PROCEDURES: HOW TO ASK THE COURT TO END A GUARDIANSHIP OF A MINOR AND/OR END THE CONSERVATORSHIP AND RELEASE RESTRICTED FUNDS

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USE THIS PACKET IF:

- ✓ You are the guardian of a minor and the minor has turned 18, no longer needs a guardianship, or has died, **AND/OR**
- ✓ You are the conservator of a minor and the minor has turned 18, no longer needs a conservatorship, or has died, **AND**
- ✓ You had all the money placed by order of the court in a restricted account, **AND**
- ✓ You made no unauthorized withdrawal from the account during the conservatorship, **AND**
- ✓ You now want a court order releasing the restricted funds

INSTRUCTIONS

STEP 1 **COMPLETE THE PETITION:** Complete a PETITION FOR TERMINATION OF GUARDIANSHIP AND/OR CONSERVATORSHIP AND RELEASE OF RESTRICTED FUNDS. Write neatly and use **black ink**. Sign the Petition in front of a notary public.

2 **MAILING THE COPIES:** Mail or file the **original and 4 copies** of the following documents to Probate Court Administration at whichever address your case is pending. You need to keep one copy, give another to the Commissioner who will hear your case, and the other copies are to give notice to all interested parties. The addresses are:

DOWNTOWN FACILITY - PHOENIX
Probate Court Administration
Old Courthouse, 1st Floor
125 West Washington
Phoenix, AZ 85003-2205

NORTHEAST FACILITY - PHOENIX
Probate Court Administration
18380 N. 40th St.
Phoenix, Arizona 85032

SOUTHEAST FACILITY - MESA
Probate Court Administration
222 East Javelina Avenue
1st Floor, Ste. 1350
Mesa, AZ 85210-6201

NORTHWEST FACILITY - SURPRISE
Probate Court Administration
14264 W Tierra Buena Lane
NW Court Facility
Surprise, AZ 85374

- A letter explaining **what you are sending and why** (if you are mailing the documents).
- **Original and copies** of the Petition and copy of minor's birth certificate;
- **8 x 11" self-addressed, stamped envelope** so the hearing date can be mailed back to you.

Probate Court Administration will file the **original** of the Petition for you, and then schedule the case for a hearing. Probate Court Administration will mail a copy of the Hearing date and time and conformed (date-stamped) copies of the Petition back to you.

3 **GIVE NOTICE OF THE HEARING TO EVERYONE ENTITLED TO NOTICE:** You must give a **copy** of the Petition and Notice of Hearing to **all interested persons**. For more information about notice, see the Self-Service Center Information on Service and Notice.

- You do not need to give formal notice by personal service, but you do need to **mail or deliver** the NOTICE OF HEARING. First class, prepaid postage mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you want to have notice received the notice.

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You can also give notice by Publication in some cases. The following people should be given notice:

- To the minor,
- To a minor's spouse, or if minor is unmarried to any living parent of a minor; or to the spouse or adult child of an adult,
- To the guardian, if the minor or adult has one, unless the conservator is also the guardian;
- To the guardian ad litem if one was appointed by the court.

4 COMPLETE AND FILE OTHER COURT PAPERS: At **least 15 days before the hearing** is scheduled, complete the PROOF OF NOTICE stating how and when you gave notice to all interested persons. Make **2 extra copies** of each of the following documents. Then file or mail the **original and 2 copies of** the following to Probate Court Administration and bring your copy to the hearing:

- NOTICE OF HEARING;
- PROOF OF NOTICE;
- WAIVER OF NOTICE (if any was signed by interested parties); **AND**
- ORDER RELEASING THE FUNDS.

Probate Court Administration will file the originals for you and deliver the copies to the commissioner assigned to the hearing. Remember to bring copies of your documents to the hearing.

5 COME TO THE HEARING: Be prepared to tell the Judge why the guardianship and/or conservatorship should end and why the funds should be released.

Note: If you or the minor live out-of-state, you may ask the court in writing to allow you and/or the minor to appear telephonically. It is up to the Judge whether you can appear telephonically, or whether you and/or the minor must appear in person. At the hearing, the following things could occur:

- **Court Order:** If the court grants your Petition, the Judge will sign the Order authorizing the release of the restricted funds. You or the minor **can request a certified copy of the Order** from the Probate Registrar to give to the bank or financial institution where the restricted account is located.

Note: If the funds are located at multiple locations, you will need to get multiple certified copies of the Order.

- **Release of funds:** When you get the certified copy of the Order, the bank or institution will release the funds to you or the former minor. Remember to take a valid picture identification with you to the bank or institution for the release of funds. It is also a good idea for both of you to go together for the release, if you can, As soon as the money is released, be sure that you and the former minor agree upon the amount released. Then have the minor sign the RECEIPT OF RESTRICTED FUNDS in front of a notary public.

Note: You can have the former minor sign the Receipt in front of a Notary at the bank since most banks have Notary Public service.

- **Mail to the Court a Receipt of Restricted Funds:** The Order will also require you to file a RECEIPT OF RESTRICTED FUNDS **within 30 days from the date of the court Order**, signed by the minor. This is to prove to the court that you followed the court order, and the amount everyone thought was in the account was actually there and released to the former minor. Mail the Receipt to Probate Court Administration at the address where you filed the case -- Downtown Phoenix or Mesa.

ALL FORMS REFERRED TO IN THESE INSTRUCTIONS ARE AVAILABLE AT THE SELF-SERVICE CENTER.

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