

DISCHARGE / TERMINATION To Discharge or Terminate Appointment for a Minor

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How to end a Guardianship for a Minor

(Forms and Instructions)

Discharge or termination of appointment as guardian of a minor(s)

CHECKLIST

You may use the forms and instructions in this packet if:

- ✓ You are the guardian of a minor, and you want to end the guardianship because the minor:
 - has turned 18, OR
 - no longer needs a guardianship, OR
 - has died, OR

- ✓ You are NOT the guardian of the Minor and you think the guardianship should end.

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, as well as a list of court-approved mediators can be found on the Law Library Resource Center website.

Discharge or terminate guardianship for a minor

This packet contains court forms and instructions to file a discharge or terminate guardianship 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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Procedures: How to ask the court to end a guardianship of a minor

Instructions:

STEP 1. Complete a Petition for Termination of Guardianship. Write neatly and use black ink. Sign the Petition in front of a notary public or a Clerk of Superior Court.

STEP 2. Go to the Clerk of Superior Court, Juvenile Division:

Juvenile Justice Center
2440 W. 28th St.
Yuma, AZ 85364

- File the original and 4 copies of the Petition for Termination of Guardianship with the Clerk.
- The Clerk should return 2 copies of the Petition to you. The Clerk will keep the original and one of the Petitions.
- Give the Clerk one copy of minor's birth certificate; and an 8 x 11" self-addressed, stamped envelope so the Notice of Hearing can be mailed to you.

The Clerk will deliver a copy of the Petition, the copy of the birth certificate(s) and envelope to the assigned Judge.

The Judge's office will schedule the case for a hearing. The Court will prepare and mail a Notice of Hearing with the date and time of the hearing to you in the envelope you provided. Keep one copy for your records and prepare a copy for all people entitled to Notice.

STEP 3. You must give a copy of the Petition and Notice of Hearing to all interested persons at least 14 days before the date of the hearing.

The following people should be given notice:

- the minor, if over age 14;
- if the minor is married, his/her spouse;
- if minor is unmarried, any living parent;
- the conservator, if the minor has one, unless the guardian is also the conservator;
- the guardian ad litem, if one was appointed by the Court.

For more information about notice, see the Law Library Resource Center information on service and notice.

You do not need to give 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. You can also give notice by Publication in some cases.

STEP 4. Complete the Proof of Notice stating how and when you gave notice to all interested persons. Make 2 copies of each of the following documents. Then file the original and 2 copies of the following with the Clerk of Superior Court, Juvenile Division and bring your copy to the hearing:

- Notice of Hearing;
- Proof of Notice;
- Waiver of Notice (if any was signed by interested parties);

Remember to bring copies of your documents to the hearing.

STEP 5. Come to the hearing: Be prepared to tell the Judge why the guardianship should end.

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.

All forms referred to in these instructions are available for purchase at the Law Library Resource Center, or for free on the internet.

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 IN YUMA COUNTY

Case Number: _____

In the Matter of the Guardianship of:

A Minor

PETITION FOR REVOCATION OF AN ORDER GRANTING PERMANENT GUARDIANSHIP

1. INFORMATION ABOUT THE APPOINTMENT OF GUARDIAN:

Name _____ was appointed GUARDIAN and accepted
the appointment on _____ (date).

Guardian's address: _____

2. INFORMATION ABOUT THE WARD: (the minor for whom Guardian was appointed)

_____ Date of Birth ____/____/____.
(Name of Minor)

_____ Date of Birth ____/____/____.
(Name of Minor)

_____ Date of Birth ____/____/____.
(Name of Minor)

_____ Date of Birth ____/____/____.
(Name of Minor)

_____ Date of Birth ____/____/____.
(Name of Minor)

3. REASON FOR TERMINATION OF THE GUARDIANSHIP: (check one box)

The child, a parent of the child or any any party to the dependency proceeding may file a petition for the revocation of an order granting permanent guardianship of there is a significant change of circumstances, including:

- ☐ The Child's parent is able and willing to properly care for the child OR
- ☐ The Child's permanent guardian is unable to properly care for the child OR
- ☐ The need for the Guardianship has terminated because the rights of the parents are no longer suspended or terminated by parental consent, or circumstances, or by prior court order because (explain):

OR

- ☐ The need for the Guardianship has terminated because the Ward, _____
 _____ (name of ward) has died. The date of death was
 _____ (attach copy of death certificate).

4. KNOWN ASSETS OR MONIES OF WARD: (other than personal effects) (check one box)

- ☐ The Ward, _____ (name of ward) has no assets or money.
- ☐ The Ward, _____ (name of ward) has the following assets or money.

THEREFORE, I ask the court to enter an order terminating the Guardianship and discharging the named Guardian in Case Number _____ .

OATH OR AFFIRMATION AND VERIFICATION OF PETITIONER

By signing this document, I state to the Court, under penalty of perjury, that I have read this Petition and that all the information contained in it is true, correct and complete to the best of my knowledge and belief.

Signature of Petitioner (may be the Ward, if 18 or older)

STATE OF _____

COUNTY OF _____

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

_____.

(notary seal)

Deputy Clerk or Notary Public

OATH OR AFFIRMATION AND VERIFICATION OF THE WARD

(if the Ward is not the Petitioner who signed above)

By signing this document, I state to the Court, under penalty of perjury, that I have read this Petition and that all the information contained in it is true, correct and complete to the best of my knowledge and belief.

Signature of Minor

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: _____

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of Guardianship of:

Case Number: _____

COURT ORDER REVOKING GUARDIANSHIP OF MINOR

A Minor

THE COURT FINDS:

1. A sworn "*Petition to Revoke*" a Guardianship has been presented and reviewed.
2. Notice of the Petition was given as required by law or waived by all interested parties.
3. The Guardianship has ended because:
 - ☐ The Child's parent is able and willing to properly care for the child, OR
 - ☐ The Child's permanent guardian is unable to properly care for the child, OR
 - ☐ The rights of the parents to custody and care of the minor are no longer suspended or terminated by parental consent, or by circumstances or by prior court order. OR
 - ☐ The Minor died on _____ (date).

THE COURT ORDERS:

1. ☐ Granting the "*Petition to Revoke Guardianship*" and discharging the guardian. *Other*
2. ☐ *orders* as follows:

DONE IN OPEN COURT _____

JUDGE/COMMISSIONER