GUARDIANSHIP and/or CONSERVATORSHIP for an ADULT

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1

TEMPORARY ORDERS

(when needed for 6 months or less)

(INSTRUCTIONS)

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SELF-SERVICE CENTER

APPOINTMENT OF A TEMPORARY GUARDIAN AND/OR CONSERVATOR

FOR A MINOR OR ADULT

This packet contains general information and instructions to get a temporary or emergency guardianship or conservatorship. The documents should be in order as follows:

Order	File Number	Title	# pages
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2	PBGCT10p	Instructions to complete and file a ***"Petition For Temporary Guardian or Conservator"***	4

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PROCEDURES: HOW TO GET A GUARDIAN and/or CONSERVATOR FOR AN ADULT OR A MINOR ON A TEMPORARY and/or EMERGENCY BASIS

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1. **Introduction:** These are the steps to ask the Court to appoint a **Temporary** Guardian or Conservator for a minor or an adult. A temporary guardianship or conservatorship appointment may may be requested when you need the guardian or conservator for a set period of time of no more than six months, and/or that there is an emergency that requires immediate appointment action to protect a person who cannot handle his or her own affairs, or to deal with and protect that person's income and assets.

   Sometimes a person needs a guardian or a conservator appointed without prior notice ("ex parte") to that person or others who would otherwise be entitled to receive notice of such a legal action. This means that the temporary appointment is done very fast and without letting others know about it ahead of time. **This is a very serious matter**. The Judge will not grant the temporary appointment without notice unless you have **a very good reason** and can prove that **immediate and irreparable injury, loss, or damage will result before notice can be given**.

2. **Complete the paperwork for the Temporary Order:** Decide if you are applying for a **Guardian**, a **Conservator**, or **both**. If you are not sure, the Self- Service Center has information to describe the differences between the different appointments.

   Fill out all the forms for the **temporary appointment** completely and in **black ink**. Make **3 copies** of the completed forms. The forms you need to complete are the following:

   - PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN/CONSERVATOR**.** If this is a petition for an adult, attach a copy of the latest doctor report to the petition. If you do not have this report, then you must make the doctor available to give testimony at the court hearing. Inform the judge's staff you will need a telephone at the hearing to call the doctor.

   - NOTICE OF HEARING ON APPOINTMENT OF A TEMPORARY GUARDIAN AND/OR CONSERVATOR. This is the document the Judge's staff will complete if the Judge decides that you need a hearing and need to give advance notice of the hearing.

   - ORDER APPOINTING TEMPORARY GUARDIAN/CONSERVATOR.

   - LETTERS OF APPOINTMENT OF TEMPORARY GUARDIAN/CONSERVATOR, AND ACCEPTANCE OF APPOINTMENT.

   - ORDER TO GUARDIANS AND CONSERVATORS. Remember to sign the Acknowledgment on last page of the Order (This document is only for guardian/conservator for an ADULT).

3. **If applicable, complete the paperwork for the PERMANENT ORDER:** Complete the forms for the appointment of the permanent guardian and/or conservator. The following is the list of forms you need to start the case for the permanent appointment.

   - PROBATE COVER SHEET: For guardianship and conservatorships for an adult or minor
   - PETITION FOR APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR: (adult or minor)
   - AFFIDAVIT OF PROPOSED APPOINTEE: Pursuant to ARS §14-5106 (adult or minor)
   - INFORMATION SHEET TO COURT INVESTIGATOR: (adult only)
   - INSTRUCTIONS AND REQUEST FOR HEARING DATE: (adult or minor)

4. **Make copies of all the paperwork:** Make **3 copies** of all the forms. Assemble the copies so that you have **4 complete packets** -- the **originals and 3 sets** of copies.

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5. File the papers at the court: Determine where to file the court forms. There are 4 locations of the Superior Court in Maricopa County—Downtown Phoenix, Northeast Phoenix, the Southeast Facility in Mesa and the Northwest Facility in Surprise. The Southeast Court is for persons who live in Mesa, Tempe, Chandler, Gilbert, and Apache Junction to the southern border of the Salt River bed, although it does not include Scottsdale. Select the appropriate site to file the initial court papers. After that, everything on the case must be done **at that court site.**

Downtown Phoenix: 125 W. Washington, 1st Floor, Phoenix, AZ 85003; Open: 9:00 a.m. – 5:00 p.m.
Northeast Phoenix: 18380 N. 40th St., Phoenix, AZ 85032; Open: 9:00 a.m. – 5:00 p.m.
Southeast Facility: 222 E. Javelina Avenue, 1st Floor, Ste. 1350, Mesa, AZ 85210; Open: 9:00 – 12:00 and 1:00 – 3:00 p.m.
Northwest Facility: 14264 W. Tierra Buena Lane, Surprise, AZ 85374; Open: 9:00 a.m. – 5:00 p.m.

GO TO THE CLERK'S OFFICE: Take the **original and 3 copies** of the following documents **to the Clerk of the Court, Probate Registrar**:

- PROBATE COVER SHEET
- PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN AND/OR CONSERVATOR
- **(if applicable)** PETITION FOR APPOINTMENT OF PERMANENT GUARDIAN AND/OR CONSERVATOR (**with** *Request for Appointment of Attorney, Physician, and Court Investigator/Visitor* (adult only)); **AND**
- AFFIDAVIT OF PROPOSED APPOINTEE **Pursuant to ARS §14-5106**
- INFORMATION SHEET FOR COURT INVESTIGATOR (adult only)

PAY YOUR FILING 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.

WHAT THE CLERK WILL DO: The Clerk will file the **original** PROBATE COVER SHEET. The Clerk will file originals of the following documents, and give you back clerk-stamped copies to show these documents were filled:

- PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN/CONSERVATOR;
- **(if applicable)** PETITION FOR APPOINTMENT OF PERMANENT GUARDIAN/CONSERVATOR OF A MINOR OR AN ADULT; **AND**
- AFFIDAVIT OF PROPOSED APPOINTEE.

NOTE YOUR "PB" CASE NUMBER: The case number assigned is stamped in the upper right-hand corner of all the documents the clerk stamped for you. The case number always starts with the initials "PB". **Use this number on every paper you file with the court from now on.**

6. Get the permanent hearing date scheduled (if applicable). Take **originals** of one or both of these papers to Probate Court Administration:

- PETITIONER'S INFORMATION SHEET TO COURT INVESTIGATOR (adults only),
- INSTRUCTIONS AND REQUEST FOR HEARING DATE (adults or minors); **AND**

Take **2 copies** of these **conformed papers** to Probate Court Administration:

- PETITION FOR APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR,
- AFFIDAVIT OF PROPOSED APPOINTEE **Pursuant to ARS §14-5106, AND**
- INFORMATION SHEET TO COURT INVESTIGATOR (adult only)

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Court Administration will schedule the permanent hearing on the form called INSTRUCTIONS AND REQUEST FOR HEARING DATE and return it to you. Now you know the **date**, **time**, and **location** of the hearing on the **permanent appointment** (if applicable), and the name of the Judicial officer who will hear the case.

7. To get the hearing on the temporary emergency appointment scheduled: Now take these documents to the office of the Presiding Judge, which is in the same building as the Clerk and Court Administration:

- **Conformed copy** of PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN OR CONSERVATOR
- **Original and copy** of ORDER OF APPOINTMENT OF TEMPORARY GUARDIAN OR CONSERVATOR
- **Original and copy** of NOTICE OF HEARING FOR A TEMPORARY GUARDIAN AND/OR CONSERVATOR
- **Original and copy** of ORDER TO GUARDIANS AND/OR CONSERVATORS (Only if applying for guardianship/conservatorship for and ADULT)
- **Original and copy** of LETTERS OF TEMPORARY APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR, AND ACCEPTANCE OF APPOINTMENT
- **Conformed copy** of PETITION FOR APPOINTMENT OF PERMANENT GUARDIAN AND/OR CONSERVATOR ***(if applicable)***
- **Conformed copy** of AFFIDAVIT OF PROPOSED APPOINTEE **Pursuant to ARS § 14-5106**
- **Copy** of INSTRUCTIONS AND REQUEST FOR HEARING DATE that was highlighted with a colored marker by Court Administration to show the date, time, place, and Judge for the hearing.

The Judge will decide whether to give you a hearing, and whether the hearing must be with notice. If the Judge's staff completes the NOTICE OF HEARING form, that means you need to give notice of the hearing to **everyone entitled to notice** before the hearing.

8. To get the lawyer appointed (for adults only): If this is a guardianship and/or conservatorship for an adult, the person you say needs a guardian and/or conservator must also have a lawyer, whether the hearing is with or without notice. If there is no lawyer already representing him/her in this matter, you must call for a court-appointed lawyer. Call the **Office of Court-Appointed Counsel (OCAC), 602-506-7228, between 8:00 a.m. and 5:00 p.m., Monday through Friday.** Be prepared to give the following information:

- That you need the name of a lawyer for appointment on a PETITION FOR A TEMPORARY GUARDIAN AND/OR CONSERVATOR FOR AN ADULT;
- The PB case number;
- The name of the person who needs a guardian and/or conservator and the address and phone number where that person is currently living; **AND**
- The date and time of the scheduled court hearing and the name of the Judge or Commissioner who will be hearing the matter.

9. Give notice about the court case: (ARS §§ 14-5310 and 5401.) If this is an emergency hearing, **with notice**, you must give notice to everyone just like a PETITION TO APPOINT OR REMOVE A GUARDIAN AND/OR CONSERVATOR***.*** See **Packet No. 2**--*Service and Notice of the Court Hearing.* Notice must be complete prior to the hearing.

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If this is an emergency hearing, **without notice**, you must give notice to the person you say needs the temporary emergency guardianship and/or conservatorship by personal service **within 72 hours** of the date and time of the court order. No other method of notice is allowed in these cases. Give notice to everyone else just like a PETITION TO APPOINTMENT OR REMOVE A GUARDIAN AND/OR CONSERVATOR.

After giving legal notice as instructed, you would file the following documents:

- NOTICE OF HEARING ON TEMPORARY APPOINTMENT,
- WAIVER OF NOTICE OF HEARING **(if applicable)**, **AND**
- PROOF OF NOTICE OF HEARING

10. Before the hearing: If you were required to give advance notice of the temporary emergency hearing, file the **originals** of the following documents: NOTICE OF HEARING, WAIVER OF NOTICE, **(If applicable)**, and PROOF OF NOTICE.

Bring copies of all **3 documents** to the office of the Judge who will hear the temporary petition. Do this as soon as possible, at least **5 business days before the hearing** on the temporary petition. Otherwise, bring these documents with you to the hearing.

11. At the hearing: Bring to the hearing the **originals and 1 copy** of LETTERS OF TEMPORARY APPOINTMENT AND ACCEPTANCE OF APPOINTMENT. Tell the Judge about the case, and why the temporary appointment is necessary. Bring all paperwork with you that you think is applicable, such as reports about the person you say needs the guardian and/or conservator, financial records for the person, etc.

If this is a temporary appointment for an adult: You will need to have the doctor testify by telephone. Call the doctor's office ahead of time to arrange this, and tell the Judge's staff the name and telephone number of the doctor so they can connect the telephone for the court hearing.

12. After the court hearing (GO TO THE CLERK): If the Judge signs the ORDER OF TEMPORARY APPOINTMENT, take the Order to the Clerk's office to be filed. Also take the **original and copy** of the LETTERS OF TEMPORARY APPOINTMENT.

The Clerk will complete the LETTERS, you will sign the ACCEPTANCE, and then you will need a **certified copy** to show you are the official person appointed by the Judge.

A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

If you did not already give legal notice about the PETITION FOR TEMPORARY APPOINTMENT and the court hearing as described in **STEP 10**, you must now give notice of the court papers and the hearing to **everyone who is entitled** to know about the court case before the hearing date.

13. Other help: Court personnel can answer **questions** about procedures, but only a lawyer can give legal advice. The Self-Service 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. You may view the list at the Self Service Center or on the Court's web site.

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