

## SELF-SERVICE CENTER

### PROCEDURES: HOW TO ASK THE COURT TO DISCHARGE (REMOVE) A GUARDIAN OR CONSERVATOR and/or TO TERMINATE GUARDIANSHIP and/or CONSERVATORSHIP OF AN ADULT

#### STEP

- 1 COMPLETE THE *PETITION FOR TERMINATION and/or DISCHARGE*.** Write neatly. Use black ink. Sign the Petition in front of a Clerk of the Superior Court or a Notary Public. (See separate "Instructions" document for help in completing the *Petition*.)
- 2 FILE THE ORIGINAL AND COPIES OF THE PETITION with the PROBATE FILING COUNTER at the Court location where your case is assigned.** If you are not sure of which of the four Probate Court locations listed below your case is assigned to, call **602-506-3668**, provide the case number and ask.

#### **DOWNTOWN PHOENIX**

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

#### **NORTHEAST FACILITY - PHOENIX**

Probate Court Administration  
18380 N. 40<sup>th</sup> St.  
Phoenix, Arizona 85032

#### **SOUTHEAST FACILITY - MESA**

Probate Court Administration  
222 East Javelina Avenue  
1<sup>st</sup> Floor, Ste. 1350  
Mesa, AZ 85210-6201

#### **NORTHWEST FACILITY - SURPRISE**

Probate Court Administration  
14264 W Tierra Buena Lane  
NW Court Facility  
Surprise, AZ 85374

#### **HOW MANY COPIES – and for WHO?**

**You will need to bring or send the original Petition plus 1 copy for:**

- The Judicial Officer assigned to the case,
- Yourself, **and**
- Anyone defined as an "interested person"*** as listed below, who has not filed a waiver of his or her right to receive notice.

- **The current spouse of the ward** (the incapacitated or protected adult;
- **Any adult children of the protected adult;**
- **Any other person who is currently serving as court-appointed guardian or conservator for the protected adult;**
- **Any other person** (or agency) **legally entitled to notice of court actions in this case, AND**
- ***If*** you are stating the protected adult is now capable of handling his or her own affairs, a copy for him or her as well.

***If you are filing the Petition in person***, the Clerk will keep the original, stamp the copies, and return the copies to you; **and** direct you to Probate or Court Administration, where you will be given a hearing date and time for YOU to fill in on the "**Notice of Hearing**".

***If you are mailing the documents***, include One 8.5" x 11" self-addressed, stamped envelope so the hearing date and copies of the **Petition** can be mailed back to you.

- The Probate Clerk will stamp the original and copies, file the original, and give the copies to Court Administration.
- Court Administration will schedule a hearing.
- Date-stamped copies of the Petition and the hearing date and time will be mailed to you.
- **YOU** will need to fill in the Hearing date and time on the “**Notice of Hearing,**” which you will provide along with a copy of the **Petition**, to all interested parties.

### 3 GIVE NOTICE OF THE HEARING TO EVERYONE ENTITLED TO NOTICE.

- Provide a **copy** of the **Petition and Notice of Hearing** to **all** interested persons.
- You do **not** need to give “formal notice” by process server or sheriff.
- First-class mail with enough postage to ensure delivery is sufficient.
- Certified or Registered mail with return-receipt is not required but provides proof of delivery.
- Mail or deliver the **Petition** and the **Notice of Hearing** *at least 14 days* before the hearing.

**NOTE:** If you cannot locate an “interested party” who has not signed a “**Waiver of Notice**”, you may give notice by *publication*, that is by running a legal notice advertisement. See A.R.S, §14-1401 (A)(3) and the Self-Service Center packet on “Service When You Cannot Find the Other Party” for more information.

### 4 AFTER GIVING NOTICE TO ALL INTERESTED PERSONS

- Complete the **Affidavit of Notice** stating how and when you gave notice.
- Make two (2) copies of the:
  - NOTICE OF HEARING**
  - AFFIDAVIT OF NOTICE**
  - THE COURT ORDER Discharging and/or Terminating;**
- You may file these papers with the Court before the hearing or bring them with you to the hearing.
- If you file the documents before the hearing, the Clerk will stamp the original and copies and return the copies for you to **bring the copies 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.

### 5 ATTEND THE HEARING: Be prepared to tell the Judge or Commissioner why the guardianship and/or conservatorship should end and/or why the guardian and/or conservator should be discharged, and if applicable, why the funds or property should be released.

**Note:** If you or the Ward/protected adult live out-of-state, you may ask the court in writing to allow you and/or the Ward to “appear” by telephone. It is up to the Judge whether you can appear telephonically, or whether you and/or the Ward must appear in person.

## AT THE HEARING:

- **If your petition includes a request for release of funds** and the Court grants your request, the Judge will sign the Order authorizing the release of the restricted funds. You or the former ward **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 funds are located at multiple banks or other financial institutions, you may need multiple certified copies of the Order.

- **When you get the certified copy of the Order** the bank or other financial institution will release the funds to you or to the replacement (“successor”) conservator or to the formerly protected person. Remember to take valid photo identification with you to the bank or other financial institution for the release of funds.

**Note:** Having the new and the old conservator (or the formerly protected person and the former conservator) go to the bank together may be helpful in reducing the amount of time required to release funds or change account information.

- ✓ Be sure that you and the former conservator or former ward agree upon the amount released.
- ✓ Have the former protected person or successor conservator sign the **RECEIPT OF RESTRICTED FUNDS** in front of a notary public. Most banks have Notary Public service.
- ✓ **Mail or Deliver a Receipt of Restricted Funds to the Court.** 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 former protected person or the successor (replacement) conservator.
- ✓ Mail the Receipt to Probate Court Administration at the address where you filed.

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
- The money was released to the former protected person or successor conservator.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS  
ARE AVAILABLE FOR PURCHASE AT THE SELF-SERVICE CENTER,  
OR MAY BE DOWNLOADED FOR FREE FROM THE INTERNET AT:**

[www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/forms/](http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter/forms/)