

Self-Service Center

HOW TO ASK THE COURT TO APPOINT A CONSERVATOR 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:

- STEP 1 MAKE SURE YOU NEED TO BE APPOINTED AS CONSERVATOR ONLY AND NOT AS GUARDIAN, TOO.** If you are not sure, the Self-Service Center has information available describing the different requirements between appointments for guardianships and conservatorships. See the Checklist at the beginning of the forms packet. The Self-Service Center has three separate packets: one for guardians, one for conservators, and one for both guardians and conservators.
- 2 COMPLETE AND COPY THE COURT FORMS IN THIS PACKET:** Fill out all the forms completely and in **black ink**.
- **PROBATE COVER SHEET.** Complete everything but the "Case Number". The case number will be stamped with a Probate Case number starting with the letters "**PB**" by the Clerk of the Court when you file the papers. You will use this case number on all court papers after you file the papers with the Clerk.
 - **PETITION FOR APPOINTMENT.** Fill out all the information carefully and notify all the people entitled to know about this matter. If you have questions about who is entitled to notice see the Self-Service Center Packet on **Service**, then read the document **INFORMATION ON LEGAL NOTICE FOR GUARDIANSHIPS AND CONSERVATORSHIPS**.
 - **AFFIDAVIT OF PERSON TO BE APPOINTED (ARS § 14-5106).** This document must be completed by the Petitioner (the person who wants to be appointed). You must file this Affidavit with your **PETITION FOR APPOINTMENT AS CONSERVATOR**.
 - **CONSENT OF PARENT TO CONSERVATORSHIP**, if applicable. This document must be completed and signed by both parents of the minor, if they are living and have not been adjudicated incapacitated. If you only can find one parent, have that parent sign the Consent. However, be prepared to explain to the Judge/Commissioner at the court hearing why only one parent or no parents signed the Consent and prove to the Court you did everything you could to try to find the parent(s) by publishing notice. See the Self-Service Center Packet Part 2: *Service and Notice of Court Hearing*, then read the document called **INFORMATION ON LEGAL NOTICE FOR CONSERVATORSHIP FOR A MINOR** for more information on Publication of Notice.
- 3 COPIES:** Make **2 copies** of all the forms. Assemble the copies so that you have **3 complete packets** -- the originals and 2 sets of copies. One set of the copies is for you to keep in your files.
- 4 OTHER PAPERS:** Make one copy of the document **INSTRUCTIONS AND REQUEST FOR HEARING DATE**. Keep the original and copies together for later use. After filing all the other papers, you will take this form to Probate Court Administration to get the hearing date set at a time you can attend.

Note: Keep this document so you know when and where your hearing is.

TO FILE THE PAPERS AT THE COURT:

STEP 5 DETERMINE WHERE TO FILE THE COURT FORMS: There are 4 locations of the Superior Court in Maricopa County: the Downtown location in Phoenix, the Northeast facility in Phoenix ; the Northwest Court Facility in Surprise and the Southeast Court Facility for persons who live in Mesa, Tempe, Chandler, Gilbert and Apache Junction to the southern border of the Salt River bed, but not including Scottsdale. Depending on where you live, select the site to file the first court papers. Please keep in mind that any court hearings will be conducted at the downtown Phoenix location for those filed in Phoenix OR Mesa.

Phoenix: 125 West Washington St.
1st Floor
Phoenix, Arizona 85003

Northeast: 18380 N. 40th St.
Phoenix, AZ 85032

Northwest: 14264 West Tierra Buena Lane
Surprise, Arizona 85374 Mesa,

Southeast: 222 East Javelina, 1st Floor, Ste. 1350
Arizona 85210-6201

6 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED: Take the **originals and 2 sets of copies** of the following documents **to the Clerk of the Court, Probate Registrar**, on the first floor of the court, for processing:

- PROBATE COVER SHEET
- PETITION FOR APPOINTMENT OF CONSERVATOR
- AFFIDAVIT OF PERSON TO BE APPOINTED (ARS § 14-5106)
- CONSENT OF PARENT (if applicable)

Note: The clerk at Probate Registrar will conform the 2 sets of copies and return them to you. After you file one set of copies with Probate Administration, you should have one set of copies for yourself if you followed the instructions in **Step 3**.

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

Go online to <http://clerkofcourt.maricopa.gov/fees.asp> or the Self-Service Center for a list of current fees.

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 GET THE COURT HEARING DATE SCHEDULED:

STEP 8 TO GET A COURT HEARING DATE: Go to Probate Court Administration (1st floor in Phoenix and Surprise, 2nd floor in Mesa. Take and give them one set of the conformed (date stamped) set of the copies the clerk just gave you:

- PROBATE COVER SHEET
- PETITION FOR APPOINTMENT OF CONSERVATOR
- AFFIDAVIT OF PERSON TO BE APPOINTED (ARS § 14-5106)
- CONSENT OF PARENT (if you filed one)

Bring the **original** the document called: INSTRUCTIONS AND REQUEST FOR HEARING DATE -- this will be returned to you.

- 9 HOW YOU WILL GET THE COURT HEARING DATE:** Probate Court Administration will schedule the hearing: date, time, place, and judicial officer. Staff will give you back a copy of the INSTRUCTIONS AND REQUEST FOR HEARING DATE with the information highlighted with a colored marking pen for you. Be sure you keep this important document!

NOTICE TO PETITIONER

READ THIS:

At least 5 days before your hearing date you must provide the following documents to the assigned Judicial Officer:

1. A copy of the petition or motion that you filed.
2. Proof of Notice showing that all other persons who were entitled to know about this hearing have been notified, or an Affidavit of Publication if you were not able to locate any person who was entitled to notice of this hearing, or a Waiver of Notice and consent to appointment from a person who is entitled to receive notice.
3. An original and one copy of the Order that you want the Judicial Officer to sign at the hearing.

WARNING

Failure to provide required documents to the Court five days prior to your hearing date pursuant to local rule 5.15, may result in your hearing being delayed or continued by the Court.

OTHER HELP: 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". Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list show where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is.