

SELF- SERVICE CENTER

HOW TO ASK THE COURT TO APPOINT A PERMANENT 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;
- Temporary or emergency appointments of guardians or conservators;
- Conservators for minors
- Guardians for severely disabled adults;
- Testamentary (by will) appointment of a guardian of a minor

Follow each step carefully. Each step contains certain forms, and some of these forms have extra instruction sheets to help you. The whole process will take at least a couple of months.

FIRST STEPS:

1 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 forms packet, the Self-Service Center information describing the different requirements for guardianships and conservatorships, or consult an attorney. The Self-Service Center has separate packets for adults and for minors for guardians or conservators, as well as for guardians and conservators combined.

2 FINGERPRINTS. Arizona law (A.R.S. Section 14-5206) requires that any person asking to be appointed guardian or co-guardian of a minor to whom he/she is **not related by blood** must be fingerprinted and have a background investigation through the Arizona Department of Public Safety and the FBI in Washington, D.C., to help the Court determine that person's suitability to act as a guardian of a minor. See **Step 8** below describing how and where to get your fingerprints taken.

Note: In Maricopa County, completed Fingerprint cards must be submitted to the Clerk of the Court, Juvenile Division, within **5 days** of filing the Petition for Permanent Appointment of Guardianship of a Minor.

3 COMPLETE THE COURT FORMS IN THIS PACKET: Fill out all the forms completely and in **black ink**.

- **JUVENILE GUARDIANSHIP INFORMATION SHEET.** Complete everything but the "Case Number". The Clerk of the Court will stamp a Juvenile Court Case Number, starting with the letters "**JG**" 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 PERMANENT GUARDIAN of a Minor.** Fill out all the information carefully and notify the people entitled to receive notice about this matter. If you have questions about who is entitled to notice see the Self-Service Center Packet on **Service and Notice of Hearing**, then read the document called INFORMATION ON LEGAL NOTICE FOR GUARDIANSHIP of a Minor.

- **AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN (ARS §14-5106).** This document must be completed by the person who wants to be appointed as guardian of the minor (usually the Petitioner). You must file this Affidavit with your "**Petition for Permanent Appointment as Guardian of a Minor**".
- **CONSENT OF PARENT TO GUARDIANSHIP (and Waiver of Notice).** This document must be completed and signed by **BOTH** parents of the minor, if they are living, and have not had their parental rights terminated by a **Court Order**, or have not been declared incompetent by a Court. If you only can find one parent, have that parent sign the Consent. However, be prepared to explain to the Court at the hearing why only one parent or no parents signed the consent **and to prove to the Court you did everything you could to try to find the parent by publishing notice.** See the Self Service Center packet "**Service When You Can't Find the Other Party**" for more information on service of notice by publication.

4 COPIES: 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 two sets of copies. The Clerk of the Court will keep the original documents; one set of copies will be for the petitioner's records, and one set of copies is for serving legal notice on the Mother and Father.

TO FILE THE PAPERS AT THE COURT:

5 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.

6 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED: Take the **originals** and **3 sets of copies** of the following documents to the Clerk of the Court, Juvenile Division, on the first floor of the court, for processing:

- JUVENILE GUARDIANSHIP INFORMATION SHEET
- PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN OF A MINOR
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN (ARS § 14-5106)
- CONSENT OF PARENT (MOTHER) (if applicable)
- CONSENT OF PARENT (FATHER) (if applicable)

NOTE: The Clerk will keep the originals and return your 3 copies of the documents. Once you have completed and filed a *Certification of Compliance (Request to Set Hearing)* the Court will prepare the *Notice of Hearing*. You will be called when the *Notice of Hearing* is ready to be picked up OR you may pay additional postage and handling fee and the documents will be mailed to you.

- 7 **FEES:** There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, money order, or personal in-state check made payable to the "Clerk of Superior Court" are acceptable forms of payment.

You can find out the exact fees and costs that are charged for any particular matter by calling the Clerk of the Court at 602-506-6185 or on their website at:
<http://www.clerkofcourt.maricopa.gov/fees.asp>

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.

TO COMPLETE THE FINGERPRINT PROCESS:

- 8 **TO GET YOUR FINGERPRINTS TAKEN:** If the proposed guardian is NOT related by blood to the minor child or children, ARS §14-5206 requires that the proposed guardian or co-guardian furnish a complete set of fingerprints.

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 Department at 201 West Jefferson Street in Phoenix, (West Court Building, 4th floor) does fingerprinting Monday-Friday, from 7:30 A.M. until 4:30 P.M. for a fee of \$8 per card. **Cash only.**
- The Phoenix Police Department offers this service at its headquarters at 620 West Washington, in Phoenix, Monday through Friday from 7:30 a.m. to 4:30 p.m.
- 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 \$31 fee for each card WITHIN 5 DAYS of filing the Petition to the Clerk of the 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.

- 9 **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.

Also, 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. 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 at:

<http://www.superiorcourt.maricopa.gov/SuperiorCourt/FamilyCourt/Rosters/index.asp>

TO REQUEST A HEARING:

- 10 TO GET A HEARING SET:** After filing your Petition for Guardianship, you must complete, sign and file a “Certificate of Readiness (Request to Set Hearing)” form notifying the Court that you have all the documents available and ready. If you do not bring the documents as stated in your “Certification of Readiness (Request to Set Hearing)” 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. You must file the original, notarized consent of each child over age 14. You must 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. You must 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 the original or a “certified copy” of the Death Certificate and one copy (for the court).

Once the “Certificate of Readiness (Request to Set Hearing)” is filed, the Court will review the request. If approved to proceed the Court will complete a Notice of Hearing. If not approve, the Court will return an Order denying setting of a hearing and identify the reasons why.

If the “Certificate of Readiness (Request to Set Hearing)” is not filed within 60 days, the petition will be dismissed.