

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

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

<p>Set 1: <i>Originals</i> for the Clerk of Court, Probate</p> <ul style="list-style-type: none"> • Probate Information Cover Sheet (pb10f) • Petition for Permanent Conservator (pbca11f) • Affidavit of Person to be Appointed (pbgc13f) 	<p>Set 2: Copies for Judicial Officer (deliver <i>at least 5 days</i> before the hearing)</p> <ul style="list-style-type: none"> • Petition for Permanent Conservator • Affidavit of Person to be Appointed
<p>Set 4 & <i>More</i>: Copies for Persons (or Agencies) to Receive Notice</p> <ul style="list-style-type: none"> • Petition for Permanent Conservator • Affidavit of Person to be Appointed 	<p>Set 2: Copies for You</p> <ul style="list-style-type: none"> • Petition for Permanent Conservator • Affidavit of Person to be Appointed

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:

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

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. Look under "**Probate**" to find the fee for "**Petition to Appoint Conservator**", etc.
- 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 (be 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 CONSERVATOR for an Adult (PBCA11F),
- ❖ AFFIDAVIT OF PERSON TO BE APPOINTED (PBG13F),

AND the original plus one copy of the:

- ❖ PETITIONER'S INFORMATION SHEET TO COURT INVESTIGATOR (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 conservatorship (or guardianship)."

BE PREPARED TO PROVIDE THE FOLLOWING INFORMATION:

- The probate case number (begins with "PB").
- The name of the person who needs the guardian or 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” (PBCA14F).

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

***B.** (Optional) 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. Appointment of such an evaluator is OPTIONAL in matters of *conservatorship alone* where no guardianship involved.

The Court may choose to appoint an evaluator, *or you may request one be appointed* so that you may include the report as part of your case to show that the person to be protected IS in fact disabled enough to need a conservator. *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: Conservatorship grants authority to manage and protect the incapacitated person’s income and/or assets; it does not include authority to place the ward in a hospital or other facility for treatment of mental or behavioral health issues. If such authority is needed, see the Self-Service Center packets concerning appointment of a *Guardian*, or of a *Guardian AND Conservator* for an Adult. Note that 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” (PBCA14F) 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” (PBGCA20h) 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. IF a physician or other medical professional was appointed to evaluate the person said to need a guardian or 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 conservator or guardian 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: Conservators must complete court-approved training before permanent appointment! See “Notice Regarding Training Requirements”.