

SELF-SERVICE CENTER

HOW TO GET A GUARDIAN APPOINTED FOR A MINOR ON A TEMPORARY and/or EMERGENCY BASIS

Introduction: These are the steps to ask the Court to appoint a **temporary** guardian for a minor. A temporary guardianship only lasts for a maximum of six (6) months unless extended by the Court or until the court hearing takes place on a request to appoint what the Court calls a “**permanent**” guardian. The temporary guardian and the permanent guardian may be the same person.

- You may file for permanent and temporary guardianship together or separately.
- You may file for permanent guardianship *without* filing for temporary.
- You may file for temporary guardianship *without* filing for permanent if the guardian will not be needed for longer than six months.

Temporary Guardianship

The regular, “permanent” guardianship process takes about two months. It is appropriate to file for a *temporary* guardianship when there are good reasons you cannot wait the few months it would take to get a permanent appointment, or you do not expect a guardian will be needed for more than six months.

Temporary Emergency Guardianship Without Notice (sometimes called “*ex parte*”), is granted when a person needs a guardian appointed immediately, without prior notice to the parents of the minor or to other persons who have a legal right to know that a legal process has been started that involves the minor.

This is a very serious matter. The Judge will not grant a 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. A Temporary Emergency Guardianship appointment only lasts for a maximum of 30 days unless extended by the Court.

SECTION I: PREPARE THE DOCUMENTS

1. Complete the documents for the TEMPORARY APPOINTMENT.

Fill out all the forms for the **temporary appointment** completely:

- **USE BLACK INK.**
- **COMPLETE** the PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN FOR A MINOR.
- **MAKE 3 COPIES** of the completed forms.

2. ***If applicable:*** Complete the forms for the PERMANENT APPOINTMENT. (Separate packet required). You need the following list of forms you need to start the case for the *permanent* appointment:

- **JUVENILE GUARDIANSHIP INFORMATION SHEET**
- **PETITION FOR PERMANENT APPOINTMENT OF A GUARDIAN for a MINOR**
- **AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN.** (Required by ARS §14-5106)

3. **Photocopy all the documents:** Make 2-3 **copies** of all the forms. Assemble the copies so that you have 3-4 **complete packets** -- the **originals and 2-3 sets** of copies.

Set One: Original to be filed and kept by the Clerk of the Court

Set Two: *Copy to be endorsed by the Clerk. Please note this set is only needed if the Petitioner will be making an Emergency request for Temporary orders; petitioner must provide a copy to the Court*

Set Three: Copy for other party (please note if there is more than one other party, you will need an additional copy for each additional party)

Set Four: Copy for you.

4. **File the papers at the court:** 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, 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.

GO TO THE CLERK'S OFFICE: Take the **original and 3 copies** of the following documents **to the Clerk of the Court (Juvenile):**

- **JUVENILE GUARDIANSHIP INFORMATION SHEET**
- **PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN FOR A MINOR**
- (if applicable) **PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN of a MINOR, AND**
- **AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN**

There is a fee for filing for guardianship, which must have been paid or deferred before filing these papers. If you have paid or deferred the fee to file one, there is *currently* no separate fee to file the other.

Note: If you will have difficulty paying the filing fee, you may apply for a fee deferral (payment plan) or waiver. Applications are available from the Self-Service Center or the Juvenile Court filing counter.

WHAT THE CLERK WILL DO: The Clerk will file the **original** JUVENILE GUARDIANSHIP INFORMATION SHEET (This document is for court use only; it is not a public record). The Clerk will file originals of the following documents, and give you back clerk-stamped ("conformed") copies to show these documents were filed:

- **PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN**
- (if applicable) **PETITION FOR APPOINTMENT OF PERMANENT GUARDIAN OF A MINOR, AND**
- **AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN**

NOTE YOUR "JG" 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 "JG". **Use this number on every paper you file with the court from now on.**

5. (If applicable) **Schedule the Permanent hearing date: Complete and file** a “Certificate of Readiness” (Request to Set Hearing) form. Upon receipt, the Court will confirm all applicable information is checked and will mail an Order to you. The Order will either set a hearing or advise you that your “Certificate of Readiness” form is not complete. Please note, if you do not bring the documents as stated in your “Certificate of Readiness” form to the hearing, your hearing may be vacated and reset to another date.

6. **To schedule the hearing on the Temporary or emergency appointment:**

If you have requested that a temporary guardian be appointed, you will be contacted by the Court with your Court date, or you may be mailed a Notice of hearing.

If you have requested that a temporary guardian be appointed on an emergency basis, i.e. without notice, you will be directed where to wait for additional assistance. Court staff will come out to talk to you. At this time, you must provide the Court with Set Two (file endorsed copy of the packet you filed).

The Judge *may* grant or deny your petition without a hearing or may schedule a hearing on the request for temporary appointment for the same date or a future date. If the Judge decides to give you a hearing on the petition for temporary appointment and requires Notice, court staff will provide you with 2 copies of a **NOTICE OF HEARING** form. You will need to give notice of the hearing to **everyone entitled to notice** before the hearing. See #7, below, and **Packet Part 2--Service and Notice of the Court Hearing**, for information on who must be given notice.

7. **LEGAL NOTICE: You must give notice about the court case:** If this is an emergency hearing *with notice*, you must give notice to everyone required to be given notice under Arizona law of a petition for *permanent* guardianship, as required by Arizona law (**A.R.S. §14-5310 and 14-5401**). See Packet Part 2--**Service and Notice of the Court Hearing**. Notice must be complete before the hearing.

- If this is an emergency hearing *without notice*, you must give notice *to the person who needs the temporary or emergency guardianship* by personal service **within 72 hours** after the Court hearing. No other notice is required in these cases.

SECTION 2: PREPARE for THE HEARING

8. **Legal Notice Before the hearing:** If you were required to give advance notice of the temporary or 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** with you to the hearing to be “conformed” (stamped by Court staff). Do this as soon as possible, **at least 3 business days before the hearing** on the temporary petition. Otherwise, bring these documents with you to the hearing.

9. **Documents to bring to the hearing:** Bring to the hearing the **original documents, and any documents you filed with the Clerk, such as:**

- **Proof of Notice of Hearing**
- **Waiver of Notice, (if applicable)**
- **Acceptance of Service (if applicable)**
- **Affidavit Supporting Publication (if applicable)**

10. Other information to know before the Court Hearing:

- The Juvenile Court uses a digital audio recording system to preserve the official court record of the proceedings. If a party want a court reporter to record a proceeding in the Juvenile Court, they must file a written request with the Clerk of Court and Juvenile Court Administration at least 72 hours before the start of the guardianship proceeding.
- If you need a court interpreter, telephone 602-506-0490 at least 10 days before the hearing.
- Be prepared to testify at the Court hearing about why you think the Guardianship is needed. Bring with you to Court any witnesses you think will help you testify.
- 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, police or Arizona Department of Child Safety (DCS) records concerning the person, etc.

SECTION 3 – AFTER THE COURT HEARING

11. **Go to the Court Clerk:** Ask whether the Judge signed the Order, and when you can get a copy of it. After you receive the Order for Temporary Guardianship, you will need a **certified copy** to show you are the person officially appointed by the Judge. There is a **\$27.00** certification fee **plus \$0.50 per page** to do this. Payment may be made in cash (in person only) or by check or money order made payable to the Clerk of Court.

If you did not already give legal notice about the **PETITION FOR TEMPORARY APPOINTMENT** and the court hearing as described in **STEP 7**, then 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.

12. **Other help:** Court personnel can answer certain limited 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 \$35, or find a lawyer in the yellow pages of your telephone book (or online) under "attorneys".

The Self-Service Center also 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 at the Self Service Center or on the Court's web site.