

GUARDIANSHIP OF A MINOR

1

To Get an Appointment for a Minor

Part 1: Preparing the Court Papers

(Forms and Instructions)

Appointment of Guardian for A Minor

Checklist

You may use these forms if:

- ✓ You want to have the court appoint a guardian for a minor or revoke a pre-existing guardianship and appoint a new guardian for a minor, and you know that you do not need the court to appoint a conservator for the minor, AND
- ✓ The minor lives in Yuma County, AND
- ✓ Notice is provided to parents:
 - After giving notice of the petition for guardianship to both parents (if living), one or both parents will give permission by signing a voluntary consent, and/or neither parent will file papers to oppose the guardianship.
 - Unless the minor is 16 or older and you can show that no parent is willing or able to exercise the powers and duties of a guardian
- ✓ If you are not related by blood to the minor, you already have or you will get your fingerprints take for submission to DPS (Arizona Department of Public Safety) and the FBI for criminal background check.

A minor generally needs a Guardian:

1. If the minor needs the care and supervision of an adult, which is not presently available.

A minor generally needs a Conservator:

1. If the minor owns money or property or receives annual income in excess of \$10,000 that requires management or protection, which cannot be otherwise provided;
2. If the minor has business affairs/assets which may be jeopardized or prevented by they're being a minor; and/or
3. If the minor needs funds for their support and education and protection is necessary or desirable to obtain or provide the funds.

*Note: If either parent files papers opposing a guardianship, it will not be granted. An attorney may be able to advise whether another action such as for "Juvenile Dependency" or non-parent custody may be appropriate.

Read me: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks can be found on the Law Library Resource Center website.

Appointment of a Guardian for a Minor

This packet contains court forms and instructions to file for an appointment of a guardian for a minor. Items in BOLD are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

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7	Affidavit of Person to be Appointed Guardian * *required from <u>each</u> guardian if more than one	3
8	Consent of Parent to Guardianship of a Minor (and Waiver of Notice) (2 copies, one for each parent)	2 each
9	Consent of Minor to Guardianship of a Minor (and Waiver of Notice)	1

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

How to ask the court to appoint a guardian of a minor

Use this packet if you want to be appointed a guardian for a person under the age of 18.

This packet does NOT help you with the following processes:

- Guardianship or conservatorship for persons 18 years or older;
- Conservators for minors;
- Testamentary (by will) appointment of a guardian of a minor.

Important Information:

- Make sure you need to be appointed as guardian only, and not conservator, too. If you are not sure, see the Checklist at the beginning of the packet, see the Law Library Resource Center for information on conservatorships, or consult an attorney. The Law Library Resource Center has separate packets for adults and for minors for guardians or conservators, as well as for guardians and conservators combined.
- Arizona law (A.R.S. § 14-5206) requires that any person asking to be appointed guardian or co-guardian of a minor to whom they are not related by blood must be fingerprinted and have a background investigation through the Arizona Department of Public Safety and the FBI. This will help the Court determine that person's suitability to act as a guardian of a minor. The court will accept a current (unexpired) fingerprint clearance card. See fingerprinting section below describing how and where to get your fingerprints taken.
 - Note: In Yuma County, completed Fingerprint cards must be submitted to the Clerk of Superior Court, within 5 days of filing the "Petition for Appointment of Guardianship of a Minor."
- Follow each step carefully. Each step contains certain forms, and some of these forms have instruction sheets to help you. The whole process will take at least a couple of months.

Complete the court forms:

1. Fill out all the forms in the packet completely and in black ink. The terms "child," "children" and "minor" all refer to the minor children for whom you are asking a guardian be appointed.
 - Probate Information Form for Guardianship / Conservatorship. Complete everything but the "Case Number." The Clerk of Superior Court will assign and stamp a case number when you file the papers. You will use this case number on all court papers you file with the Clerk in this case.

- Petition for Appointment of Guardian of a Minor. Fill out all the information carefully and notify the people entitled to receive notice about this matter.
 - If you only need a guardianship for 6 months or less, check the boxes for “temporary guardianship.”
 - If you have questions about who is entitled to notice see the Law Library Resource Center packet on Service, then read the document called “Information on Legal Notice for Guardianship of a Minor.”
 - Affidavit of Person to Be Appointed Guardian (A.R.S. § 14-5106). This document must be completed by each person who wants to be guardian (usually the Petitioner). You must file this Affidavit with your “Petition.”
 - Consent of Parent to Guardianship (and Waiver of Notice).
 - This document must be completed and signed by BOTH parents of the children, IF:
 - ✓ they are living, and
 - ✓ they have not had their parental rights terminated by a Court Order, or
 - ✓ they have not been declared incompetent by a Court.
 - If you only can find one parent, have that parent sign the Consent.
 - Be prepared to explain to the Court at the hearing why only one parent or no parents signed the consent. If you cannot locate a parent, be prepared to prove to the Court you did everything you could to try to find the parent including publishing notice. See the Law Library Resource Center packet “Service When You Can’t Find the Other Party” for more information on service of notice by publication.
 - Consent of Minor to Guardianship (and Waiver of Notice).
 - This document must be completed for all minors age 14 or older.
2. Make 3 copies of all the completed forms listed above. Assemble the copies so that you have 4 complete packets – one set of originals and three sets of copies. The Clerk of Superior Court will keep the original documents; one set of copies will be for the Petitioner’s records, and two set of copies are for serving legal notice on the Mother and Father.

File the court forms:

Clerk of Superior Court
250 W. Second St.
Yuma, AZ 85364

You can present your documents for filing at either location; however, you are encouraged to take them to the correct facility for faster processing.

4. here is a filing fee that is due at the time you file the papers. A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.
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. Deferral Applications are available at no charge from the Law Library Resource Center and Clerk of Superior Court.
5. Take the originals and 3 sets of copies of the following documents to the Clerk of Superior Court, on the first floor of the court, for processing:
 - Probate Information Form for Guardianship / Conservatorship
 - Petition for Appointment of Guardian of a Minor
 - Affidavit of Person to Be Appointed Guardian (for each proposed guardian)
 - Consent of Parent (Mother) (if applicable)
 - Consent of Parent (Father) (if applicable)
 - Consent of Minor (if applicable)

NOTE: The Clerk will keep the originals and return your 3 copies of the documents. The Court will review your request and if appropriate, prepare a Notice of Hearing. You will be called when the Notice of Hearing is ready to be picked up.

Complete the fingerprint process:

6. To get your fingerprints taken: If the proposed guardian is NOT related by blood to the children, ARS § 14-5206 requires that the proposed guardian or co-guardian furnish a complete set of fingerprints. The court will accept a current (unexpired) fingerprint clearance card.
The Court will provide the correct fingerprint card to you when you file your petition. To be fingerprinted, take the card to the Yuma County Sheriff's Office, a police department or a private company that performs this service. It is suggested that you call ahead to determine hours of operation and costs. NOTE: Be sure to bring valid picture identification with you or your fingerprints will not be taken.
 - Other police agencies may offer the service during limited days and hours for locally employed workers and residents only.
 - You may also consult the yellow pages under "fingerprints" to find a private agency to fingerprint you.

You MUST return the completed fingerprint card WITHIN 5 DAYS of filing the Petition to the Clerk of Superior Court.

Get Consents signed or give Notice:

7. If you haven't already, have both parents sign the Consent and Waiver form in front of a notary. File the Consents with the Court and bring a copy of each to the Hearing.
8. If a parent won't sign the Consent, you must give them Legal Notice. See packet 2, "Service and Notice of the Court Hearing" for information on how to give Legal Notice. Be sure to file the proof of legal notice with the Court and bring a copy to the Hearing.

Prepare for your hearing:

9. If you do not bring the required documents to the hearing, your hearing may be vacated and reset to another date.

You must bring the original and one copy (for the Court) of the following:

- Petitioner's United States or State issued identification (this is required for all Petitioners).
- Certified copy of Birth Certificate for each child (this is required for all children listed on the Petition).
- If a child is over age 14, you must have the child's consent in writing. File the original, notarized consent of each child over age 14. Bring a copy of the consent to your hearing. You can also bring the child to the hearing to provide their consent in Court.
- If you have written consents from either or both parents, you must file the original, notarized consent with the Court. Bring a copy of each consent to your hearing. A parent may also provide their consent in Court.
- If either parent is deceased, you must bring a "certified copy" of the Death Certificate and an extra copy for the court.

- If either parent will not sign a consent, you must provide proof to the Court that they were served notice. This means they each received copies of the Petition and Notice of Hearing. Instead, the parents may also sign a “Waiver of Notice.” For more information on how to give notice, see the packet, “Service and Notice of the Court Hearing.”

Need Help?

- Court personnel can answer some questions about the procedures involved, but only an attorney can give you legal advice.
 - You can find a lawyer through the State Bar of Arizona “find a lawyer” program. See: <https://azbar.legalserviceslink.com/>.
 - The Law Library Resource Center has a list of lawyers who will, for a fee, assist you on a task-by-task basis or advise you on how to conduct your own case. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is.

Procedures: What to do before and after the Court Hearing for Appointment of Guardian for a Minor

Before the court hearing

Please review the following information and take appropriate action.

1. Language: Do you need a court interpreter? Mark the interpreter box.
2. Hearing record: Digital Recording or Court Reporter? The Court uses a digital audio recording system to preserve the official record of the proceedings. If you or another party wants a court reporter to transcribe the Court hearing, you or the party requesting the court reporter must:
 - At least 72 hours before the start of the hearing:
 - Write a request to the Clerk of Superior Court asking that a court reporter transcribe the hearing,
 - Photocopy your written request, and
 - Take the copies to the Clerk of Superior Court for filing; place the copy in the Judge's basket.
3. Prepare testimony: Think about what you want to say to the Judge such as:
 - Why is the Guardianship needed? Why should the proposed Guardian be appointed?
 - Do I need witnesses? How would a witness clarify the Judge's understanding of the need for the guardianship?
 - NOTE: Ask the witness to come to the hearing if you think the witness' testimony will help your case.
4. Documents: Bring the following documents to the Court Hearing:
 - Part 1 Documents, consisting of:
 - Petition for Appointment of Guardian of a Minor
 - Affidavit of Person to be Appointed Guardian (A.R.S. § 14-5106)
 - Notarized, Consent of Mother (if applicable) and extra copy for Court
 - Notarized, Consent of Father (if applicable) and extra copy for Court
 - Notarized, Consent of child, for all children over age 14 and extra copy for Court
 - Petitioner's United States or State issued identification (this is required for all Petitioners)
 - Birth Certificate for each Child (this is required for all Children listed on the Petition)
 - If either parent has died, you must bring the original "certified copy" of the Death Certificate and extra copy for the court.

- If a child was born outside the United States, you must bring the original United States issued, temporary visa or permanent legal resident card and extra copy for the court.
- Part 2 Service of Notice Documents, consisting of:
 - Notice of Hearing
 - Proof of Notice of Hearing
 - Waiver of Notice (if applicable) – signed by interested person
 - Acceptance of Service (if applicable) – signed by interested person
 - Affidavit Supporting Publication (if applicable)
 - Affidavit of Publication (if applicable)

Note: If you do not bring the required documents to the hearing, your hearing may be vacated and reset to another date.

After the court hearing

Please review the following information and take appropriate action.

1. Go to the Clerk of Superior Court. If the Judge grants the Petition for Appointment of Guardian of a Minor, the Clerk will:
 - Review the Order of Appointment
 - Ask you to sign an Acceptance of Appointment (you must show a photo ID)
 - Issue conformed or certified copies of the Court Order.
 - Note: In order to prove that the Court granted you the authority to be appointed as the legal Guardian of the minor, it is beneficial for you to obtain a certified copy of the Court order and Letters of Appointment. You can find out the exact fees and costs that are charged for any particular matter by calling the Clerk of Superior Court a928-817-4210.
2. Change of address: Always tell the Court in writing if you or the Minor have a change of address.
 - For Guardian's Change of Address: If you have been appointed as a Guardian, you must tell the Court in writing within 10 court days if your mailing address changes anytime during the term of your appointment. Your change of address notice must include the case number of the case in which you have been appointed Guardian. You must also give or mail a copy to the minor, if over age 14, and the living parents.

- For Minor's Change of Address: If you have been appointed as a Guardian, you must tell the Court in writing within 3 court days of the change of address of the Minor. The change of address notice must include the case number of the case in which you have been appointed Guardian, and the Minor's new address. You must also give or mail a copy to the minor, if over age 14, and the living parents.
- Note: Your written change of address notice may be personally delivered to the Court or mailed to the Court that handled your case at either:

Clerk of Superior Court
250 W. Second St.
Yuma, AZ 85364

- Note: A Guardian who fails to notify the Court of a change of address may be required to pay all costs resulting from any failure to notify the Court of that change.

4. Annual Report: You must file the Annual Report of the Guardian within one year of your Appointment as Guardian of a minor.

- Every year on or before your anniversary date of your Appointment as Guardian, you must file an Annual Report with a doctor's note saying the child has been seen in the last year. The doctor's note and any other medical records would be a confidential record and therefore must be filed as a sealed document. See document "Special Handling for Confidential Documents" for how to file a confidential record.

5. Termination: If, at some point in time you want to terminate your Guardianship and be legally discharged as the Guardian of the Minor, you must file a Petition with the Court and give notice to the parties.

If the minor is adopted, is emancipated by court order, marries, or dies, you must notify the Court.

Forms and instructions are available at the Law Library Resource Center or courts website:

<https://azcourthelp.org/yuma-county-forms/probate-matters>

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for _____

SUPERIOR COURT OF ARIZONA
YUMA COUNTY

In the Matter of:

Case Number: _____

PROBATE INFORMATION FORM for
GUARDIANSHIP/CONSERVATORSHIP
(A Confidential Document)

Ward/Protected Person's name

☐ Updated (Check this box if this is an
updated form)

INSTRUCTIONS:

1. Complete this form to the best of your knowledge and ability and then file it with your Application or Petition.
2. If you later learn of additional information that you omitted or if you later learn that any information in this form is incorrect, you must file an updated Probate Information Form.
3. Items designated with an asterisk (*) constitute "contact information." If contact information changes, you must file a Notice of Change of Contact Information Form.
4. This form is filed as a confidential document, so it is not available to the general public. In addition, you are not required to provide anyone with this form other than the court.

A. INFORMATION ABOUT THE NOMINATED GUARDIAN:

Name: _____

Is this person or entity an Arizona Licensed Fiduciary? ☐ Yes ☐ No

If Yes, write that person or entity's Licensed Fiduciary Number on the line below:

Mailing Address:* _____

Physical Address:* _____

Email Address:* _____

Mobile Phone Number:* _____

Date of Birth: _____

Social Security Number: _____

Language(s) person speaks: _____

B. INFORMATION ABOUT THE NOMINATED CO-GUARDIAN:

Name: _____

Mailing Address:* _____

Physical Address:* _____

Work Phone Number:* _____

Email Address:* _____

Language(s) person speaks: _____

D. INFORMATION ABOUT THE PERSON WHO NEEDS A GUARDIAN

Name: _____

Mailing Address:* _____

Physical Address:* _____

Work Phone Number:* _____

Email Address:* _____

Home Phone Number:* _____

Mobile Phone Number:* _____

Date of Birth: _____ Social Security Number: _____

Race: _____ Height: _____ Weight: _____

Eye Color: _____ Hair Color: _____ Sex: _____

Language(s) person speaks: _____

Information about communication barriers: _____

Primary Weekday Location (Monday-Friday, 8:00 am. to 5:00 pm.) the Subject Person
can usually be found at: (List full address below)

INFORMATION ABOUT THE PERSON WHO NEEDS A GUARDIAN

Name: _____

Mailing Address:* _____

Physical Address:* _____

Work Phone Number:* _____

Email Address:* _____

Home Phone Number:* _____

Mobile Phone Number:* _____

Date of Birth: _____ Social Security Number: _____

Race: _____ Height: _____ Weight: _____

Eye Color: _____ Hair Color: _____ Sex: _____

Language(s) person speaks: _____

Information about communication barriers: _____

Primary Weekday Location (Monday-Friday, 8:00 am. to 5:00 pm.) the Subject Person
can usually be found at: (List full address below)

INFORMATION ABOUT THE PERSON WHO NEEDS A GUARDIAN

Name: _____

Mailing Address:* _____

Physical Address:* _____

Work Phone Number:* _____

Email Address:* _____

Home Phone Number:* _____

Mobile Phone Number:* _____

Date of Birth: _____ Social Security Number: _____

Race: _____ Height: _____ Weight: _____

Eye Color: _____ Hair Color: _____ Sex: _____

Language(s) person speaks: _____

Information about communication barriers: _____

Primary Weekday Location (Monday-Friday, 8:00 am. to 5:00 pm.) the Subject Person
can usually be found at: (List full address below)

INFORMATION ABOUT THE PERSON WHO NEEDS A GUARDIAN

Name: _____

Mailing Address:* _____

Physical Address:* _____

Work Phone Number:* _____

Email Address:* _____

Home Phone Number:* _____

Mobile Phone Number:* _____

Date of Birth: _____ Social Security Number: _____

Race: _____ Height: _____ Weight: _____

Eye Color: _____ Hair Color: _____ Sex: _____

Language(s) person speaks: _____

Information about communication barriers: _____

Primary Weekday Location (Monday-Friday, 8:00 am. to 5:00 pm.) the Subject Person
can usually be found at: (List full address below)

Under penalty of perjury, I, (Guardian) _____,

and (Co-Guardian, if applicable) _____

do hereby swear that the foregoing information is true and correct to the best of my knowledge and belief.

Date

Signature

Date

Signature

Person Filing: _____

Address (if not protected) _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

For Clerk's Use Only

Representing ☐ Self, without a Lawyer or Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA YUMA COUNTY

In the Matter of the Guardianship of:

Case Number: _____

PETITION FOR APPOINTMENT OF GUARDIAN OF A MINOR

A Minor

☐ Temporary Appointment only
(6 months or less)

INFORMATION ABOUT PETITIONER(S), UNDER OATH OR AFFIRMATION:

1. INFORMATION ABOUT PETITIONER:

Name(s): _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____ Date of Birth: _____

☐ I am related by blood to the children. Explain how you are related.

(Examples: Grandmother, Uncle, Sister, etc.) _____

Are you related to the children through the Mother's side of the family or the Father's side? ☐ Mother ☐ Father

Paternity has been established through ☐ Birth Certificate ☐ Court Order

☐ I am NOT related by blood to the Children. Explain how you know the Children.

Case Number: _____

Note: If the person to be appointed Guardian is not related to the child, the person will need to submit a full set of fingerprints to obtain a criminal background investigation.

2. INFORMATION ABOUT THE CHILDREN WHO NEED A GUARDIAN: (Make copies of this page if needed for additional children)

a. Child's name: _____ ☐ male ☐ female
Child's birth date: _____
Child's birth place: _____
Child's address: _____

b. Child's name: _____ ☐ male ☐ female
Child's birth date: _____
Child's birth place: _____
Child's address: _____

c. Child's name: _____ ☐ male ☐ female
Child's birth date: _____
Child's birth place: _____
Child's address: _____

d. Child's name: _____ ☐ male ☐ female
Child's birth date: _____
Child's birth place: _____
Child's address: _____

(If more than four children, please attach information for all children)

3. The person or agency currently having legal custody, guardianship, acting in loco parentis (acting as parent) or providing care for the children is:

Name: _____

Address: _____

4. REASONS I AM ASKING FOR A GUARDIANSHIP ORDER.

☐ I AM REQUESTING A TEMPORARY GUARDIANSHIP (6 months or less only) because: (Explain why a temporary appointment of a guardian for 6 months or less is necessary at this time to provide continuing care and supervision of the children and would be in the best interests of the children. Explain why a guardianship longer than 6 months is not necessary.)

OR

☐ I AM REQUESTING A REGULAR GUARDIANSHIP because: (Explain why the appointment of a guardian is necessary at this time to provide continuing care and supervision of the children and would be in the best interests of the children.)

Explain:

5. Disability or Incapacitation. Is the Child disabled or incapacitated to the extent that he or she will need a guardian AFTER reaching the age of 18?

- ☐ Yes. The Child WILL need a guardian after reaching the age of 18.
☐ No. The Child WILL NOT need a guardian after reaching the age of 18.

6. Information about person(s) to be appointed guardian or any person who will serve as a co-guardian (ONLY if different than Petitioner)

Name(s): _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____

Date(s) of birth: _____ / _____

☐ Is the first co-guardian to be appointed guardian related by blood to the Children (examples: Grandmother, Uncle, Sister) ☐ YES ☐ NO

☐ Is the second co-guardian to be appointed guardian related by blood to the Children (examples: Grandmother, Uncle, Sister) ☐ YES ☐ NO

Case Number: _____

If “YES”, HOW is/are the co-guardians related to the Children?

If “NO” above, is/are the co-guardians related in any way to the Children? Explain.

Note: If the person to be appointed Guardian is not related to the child, the person will need to submit a full set of fingerprints to obtain a criminal background investigation.

7. Why should this Court choose the person(s) you request to be the guardian?
(Explain in detail.)

8. Will anyone object or disagree with the Guardianship?

☐ Mother of the children will object or disagree with you being guardian because:

☐ Father of the children will object or disagree with you being guardian because:

☐ Children (over age 14) will object or disagree with you being guardian because:

If you feel a parent will not consent and the children are in danger, you can call Arizona Department of Child Safety at 1-888-SOS-CHILD (1-888-767-2445)

9. REASONS FOR REQUESTED PERSON TO BE APPOINTED GUARDIAN:
(Check one or more of the boxes that you think apply to the relationship of the proposed guardian to the children you say require a guardian):

Case Number: _____

- ☐ Proposed appointee was selected by the children, who are at least 14 years old.
- ☐ Proposed appointee is a relative of the children and has had care and custody of the children for the last 6 months prior to filing this Petition.
- ☐ Proposed appointee was chosen to be the guardian by someone who is caring for the children or is paying benefits for the children.
- ☐ Proposed appointee is a public fiduciary, a professional guardian, conservator, or the Arizona Department of Veterans' Services.
- ☐ Proposed appointee is not related by blood to the children and the person will submit a full set of fingerprints to the court required by A.R.S § 14-5206.
- ☐ Other (Please explain)

10. INFORMATION REGARDING GUARDIANSHIP: (Prior Appointment)

To the best of my knowledge, (check one box):

- ☐ No Guardian or Conservator has been appointed in any other court, and no court proceedings are pending for such appointment;
- ☐ Someone has been appointed or court proceedings are pending (explain who, when, in what court, and if appointee, whether guardian or conservator, or both):

- ☐ There is a dependency petition pending in any Court. (explain when, in what court, and list the case number(s)):

- ☐ Arizona Department of Child Safety has been involved with the family. (explain when, in what State, and outcome):

11. PERSONS ENTITLED TO NOTICE UNDER ARIZONA LAW

Arizona law says that mother, father, children age 14 and over, current guardians, and other persons the children have recently been living with are entitled to Notice of the Petition for Guardianship or must consent or agree to a guardianship. (Refer to Instructions and A.R.S. § 14-5207 regarding who must be given Notice.)

A. ☐ I will give Notice to the following persons:

	Name	Address (Street Address, City, State, Zip)
Children, if age 14 and over		
Attorney for Children (if already appointed)		
Mother of Children	Date of Birth:	Phone Number:
Father of Children	Date of Birth:	Phone Number:
Current Guardian Relationship to children, if any		
Person with whom the children recently has been living		
Other: Relationship to children, if any		

B. ☐ I have notarized, signed consents and waivers of notice for the following persons:

12. ASSETS OF THE CHILDREN: (check one box)

☐ The children have no substantial assets or income. No bond by Petitioner is required; OR,

Case Number: _____

- ☐ The children have assets and/or annual income in the approximate amount of \$ _____

Explain (what are the assets, where are the assets located, monthly income from assets, etc.):

13. PARENTAL RIGHTS.

- ☐ Mother's parental rights have been terminated by Court Order (case number: _____) and I will provide a copy of the Court Order at the hearing.
- ☐ Mother consents to the guardianship. (notarized copy of Consent must be attached)
- ☐ Mother is deceased. (certified copy of death certificate is attached)
- ☐ Father's parental rights have been terminated by Court Order (case number: _____) and I will provide a copy of the Court Order at the hearing
- ☐ Father consents to the guardianship (notarized copy of Consent must be attached)
- ☐ Father is deceased. (certified copy of death certificate is attached)
- ☐ Prior court order (certified copy of the order must be attached)
- ☐ Other Circumstances: (Explain in detail)

WARNING: A GUARDIANSHIP UNDER TITLE XIV CANNOT BE GRANTED OVER A PARENT'S OBJECTION (DISAGREEMENT).
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14. REQUIRED STATEMENTS TO THE COURT, UNDER OATH OR AFFIRMATION: (Note: All of these statements must be true and you must check the box for each statement to indicate to the Court that each statement is true, or you cannot file this Petition.)

- A. ☐ This Court is the proper *venue* for this case because the children who need a guardian lives in or is present in this county.
- B. ☐ Each person who is requested to be the guardian has completed the required document called "Affidavit of Person to be Appointed as Guardian" and is filing that Affidavit with this Petition as required by Arizona law, A.R.S. § 14-5106.

Case Number: _____

- C. ☐ Each person I request to be appointed guardian is a suitable and proper person to act as guardian and is entitled to consideration for appointment under Arizona Law, A.R.S. §§ 14-5106, and/or 14-5206.
- D. ☐ I understand that I must bring all required documents to the Hearing and if I do not, the Court may reschedule the hearing to a later date.

REQUESTS TO THE COURT:

1. I request the Court schedule a hearing to determine if the Court should order a Guardianship;
2. Appoint the proposed person(s) as Guardian(s) of the children; and
3. Make any other orders the Court decides are in the best interests of the children.

Case Number: _____

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER(S)

I state to the Court, under penalty of perjury, that I have read this petition and all the statements in the petition are true and correct and complete to the best of my knowledge and belief.

Date

Petitioner's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me
this: _____ by
(date)

_____.

(Notarial Officer's Stamp or Seal)

Notarial Officer

I state to the Court, under penalty of perjury, that I have read this petition and all the statements in the petition are true and correct and complete to the best of my knowledge and belief.

Date

Co-Petitioner's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me
this: _____ by
(date)

_____.

(Notarial Officer's Stamp or Seal)

Notarial Officer

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

In the Matter of the Guardianship of:

Case Number: _____

AFFIDAVIT OF PERSON TO BE
APPOINTED GUARDIAN
A.R.S. § 14-5106

a Minor

Instructions: Arizona law requires potential guardians or conservators to answer all of the following questions under oath. If additional space is necessary to answer any of the questions, please attach separate page(s) to this document before filing.

1. What is your name? _____
2. What is the nature of your relationship to the proposed ward or protected person, and how did you meet? _____
3. Have you been convicted of a felony in any jurisdiction?
☐ Yes ☐ No

If yes, please provide the following information (add additional pages if necessary):

Nature of the offense: _____

Name and address of the sentencing court: _____

Case No.: _____

Case number: _____

Date of conviction: _____

Terms of the sentence: _____

Name and telephone number of any current probation or parole officer: _____

Reasons why the conviction should not disqualify you:

4. Have you acted as a guardian or conservator for another person within the last three years?

☐ Yes ☐ No

If yes, please provide the number of individuals for whom you are currently serving and the number of individuals for whom your appointment has been terminated within the three-year period:

If yes, did you file the required reports and/or accountings on time, or within 3 months of receiving a notice from the court that the documents were overdue?

☐ Yes ☐ No

5. Do you know and understand the powers and duties imposed on a guardian or a conservator?

☐ Yes ☐ No

6. Have you acted in a fiduciary capacity pursuant to a power of attorney within the last three years?

☐ Yes ☐ No

If yes, please provide the following information:

Number of persons for whom you have acted: _____

Date of execution of the power of attorney: _____

Place where the power of attorney was executed: _____

Actions taken by you under the power of attorney: _____

Is the power of attorney currently in effect?

☐ Yes ☐ No

7. To the best of your knowledge, are you, or any enterprise or business in which you have an interest, listed in the Elder Abuse Registry maintained by the Office of the Arizona Attorney General?

☐ Yes ☐ No

8. Have you ever been removed as a guardian or conservator?

☐ Yes ☐ No

If yes, for whom and under what circumstances:

9. Have you, or any enterprise or business in which you have an interest, ever received anything of value, exceeding a total of \$100 dollars in any one year, by gift, devise or bequest from an individual or the estate of an individual to whom you were not related by blood or marriage and for whom you have at any time served as guardian, conservator, trustee or agent?

☐ Yes ☐ No

If yes, please provide the number of such occasions: _____

10. To the best of your knowledge, are you, or any enterprise or business in which you have an interest, named as a personal representative, trustee, devisee or other type of beneficiary of any individual to whom you are not related by blood or marriage and for whom you have at any time served as guardian, conservator, trustee or agent?

☐ Yes ☐ No

If yes, please provide the number of such occasions: _____

11. Do you have a financial or ownership interest in any enterprise or business providing housing, health care, or comfort care services to any individual?

☐ Yes ☐ No

If yes, please provide the name and address of each such enterprise or business and the extent of each such interest:

Case No.: _____

Sign below in the presence of a Clerk of the Court or a Notary Public, and file with the Petition for Appointment of Guardian and/or Conservator.

UNDER PENALTY OF PERJURY, I swear or affirm that I have read and understand the contents of this document, and that the information I have provided is true and correct to the best of my knowledge and belief.

Date

Signature

Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY

In the Matter of the Guardianship of:

Case Number: _____

AFFIDAVIT OF PERSON TO BE
APPOINTED GUARDIAN
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a Minor

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Reasons why the conviction should not disqualify you:

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If yes, please provide the number of individuals for whom you are currently serving and the number of individuals for whom your appointment has been terminated within the three-year period:

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☐ Yes ☐ No

8. Have you ever been removed as a guardian or conservator?

☐ Yes ☐ No

If yes, for whom and under what circumstances:

9. Have you, or any enterprise or business in which you have an interest, ever received anything of value, exceeding a total of \$100 dollars in any one year, by gift, devise or bequest from an individual or the estate of an individual to whom you were not related by blood or marriage and for whom you have at any time served as guardian, conservator, trustee or agent?

☐ Yes ☐ No

If yes, please provide the number of such occasions: _____

10. To the best of your knowledge, are you, or any enterprise or business in which you have an interest, named as a personal representative, trustee, devisee or other type of beneficiary of any individual to whom you are not related by blood or marriage and for whom you have at any time served as guardian, conservator, trustee or agent?

☐ Yes ☐ No

If yes, please provide the number of such occasions: _____

11. Do you have a financial or ownership interest in any enterprise or business providing housing, health care, or comfort care services to any individual?

☐ Yes ☐ No

If yes, please provide the name and address of each such enterprise or business and the extent of each such interest:

Case No.: _____

Sign below in the presence of a Clerk of the Court or a Notary Public, and file with the Petition for Appointment of Guardian and/or Conservator.

UNDER PENALTY OF PERJURY, I swear or affirm that I have read and understand the contents of this document, and that the information I have provided is true and correct to the best of my knowledge and belief.

Date

Signature

Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(Date)

_____.

(Notary seal)

Deputy Clerk or Notary Public

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of:	)	Case No.: _____
	)	
	)	STATEMENT PURSUANT TO
	)	A.R.S. §14-5651
	)	
	)	
_____	)	_____
Minor (s)		Judge/Commissioner

Petitioner states:

Check either 1 or 2:

- ☐ 1. The person whose appointment is sought is a qualified private fiduciary pursuant to A.R.S. §14-5651. Attached is proof of current registration with the Arizona Supreme Court.
- ☐ 2. The person whose appointment is sought is not a private fiduciary pursuant to A.R.S. §14-5651 because the proposed fiduciary:
- ☐ a. Is related to the minor.
 - ☐ b. Will not charge a fee for services.

The undersigned swears or affirms that the statements set forth above are true and correct, subject to the penalties of making a false affidavit or declaration.

Date

Petitioner's Signature

Person Filing: _____

Address (if not protected) _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of:

)
)
)
)
)
)
)

Case No.: _____

STATEMENT PURSUANT TO A.R.S. §14-5651

Minor (s)

Judge/Commissioner

Petitioner states:

Check either 1 or 2:

- ☐ 1. The person whose appointment is sought is a qualified private fiduciary pursuant to A.R.S. §14-5651. Attached is proof of current registration with the Arizona Supreme Court.
- ☐ 2. The person whose appointment is sought is not a private fiduciary pursuant to A.R.S. §14-5651 because the proposed fiduciary:
- ☐ a. Is related to the minor.
- ☐ b. Will not charge a fee for services.

The undersigned swears or affirms that the statements set forth above are true and correct, subject to the penalties of making a false affidavit or declaration.

Date

Petitioner's Signature

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the matter of the Guardianship of:

Case Number: _____

A Minor

CONSENT OF PARENT TO GUARDIANSHIP OF MINOR CHILD (AND WAIVER OF NOTICE)

REQUIRED INFORMATION FROM PARENT, UNDER OATH or AFFIRMATION:

1. INFORMATION ABOUT ME:

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____ Date of Birth: _____

I am the ☐ MOTHER or ☐ FATHER of the minor children named above, who need a guardian.

2. I have read the Petition for Appointment of Guardian of a Minor and consent to the appointment of _____ and _____ to be the guardian(s) of the minor child/children.

3. I waive notice of all further proceedings in this matter. I understand that I can reverse this waiver by filing a written document with the court under this court case number declaring that I no longer waive notice of hearings and other court proceedings.

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Parent Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the matter of the Guardianship of:

Case Number: _____

A Minor

CONSENT OF PARENT TO GUARDIANSHIP OF MINOR CHILD (AND WAIVER OF NOTICE)

REQUIRED INFORMATION FROM PARENT, UNDER OATH or AFFIRMATION:

1. INFORMATION ABOUT ME:

Name: _____

Street Address: _____

City, State, Zip Code: _____

Telephone: _____ Date of Birth: _____

I am the ☐ MOTHER or ☐ FATHER of the minor children named above, who need a guardian.

2. I have read the Petition for Appointment of Guardian of a Minor and consent to the appointment of _____ and _____ to be the guardian(s) of the minor child/children.

3. I waive notice of all further proceedings in this matter. I understand that I can reverse this waiver by filing a written document with the court under this court case number declaring that I no longer waive notice of hearings and other court proceedings.

UNDER OATH OR BY AFFIRMATION

I swear or affirm under penalty of perjury that the contents of this document are true and correct to the best of my knowledge and belief.

Date

Parent Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

**SUPERIOR COURT OF ARIZONA
IN YUMA COUNTY**

In the Matter of Guardianship of

Case Number: _____

A Minor

**CONSENT OF MINOR TO
GUARDIANSHIP OF MINOR CHILD
(AND WAIVER OF NOTICE)**

Required information from minor, under oath or affirmation:

1. Information about me:

Name: _____
Street Address: _____
City, State, Zip Code: _____
Telephone: _____ Date of Birth: _____

I am the minor child named above who needs a guardian.

2. I have read the Petition for Appointment of a Guardianship of a Minor, and

3. I consent to the appointment of (name) _____ and
_____ to be my guardian(s).

4. I waive notice of all further proceedings in this matter. I understand that I can reverse this waiver by filing a written document with the court under this court case number declaring that I no longer waive notice of hearings and other court proceedings.

OATH OR AFFIRMATION OF MINOR

I have read, understood, and completed the above statements. Everything I have said is true and correct to the best of my knowledge, information, and belief.

Date

Minor's Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ (date) by

_____.

(notary seal)

Deputy Clerk or Notary Public

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of:	)	Case No.: _____
	)	
	)	NOTICE OF HEARING
	)	(Appointment of Guardian)
	)	
	)	
	)	
_____	)	_____
Minor (s)		Judge/Commissioner

NOTICE IS GIVEN that the court will consider the Petition for Appointment of _____ and _____ Guardian(s) of Minor(s) on _____, 20_____, at the hour of _____ at the court designated above, the address of which is: _____

Interpreter Needed:
☐ Yes ☐ No

_____	_____
Date	Petitioner's Signature
_____	_____
Date	Petitioner's Signature

THIS IS A LEGAL NOTICE. YOUR RIGHTS MAY BE AFFECTED.
ESTE ESUN AVISO LEGAL. SUS DERECHASE PODRÍAN SER AFECTADAS.

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of:	)	Case No.: _____
	)	
	)	ACCEPTANCE OF GUARDIANSHIP
	)	
	)	
	)	
_____	)	_____
Minor (s)		Judge/Commissioner

ACCEPTANCE

STATE OF ARIZONA)
) ss.
COUNTY OF YUMA)

I accept the duties of guardian of the minor(s) and swear/affirm that I will perform those duties according to law.

_____	_____
Guardian Signature	(Co-)Guardian Signature

SUBSCRIBED and SWORN TO/AFFIRMED before me on

My Commission Expires: _____
Notary Public/Deputy Clerk

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of:	)	Case No.: _____
	)	
	)	ORDER APPOINTING GUARDIAN(S)
	)	OF MINOR(S)
	)	
_____	)	
Minor (s)	)	_____
		Judge/Commissioner

The Petition for Appointment of Guardian(s) of Minor(s) having been considered, the court finds:

- 1. Notice has been given as required by law.
- 2. Venue in this county is proper.
- 3. The minor(s) is/are unmarried, born on _____
(MM/DD/YY) and the welfare and best interests of the minor(s) require the appointment of guardian(s).
- 4. Parental rights of custody have been terminated or suspended by [] circumstances OR [] prior court order.
- 5. _____ and _____
is/are qualified to serve as guardian(s) of the minor(s).
- 6. Bond [] is [] is not required.

IT IS THEREFORE ORDERED that _____ and _____
_____ is/are appointed guardian(s) of the minor(s) and, upon
filing an acceptance and an approved bond in the amount of _____, Letters of Guardianship shall be
issued to the appointee(s) by the Clerk of the Court, subject to the following restrictions:

IT IS FURTHER ORDERED that the Guardian(s) shall immediately notify the court of any change of address.

_____	_____
Date	Judge/Court Commissioner

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of:	)	Case No.: _____
	)	
	)	LETTERS OF GUARDIANSHIP
	)	OF MINOR(S)
	)	
	)	
_____	)	_____
Minor (s)		Judge/Commissioner

ISSUANCE OF LETTERS

_____ and _____ is/are
appointed (co-)guardian(s) of _____,
_____, and _____,
minor(s) born _____, _____, and _____.

Restrictions:

CLERK OF THE SUPERIOR COURT

Date

By: _____
Deputy Clerk

Person Filing: _____
Address (if not protected) _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

IN THE SUPERIOR COURT OF ARIZONA, YUMA COUNTY

In the Matter of the Guardianship of: _____

Case No.: _____

**ORDER TO GUARDIAN(S) AND
ACKNOWLEDGMENT FOR A MINOR**

☐ a Minor(s)

The welfare and best interest of the person named above ("your ward") are matters of great concern to this Court. By accepting appointment as guardian, you have subjected yourself to the power and supervision of the Court. Therefore, to help avoid problems and to assist you in the performance of your duties, this order is entered. You are required to be guided by it and comply with its provisions.

1. You have powers and responsibilities similar to those of a parent of a minor child, except that you are not legally obligated to contribute to the support of your ward from your own funds.
2. Unless the order appointing you provides otherwise, your duties and responsibilities include (but are not limited to) making appropriate arrangements to see that your ward's personal needs (such as food, clothing, and shelter) are met.
3. You are responsible for making decisions concerning your ward's educational, social, and religious activities. If your ward is 14 years of age or older, you must take into account the ward's preferences to the extent they are known to you or can be discovered with a reasonable amount of effort.
4. You are responsible for making decisions concerning your ward's medical needs. You may arrange for medical care to be provided even if your ward does not wish to have it.
5. You may handle small amounts of money or property belonging to your ward without being appointed conservator. As a general rule, "small amount" means that the ward does not receive income (from all sources) exceeding \$5,000.00 per year, does not accumulate excess funds exceeding that amount, and does not own real property. If more than these amounts come into your possession, or are accumulated by you, you are required to petition for the appointment of a conservator.

6. If you handle any money or property belonging to your ward, you have a duty to do each of the following:
 - a. Care for and protect your ward's personal effects;
 - b. Apply any moneys you receive for your ward's current support, care, and educational needs;
 - c. Conserve any excess funds not so spent for your ward's future needs;
 - d. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;
 - e. Maintain records of all of the ward's property received and expended during the period of the guardianship;
 - f. You are not to purchase, lease, borrow, or use your ward's property or money for your benefit or for the benefit of anyone else without prior court approval.
7. You will need to obtain a certified copy of the letters which are issued to you by the Clerk of the Superior Court. Your certified copy is proof of your authority to act as guardian of your ward, and you should have it available when acting on behalf of your ward. You may need to obtain additional (or updated) copies from time to time for delivery to, or inspection by, the people with whom you are dealing.
8. You are required to report annually, in writing, with respect to your ward's residence, physical and mental health, whether there still is a need for guardian, and (if there is no conservator) your ward's financial situation. Your report is due each year on the anniversary date of your appointment. In addition to sending copies to the other persons named in the statute, you are directed to submit a copy of your annual report to the assigned Judge on your matter.
9. You must be conscious at all times of the needs and best interest of your ward. If the circumstances which made a guardianship necessary should end, you are responsible for petitioning to terminate the guardianship and obtaining your discharge as guardian. Even if the guardianship should terminate by operation of law, you will not be discharged from your responsibilities until you have obtained an order from this Court discharging you.
10. If you should be unable to continue with your duties for any reason, you and your guardian or conservator must petition the court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must advise the court and petition for the appointment of a successor.

11. If you have any questions about the earning of this order or the duties which it and the statutes impose upon you by reason of your appointment as guardian, you should consult an attorney or petition the court for instructions.
12. If you are now, or in the future, become guardian for more than two persons who are not related to you by blood marriage, you must advise the court of the fact and provide the court with such information as it may require. With respect to such appointment, you must advise the court in writing of at least one of the following: (a) the name and address of the court that appointed you, (b) the case number, and (c) the name and address of your ward.

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, FINE, OR BOTH.

Date

Judge/Court Commissioner

ACKNOWLEDGMENT: THE UNDERSIGNED ACKNOWLEDGES RECEIVING A COPY OF THIS ORDER AND AGREEING TO BE BOUND BY ITS PROVISIONS, WHETHER OR NOT HE OR SHE READ IT BEFORE SIGNING, AS LONG AS HE OR SHE IS THE GUARDIAN.

Date

Signature of Guardian

Date

Signature of Co-Guardian (if applicable)