SELF-SERVICE CENTER

PROCEDURES: PREPARING FOR AND ATTENDING THE COURT HEARING for PERMANENT APPOINTMENT of a GUARDIAN for an ADULT

or a person at least 17.5 to become effective at 18

STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

A. HEALTH PROFESSIONAL'S REPORT: IF a physician, registered nurse, or psychologist was appointed to examine the proposed protected person, the examiner should have received the **"GUIDELINES FOR HEALTH PROFESSIONAL'S REPORT" (PBGCA15f)** and prepared a report on the findings either on the form supplied with the Guidelines, or in any other format that conveys the necessary information.

After the Petitioner receives the examination report*, he or she must:

- Make at least **4 copies** of this report (keep one copy for his/her records), and
- **Mail** a copy of the written report at least **10** business days before the hearing, or hand-deliver a copy at least **5** business days before the hearing, to:

1) The Judge/Commissioner who will hold the hearing;
2) The attorney for the person you say needs the guardian; **AND**
3) The court investigator.

**** 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 guardian or guardian is not yet final. **If this is the case**, **the physician or other evaluator may file the report in person or mail it to the Court** (even though the guidelines on the Report form say "Please do not file your report with the Clerk of Court").

B. ORDER TO GUARDIAN (PBGA80f): The person who is to serve as Guardian must ***READ AND SIGN*** the document called **ORDER TO GUARDIAN**.

READ CAREFULLY! SIGNING THIS DOCUMENT INDICATES THAT YOU UNDERSTAND *AND AGREE* TO ACCEPT LEGAL RESPONSIBILITY FOR OBEYING THE TERMS OF THIS ORDER.

- The proposed guardian must sign this Order in the **acknowledgement** section to indicate his/her understanding and agreement with the terms of the Order, *and then make **2 copies.*** The proposed guardian should *keep* one copy.

C. ORDER OF APPOINTMENT OF PERMANENT GUARDIAN (PBGA81f):

- Complete the caption of the **Order**, which includes the name of the protected person (the Ward) and the case number.
- The Judge/Commissioner will fill in the rest of the Order at the hearing and sign it (the Order) if he or she agrees that a guardian should be appointed.

NOTE: Write the case number on all documents to be presented to the court!

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D. OTHER DOCUMENTS FOR THE JUDGE BEFORE THE HEARING: In addition to the **3 documents** listed above, you ***also*** need to **mail or hand-deliver** the following:

- **NOTICE OF HEARING** (PBGC18f),
- **DECLARATION OF NOTICE PROVIDED** (PBGC29f)**;** (from packet **2**, "**Service of Notice**") and
- **WAIVER OF NOTICE** (PBGC19f) (*if applicable*)

Mail or hand-deliver the original *and one copy* of the documents listed in A, B, C, and D above to the Judicial Officer who will conduct the hearing. **If mailing**, it is recommended that you post them **10** full days before the hearing. If delivering in person, do so at least **5** *business days* before the hearing.

STEP 2

(Optional) **REQUEST A COURT REPORTER AND/OR INTERPRETER:** If you or the person to be protected, the ward, need an interpreter or a court reporter (someone **you** may hire to make a written record of every word of the hearing), you must inform the staff of the judicial officer who will conduct the hearing, preferably at least **10** days before the hearing but *no later than* **2** days before the hearing.

NOTICE: Effective September 1, 2012, The Arizona Supreme Court requires that every person who is to serve as a guardian, a conservator, or a personal representative [executor] of an estate who is not a state-licensed, professional fiduciary must complete a training program approved by the Supreme Court **before Letters of Appointment** can be issued by the Clerk of the Court.

Training should be completed *and a statement that the training has been completed* should be brought to (or filed before) the hearing, though additional time to complete the training may be requested for good reason.

If you completed the (English-only) *online* training, you may either print the "***Certificate***" that appears at the end of each online program ***or*** submit the "***Declaration of Completion***" form included in this packet and which is also included with the Self-Service Center's printed or online training materials, which are available in both English and Spanish.

See the "**Notice Regarding Training Requirements"** (PBT10i) in this packet for additional information.

STEP 3 BRING THESE DOCUMENTS TO THE COURT HEARING:

These documents will be filed if the Judicial Officer (Judge or Commissioner) grants the guardianship. Make at least **2 copies** to bring with you to the hearing.

- **ORDER OF APPOINTMENT** (PBGA81f)
- **ORDER TO GUARDIAN and ACKNOWLEDGMENT** (PBC80f)
- **LETTERS OF APPOINTMENT** and **ACCEPTANCE OF LETTERS** (PBC82f).
- **DECLARATION** (or **"Certificate"**) **OF COMPLETION OF TRAINING** (PBT80f)

AT THE HEARING:

- Be prepared to testify about why you think guardianship is needed.
- Bring any witnesses you think will help to testify as well.
- Bring a copy of ***everything you already filed*** with the Court in this matter.

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STEP 4 *AFTER THE HEARING:*

A. **IMMEDIATELY** after the Judge/Commissioner signs the guardianship papers, take the following original documents to the Probate Filing Counter.

- **Order of Appointment**,
- **Order to Guardian and Acknowledgment,**
- **Letters of Appointment,** and the
- **Declaration** (or "Certificate") **of Completion of Training** *(if not previously filed)*

Ask the Clerk to issue the **LETTERS OF APPOINTMENT.** The Clerk will stamp and file the appropriate originals and return copies back to you for your records.

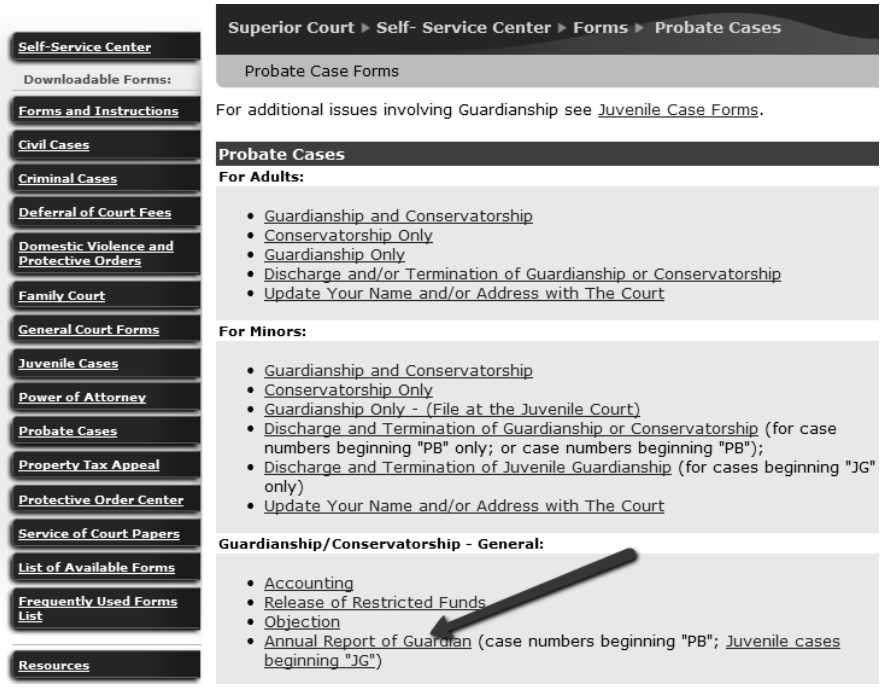
Note that the guardian(s) **must** have completed the court-ordered training program and turn in a "**Certificate**" or "**Declaration of Completion**" of that training before the Clerk can issue **Letters of Appointment**.

B. **WITHIN 1 YEAR: The guardian must file the first "Annual Report of Guardian."** The first report will report on the protected person's situation from the date of issuance of the ***Letters of Appointment*** **through the last day of the ninth (9th) month after, and must be filed with the court on or before the anniversary of the date the "Letters of Appointment" were issued.**

Annual Reports covering each 12 month period after the first must be filed on or before the anniversary date of the issuance of the **Letters**, ***each and every year*** after until the guardianship is terminated by court order.

Forms for the first Guardian's Report, and the annual reports to follow, are available at all Superior Court Self-Service Center locations or online at: *http://tinyurl.com/92klsto* *

***On the web page listed above, look under "Probate Cases" "Guardianship/Conservatorship – General" for "Annual Report of Guardian – case numbers beginning "PB"", as shown below:



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