

D3

**PREPARATION
AND COURT
HEARING
APPOINTMENT
OF GUARDIAN
FOR A MINOR**

SELF-SERVICE CENTER

PROCEDURES: PREPARING FOR THE COURT HEARING GUARDIANSHIP OF A MINOR

STEP 1 Documents to prepare before the Court Hearing:

- A. ORDER TO GUARDIAN(S) AND ACKNOWLEDGMENT:** The Petitioner must complete the filing party's information in the top left-hand corner and the caption (name of minor and case number) and read and sign the document called ORDER TO GUARDIAN(S) AND ACKNOWLEDGEMENT. This document contains the basic set of instructions about what the duties of a guardian are.
- Petitioner must sign the original Order in the **acknowledgement** section, make **1 copy**, and bring the original and the copy to the hearing.
- B. ORDER OF APPOINTMENT OF PERMANENT GUARDIAN OF A MINOR:**
- Complete the caption of the Order.
 - The Judge or Commissioner will sign this Order after the hearing if he or she agrees that a guardian should be appointed. The Judge/Commissioner will fill in the rest of the Order at the hearing.
 - Make and bring 1 copy of the order to the hearing
- C. OTHER DOCUMENTS TO BRING TO THE HEARING:** In addition to the two documents listed above, you also need to bring a conformed copy, one that has the date-stamp from the Clerk's office on it, of any document you filed with the Clerk including:
- NOTICE OF HEARING
 - PROOF OF NOTICE OF HEARING
 - WAIVER OF NOTICE (if applicable) -- signed by interested person
 - ACCEPTANCE OF SERVICE (if applicable) -- signed by interested person
 - AFFIDAVIT SUPPORTING PUBLICATION (if applicable)
 - AFFIDAVIT OF PUBLICATION (if applicable)
- D. ACCEPTANCE AND LETTERS OF APPOINTMENT AS PERMANENT GUARDIAN OF A MINOR:** These documents will be presented to the Clerk of the Court after the Judge/Commissioner grants the guardianship. Make at least **2 copies** of these documents.

STEP 2 Other things to know for the Court Hearing:

- A. The Juvenile Court utilizes a digital audio recording system to preserve the official record of proceedings. If a party wants a court reporter to record a proceeding in this Court, a written request must be filed with the Clerk of the Court and a copy provided to Juvenile Court Administration at least 72 hours before the commencement of the proceeding.**
- B. If you need a court interpreter**, call 928-428-3100 at least 10 days before the hearing.
- C. Be prepared to testify at the court hearing about why you think the guardianship is needed. Bring any witnesses you think will help you to testify as well.**
- D. AFTER the hearing, you MUST take the original order signed by the Court to the Clerk of the Court. DO NOT LEAVE THE COURT BUILDING WITH THESE DOCUMENTS OR THERE WILL BE NO RECORD OF THE ORDER FOR GUARDIANSHIP.** The Clerk will issue documents for you to take with you.

If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys."

Name of Person Filing Document: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Attorney Bar Number (if applicable): _____

Licensed Fiduciary Number (if applicable): _____

Representing Self or Attorney for: _____

FOR CLERK'S USE
ONLY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF GRAHAM**

In the Matter of the Guardianship of

Case Number: _____

**ORDER TO GUARDIAN AND
ACKNOWLEDGEMENT AND
INFORMATION TO INTERESTED PERSONS**

Ward's Name,

a Minor

an Adult

(Assigned Judicial Officer)

Warning: This appointment is not effective until the *Letters of Appointment* have been issued by the Clerk of the Superior Court.

The welfare and best interest of the person named above ("your ward") are matters of great concern to this Court. By accepting appointment as guardian you have subjected yourself to the power and supervision of the Court. Therefore, to assist you in the performance of your duties, this Order is entered. You are required to be guided by it and comply with its provisions, as it relates to your duties as guardian of your ward as follows:

1. You have powers and responsibilities similar to those of a parent of a minor child, except that you are not legally obligated to contribute to the support of your ward from your own funds.
2. Unless the Order appointing you provides otherwise, your duties and responsibilities include (but are not limited to) making appropriate arrangements to see that your ward's personal needs (such as food, clothing, and shelter) are met.

3. You are responsible for making decisions concerning your ward's educational, social, and religious activities. If your ward is 14 years of age or older, you must take into account the ward's preferences to the extent they are known to you or can be discovered with a reasonable amount of effort.
4. You are responsible for encouraging and allowing contact between your ward and other persons who have a significant relationship with your ward, unless there is reason to believe that contact would be detrimental to the ward's health, safety, or welfare.
5. You are responsible for making decisions concerning your ward's medical needs. Such decisions include (but are not limited to) the decision to place your ward in a nursing home or other health care facility and the employment of doctors, nurses, or other professionals to provide for your ward's health care needs. However, you are to use the least restrictive means and environment available that meet your ward's needs.
6. You may arrange for medical care to be provided even if your ward does not wish to have it, **but you may not place your ward in an inpatient psychiatric facility against your ward's will unless the Court specifically has authorized you to consent to such placement.**
7. You are required to notify your ward's family members as soon as practicable if your ward is admitted to a hospital for more than 3 days or if your ward dies.
8. **You may handle small amounts of money or property belonging to your ward without being appointed as a conservator.** A "small amount" means that the ward does not receive income (from all sources) exceeding **\$10,000 per year**, does not accumulate excess funds exceeding that amount, and does not own real property. **If more than these amounts come into your possession, or are accumulated by you, you are required to petition the Court for the appointment of a conservator.**
9. If you handle any money or property belonging to your ward, you have a duty to do each of the following:
 - a. Care for and protect your ward's personal effects;
 - b. Apply any monies you receive for your ward's current support, care, and education needs;
 - c. Conserve any excess funds not so spent for your ward's future needs;
 - d. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;
 - e. Maintain records of all of the ward's property received and expended during the period of the guardianship;
 - f. Account to your ward or your ward's successors at the termination of the guardianship; and
 - g. Not purchase, lease, borrow, or use your ward's property or money for your benefit or anyone else's, without prior Court approval.

10. You shall not accept any compensation of any kind for placing your ward in a particular nursing home or other care facility, using a certain doctor, or using a certain lawyer. "Compensation" includes, but is not limited to, direct or indirect payments of money, "kickbacks," gifts, favors, and other kinds of personal benefits. If you believe a certain placement or service, that might otherwise be considered self-dealing or a conflict of interest, is in the best interest of your ward, you must document to the Court your reasoning for selecting such placement or service and obtain Court approval.
11. You will need to obtain a certified copy of the **Letters of Appointment** that are issued to you by the Clerk of the Superior Court. Your certified copy is proof of your authority to act as guardian of your ward, and you should have this document available when acting on behalf of your ward. You may need to obtain additional (or updated) copies from time to time for delivery to, or inspection by, the people with whom you are dealing.
12. You are required to report annually, in writing, with respect to your ward's residence, physical and mental health, whether there still is a need for a guardian, and (if there is no conservator) your ward's financial situation. Your report is due each year on the anniversary date of the issuance of your **Letters of Appointment** as permanent guardian.
13. If your ward's physical address changes, you shall notify the Court by updating the **Probate Information Form** within **three (3)** days of learning of the change in your ward's physical address. If your ward dies, you shall notify the Court in writing of the ward's death within **ten (10)** days of learning that the ward has died.
14. You must be conscious at all times of the needs and best interests of your ward. If the circumstances that made a guardianship necessary should end, you are responsible for petitioning the Court to terminate the guardianship and obtaining your discharge as guardian. Even if the guardianship should terminate by operation of law, you will **not** be discharged from your responsibilities until you have obtained an Order from this Court discharging you.
15. If you become unable to continue with your duties for any reason, you (or **your** guardian or conservator, if any) must petition the Court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must advise the Court and petition for the appointment of a successor.
16. If you have **any** questions about the meaning of this Order or the duties that it and the statutes impose upon you by reason of your appointment as guardian, you should consult an attorney or petition the Court for instructions.
17. If you are not a licensed fiduciary and are not related by blood or marriage to the ward, you are not entitled to compensation for your services as the ward's guardian. *See* A.R.S. §14-5651(K)(1).
18. Within **thirty (30)** days after your **Letters of Appointment** as guardian are issued, you must mail a copy of this **Order to Guardian and Acknowledgement and Information to Interested Persons** to the following:
 - a. Your ward;

- b. Your ward's attorney, spouse, parents, and adult children;
- c. Your ward's conservator if one has been appointed for your ward; and
- d. Any person who has filed a demand for notice in connection with this matter.

This is only an outline of **some** of your duties as guardian. It is **your** responsibility to obtain proper legal advice about your duties. Failure to do so may result in personal financial liability for any losses.

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, A FINE, OR BOTH.

This Order shall be effective on _____, the minor's eighteenth (18th) birthday.

DATED this ____ day of _____, 20 ____.

Judicial Officer's Signature [] Pro Tem

Judicial Officer's Name (Type or Print Name)

ACKNOWLEDGEMENT

I (We), the undersigned acknowledges receiving a copy of this Order and agrees to be bound by its provisions, whether or not read before signing, as long as serving as guardian.

Guardian's Signature

Date

Guardian's Name (Type or Print Name)

Co-Guardian's Signature (if any)

Date

Co-Guardian's Name (Type or Print Name)

**SUPERIOR COURT OF ARIZONA
GRAHAM COUNTY**

In the Matter of the Guardianship of

Case Number: _____

**ORDER OF APPOINTMENT OF A
PERMANENT GUARDIAN OF A MINOR**

_____ A Minor

The Court has read the sworn or affirmed Petition for Permanent Appointment of a Guardian of a Minor and held a hearing to determine whether the Court should enter the Order requested in the Petition.

THE COURT FINDS:

- A. Petitioner is entitled to file the Petition under Arizona law, A.R.S. 14-5303(A).
- B. Petitioner has given Notice of Hearing as required by law, or all interested parties have waived Notice of Hearing.
- C. Venue in this county is proper.

D. GUARDIANSHIP:

- 1. The above-captioned person is an unmarried minor born on _____.
- 2. All parental rights of custody have been terminated or suspended by written consent of the parent(s), prior court order, or other circumstances.
 No guardian of the minor has been appointed by Will or any order of any court, and no other proceedings for the appointment of a guardian are pending in any other court.
- 3. A criminal background check has been reviewed and the Court has concluded that it contains nothing to prevent the appointment; or No fingerprints or background report was required.
- 4. The welfare and best interests of the minor require the appointment of a guardian.
- 5. _____ is qualified to serve as Guardian for the Minor.
(Name of Person to be Appointed as Guardian)

IT IS ORDERED: (check the boxes that apply)

1. APPOINTMENT OF GUARDIAN: The Court appoints:

NAME: _____ as Permanent Guardian for the Minor(s) named in the caption above.

2. BOND:

- The guardian will serve without bond, restricted letters to issue to him or her upon acceptance of the appointment, OR
- Bond is set in the amount of \$_____.

- 3. **RESTRICTED LETTERS:** Upon entry of this Order, Letters of Guardianship of a Minor shall be issued by the Clerk of the Court, **WITHOUT RESTRICTION, OR**
 SUBJECT TO THE FOLLOWING RESTRICTIONS:

- 4. **ACCEPTANCE OF LETTERS:** The guardian shall sign the Acceptance of the Letters under oath, and file the Acceptance with the Clerk of the Court, Juvenile Division.

- 5. **ANNUAL REPORT OF GUARDIAN:** The guardian shall report to the Court *in writing* on the status of the Minor and the need to continue the guardianship at least annually by: _____ as required by A.R.S. § 14-5315, by filing the required form with the Clerk of the Court, Juvenile Division. (Date)

- 6. **CHANGE OF ADDRESS:** The guardian shall immediately notify the Court in writing of any change in the address of himself or herself or of the Minor.

- 7. **OTHER DUTIES UNDER THE LAW:** The duties of the guardian as required by Arizona law and as set forth in this Order of Appointment and the Order to Guardian and Acknowledgement shall continue until the minor turns 18 or until the guardian is discharged from these duties by order of this Court. The guardian should still petition the Court to officially terminate his or her duties when the Minor turns 18 or if the guardianship otherwise terminates by operation of law.

- 8. **IT IS FURTHER ORDERED** setting this matter for internal review to determine compliance by the person appointed with this Order at:

Date: _____
Time: _____

DONE IN OPEN COURT: _____

JUDGE/COMMISSIONER OF THE SUPERIOR COURT

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

FOR CLERK'S USE ONLY

In the Matter of Guardianship
of

Case Number _____

**ACCEPTANCE OF APPOINTMENT
AS PERMANENT GUARDIAN and
LETTERS OF APPOINTMENT**

A Minor

ACCEPTANCE OF APPOINTMENT

I accept the duties as Guardian of : _____
I affirm or swear that I will perform these duties according to law.

GUARDIAN'S SIGNATURE

Signed and sworn or affirmed before me this _____ day of _____,

Notary

Darlee Maylen, Clerk of Superior Court

My commission expires: _____

OR

By: _____
Deputy Clerk

ISSUANCE OF LETTERS OF APPOINTMENT

1. **NAME OF GUARDIAN:** _____ is appointed as Guardian.

2. **NAME OF PERSON(S) NEEDING GUARDIAN:** _____

3. **LENGTH OF APPOINTMENT:** Until the Minor(s) reach the age of 18, or further order of the Court.

4. **RESTRICTIONS** that apply to this appointment, by Order of the Court:

WITNESS: _____

Darlee Maylen, Clerk of the Superior Court

SEAL

By: _____
Deputy Clerk