must** have a lawyer. If there is no lawyer already representing him or her in this matter, you must call the Office of Public Defense Services at **602-506-7228**, between 8:00 a.m. and 5:00 p.m., Monday through Friday, to get the name of a lawyer to be appointed by the court.

**WHAT TO SAY WHEN YOU CALL:**

***"I need a lawyer to be appointed in an adult guardianship and conservatorship."***

**BE PREPARED TO PROVIDE THE FOLLOWING INFORMATION:**

- The **probate case number** (begins with "PB").
- The **name** of the person who needs the guardian and conservator.
- The **address** and **telephone** number where that person is currently living.
- The **date** and **time** of the scheduled court hearing and the name of the Judicial Officer (Judge or Commissioner) who will be hearing the matter.

**7. COMPLETE THE “ORDER APPOINTING ATTORNEY, HEALTH PROFESSIONAL\*, AND COURT INVESTIGATOR” (Form PBGCA14F).**

**A. List the name of the attorney obtained in Step 6 above.**

**B. List the name of a “Health Professional”,** a physician or other medical professional authorized by A.R.S. 14-5303(C) to evaluate and report on the proposed protected person’s physical and/or mental health and need for a guardian or conservator.

You must name a specific health professional be appointed. **To do this, simply write in the name and other information concerning your proposed evaluator** (physician, registered nurse, or psychologist) **in the space provided on the Petition, and on the “Order Appointing” document covered in Step 8 below.**

**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)**

**8. GIVE THE “ORDER APPOINTING” (Form PBGCA14F) TO THE PROBATE REGISTRAR.** Mail or hand-deliver the **original and 1 copy** of the “ORDER” with the names of the attorney and (optionally) the name of a physician or other evaluator to the Probate Registrar *at any of the Clerk of the Court locations listed in “2” above.* **The Registrar will sign and return the copy to you.** If mailing, include a **SASE** (self-addressed, stamped envelope) for the Order to be mailed back to you. No SASE = no mail.

**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 Self-Service Center packet #2, “Service and Notice of Court Hearing” for court forms and more detailed information on serving notice regarding conservatorship of an adult.**

**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 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 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**”.