

PETITION For Contact

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Part 1: Preparing the Request for a Court Order to Contact a Ward (Protected Person)

(Forms and Instructions)

PETITION for CONTACT

CHECKLIST

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

- ✓ The Ward (protected person) is involved in an active guardianship case in the Yuma County Superior Court; **and**
- ✓ You want the Court to order the Guardian to allow you to have contact with the Ward (protected Person); **or**
- ✓ The Ward wants the Court to order the Guardian to allow the Ward to have contact with a person; **and**
- ✓ The Guardian is restricting the contact between the Ward and the person with whom contact is requested, **and**
- ✓ There is a “significant relationship” between the Ward and the person to be contacted, and Petitioner can prove the “significant relationship” to the Court [A “significant relationship” means that a person “either is related to the ward by blood or marriage or is a close friend of the ward as established by a history of pattern and practice” (A.R.S. § 14-5101)].

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.

PETITION for CONTACT

Part 1: Forms and Instructions

This packet contains court forms and instructions to file a Petition for Contact of a protected person (Ward). 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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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.

INSTRUCTIONS: How to Complete the Forms in this Packet

Fill out all the forms completely using **black ink**.

FORM 1: PETITION FOR CONTACT (Form PBGAC11f): This is the form that asks the Court to order contact between the Ward and the person requesting contact.

- **Top Left Heading:** If you are the person filing the Petition for Contact, write your name on this first line. Then write your address, telephone number, and e-mail address on the lines that follow. Place a check mark in the box to indicate whether you are representing yourself without a lawyer, or whether you are an Attorney for the person requesting contact.

Case Number and Name of Ward: Write in the same "Case Number" as the Guardianship case involving the Ward.

- **Statements to the Court:** Fill in the information requested about:
 - you, the person filling out and filing these forms, and
 - your relationship to the Ward, and
 - the person who serves as Guardian.
 - Questions 4 and 5 ask you to describe the past requests for contact, and how and why the Guardian restricted the contact.
 - Questions 6 and 7 require you to describe your past and present relationship between the Ward, and explain the reason(s) contact is in the best interest of the Ward.
 - Question 8: Notice. State law requires notice of this Petition be given to:
 - The Ward (If the Ward is not filing the Petition),
 - The Ward's spouse,
 - The Ward's parents, and
 - The Ward's adult children,
 - The Guardian
 - The Ward's Conservator, and
 - Anyone who has filed for a demand for notice.
- **Requests to the Court:**
 - Item number 4: Type and Frequency of Contact: Place a check mark in the box beside the type(s) of contact you are requesting. Write in the frequency of contact, such as daily, weekly, a specific date, etc.

- Item number 5: Write in the date you want the contact to begin.
- **Under Oath or Affirmation**: Wait and sign this when you are in the presence of the Clerk of Court or Notary.

FORM 3: NOTICE OF HEARING: This form is required by Arizona law to inform interested persons about the Petition and the following hearing.

- **Top Left Heading**: If you are the person filing the Petition for Contact, write your name on this first line. Then write your address, telephone number, and e-mail address on the lines that follow. Place a check mark in the box to indicate whether you are representing yourself without a lawyer, or whether you are an Attorney for the Petitioner.
- **Case Number and Name of Ward**: Write in the same "Case Number" as the Guardianship case involving the Ward. This should match the case number you wrote on the "**Petition for Contact**".
- Item number 1: Place a check mark in the box next to "Petition for Contact"
- Item number 2: Leave Blank. You will fill this in when you call or go to Probate Court Administration to schedule a hearing.
- Date and Signature: Write in today's date and then sign if you are the Petitioner.

FORM 4: PROPOSED ORDER: This document, if accepted by the Judge, is the order that requires the Guardian to allow contact.

- **Top Left Heading**: If you are the person filing the Petition for Contact, write your name on this first line. Then write your address, telephone number, and e-mail address on the lines that follow. Place a check mark in the box to indicate whether you are representing yourself without a lawyer, or whether you are an Attorney for the Petitioner.
- **Case Number and Name of Ward**: Write in the same "Case Number" as the Guardianship case involving the Ward. This should match the case number you wrote on the "**Petition for Contact**". The judicial officer will finish the order.

Once you finish all the forms in the packet, read the Procedures about how to prepare for and file your forms.

Procedures: How to File Petition for Contact With the Court

Step 1: Collect your completed forms (Originals)

Arrange the forms in the following order:

- "Petition for Contact"
- "Notice of Hearing"

Step 2: Photocopy: Make 3 photocopies* of the following original documents:

- "Petition for Contact"
- "Notice of Hearing"

Separate the forms into Four (4) + Sets*:

Set 1 – Originals (For Clerk of Superior Court) <ul style="list-style-type: none">• "Petition for Contact"• "Notice of Hearing"	Set 2 - Copies for Judge: <ul style="list-style-type: none">• "Petition for Contact"• "Notice of Hearing"
Set 3 - Your Copies: <ul style="list-style-type: none">• "Petition for Contact"• "Notice of Hearing"	Set 4 & More: Copies for Interested Persons to Receive Notice <ul style="list-style-type: none">• "Petition for Contact"• "Notice of Hearing"

* Note: Set 4 or more (depending on your case) are required to be served on the named parties, if they exist, and can be found in the State of Arizona. Notice to everyone else may be given by personal service or mail, unless they waive notice. See specific details about notice and service in the Service packet which you may find in the Law Library Resource Center.

Step 3: Prepare to file

- Gather together all sets of court documents (Original + copies)
- Decide how you will pay the filing fee.
 - A list of current fees is available from the Law Library Resource Center and from the Clerk of Superior Court's website.
 - Deferral Application: 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 of Superior Court. Deferral Applications are free and available at the Law Library Resource Center. Complete the Application before you arrive at the Clerk of Superior Court's Office.
- Be prepared to give the Clerk of Superior Court your document sets and the fee or Deferral Application.

Step 4: Go to the court to file your papers: The court is open from 8 a.m.-5 p.m., Monday - Friday. You should go to the court at least two hours before it closes. You may file your court papers at the following Superior Court locations:

**Yuma County Justice Center
Clerk of Superior Court
250 W. 2nd Street
Yuma, Arizona 85364**

This is important information. Don't lose this document!

Note the following:

- The hearing will be scheduled about 4-6 weeks from the date you submit your request, whether submitted by phone or in-person.
- You may file at any of the Clerk of Superior Court locations listed above, the hearing may however be scheduled at a different court facility from where you filed.

Step 5: Serve notice:

Fill out the Notice of Hearing form with the information about time and place of the hearing that you obtained in Step 6 above, and serve notice to *everyone* who is legally entitled to know about the court case.

- To "Serve" notice means to deliver notice as required or permitted by law.
- Persons entitled to notice may sign a notarized Waiver of Notice, which will allow you to not serve notice to those persons, unless they later file to reverse that Waiver.
- Notice can (or must) be given in different ways to different persons.
- Read the packet called "Service of Court Papers" which you may find at the Law Library Resource Center.

Step 6:

Attend hearing:

A. Bring these documents to the court hearing. These documents will be filed if the Judicial Officer (Judge or Commissioner) grants the Petition for Contact. Make at least 2 copies to bring with you to the hearing.

- Order for contact

B. At the hearing:

1. Be prepared to testify about why you want the Court to grant the requested contact.
2. Bring any witnesses you think will help to testify as well.
3. Bring a copy of everything you already filed with the Court in this matter.

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 ☐ Petitioner ☐ Respondent

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

Case Number: _____

In the Matter of the Guardianship of:

PETITION for CONTACT

(A.R.S. § 14-5316)

Name of Ward / Protected Person

STATEMENTS to the COURT UNDER OATH OR BY AFFIRMATION:

1. **INFORMATION ABOUT ME:** (the person filing this petition)

Name: _____

Address: _____

Telephone Number: _____

Date of Birth: _____

2. **I AM:**

☐

The Ward

☐

A person with a significant relationship with the Ward. (A "significant relationship" means that a person "either is related to the Ward by blood or marriage or is a close friend of the Ward as established by a history of pattern and practice" (A.R.S. § 14-5101)).

3. **INFORMATION ABOUT CURRENT GUARDIAN:** To the best of my knowledge:

Name of Current Guardian: _____

Date Appointed: _____

4. **WHAT REQUESTS FOR CONTACT have been made to the GUARDIAN?**

5. HOW HAS the CURRENT GUARDIAN RESTRICTED CONTACT?

6. WHAT IS THE PAST and PRESENT RELATIONSHIP between the WARD and the person with whom the contact is requested?**PAST RELATIONSHIP:** _____

PRESENT RELATIONSHIP: _____

7. WHY is the requested contact in the Ward's best interest?

8. PERSONS ENTITLED TO NOTICE of this matter under Arizona law **§14-5309** and to whom I will give notice of this case are listed below: (See instructions.)

	Name	Address	Relationship to the Ward
A.	<hr/>		
B.	<hr/>		
C.	<hr/>		
D.	<hr/>		

☐ Additional persons (or agencies) are listed on attachment ("Additional Parties Entitled to Notice", made part of this document by reference.)

REQUESTS TO THE COURT: I ask the court to:

- Hold a Hearing** determine if the Court should grant an order of contact, after I give notice of the hearing to all interested persons and to those required by A.R.S. § 14-5309.
- Make a finding** that contact between the Ward and the person with whom contact is requested is in the best interest of the Ward.
- Order that contact** between the Ward and the person with whom contact is requested shall occur as requested below.

4. Order the following TYPE and FREQUENCY of CONTACT:

TYPE of contact: (Place a check mark in the box beside the type(s) of contact you are requesting.)

☐ In-person contact

☐ By telephone

☐ Skype, Facetime, Video Conference, etc.

☐ E-mail

☐ Text message

☐ Paper mail

☐ Other: _____

FREQUENCY of contact: _____

5. Order that contact between the Ward and the person with whom the contact is requested shall begin on the following date: _____.

6. Make any other orders the Court decides are in the best interests of the Ward.

UNDER OATH OR 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

Signature

Printed Name

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: _____

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 and/or Conservatorship for:

Case Number: _____

NOTICE OF HEARING REGARDING

☐ an Adult

☐ PETITION for CONTACT

THIS IS A LEGAL NOTICE; Your rights may be affected.
An important court proceeding that affects your rights has been scheduled. If you do not understand this notice or the other court papers, contact an attorney for legal advice.

1. **NOTICE IS GIVEN** that the Petitioner has filed with the Court the following Petition and other court papers indicated below:
☐ PETITION for CONTACT

2. **COURT HEARING.** A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

DATE and TIME _____

PLACE: _____

JUDICIAL OFFICER: _____

3. **RESPONSE TO PETITION.** You **are not required** to respond to this Petition, but if you choose to respond, you *may* do so by filing a written response *or* by appearing in-person at the hearing. *If you choose to file a written response:*

- File the original with the Court;
- Provide a copy to the office of the Judicial Officer named above; and
- Mail a copy to all interested parties at least five (5) business days before the hearing.

If you **object** to any part of the Petition that accompanies this notice, **you must file with the court a written objection** describing the legal basis for your objection **at least three (3) days before the hearing date or you must appear in person or through an attorney at the time and place set forth in the notice of hearing.** There is a FEE for filing a response or objection. If you cannot afford the fee, you may file a *Fee Deferral Application* to request a payment plan from the Court.

DATED: _____
(Month/Day/Year)

Petitioner's Signature

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 ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of:

Case Number: _____

(Optional) **WAIVER OF NOTICE** and
(Optional) **WAIVER OF SERVICE MEMBERS
CIVIL RELIEF ACT(SCRA) RIGHTS**
regarding:

An incapacitated or protected **Adult**

☐ **Petition for Contact**

UNDER PENALTY OF PERJURY, I SWEAR OR AFFIRM:

1. **MY RELATIONSHIP** to the incapacitated or protected person named above is:

(examples: parent, grandparent, guardian) _____

2. **I HAVE RECEIVED the Petition and/or other court papers indicated below:**

(Check the box next to [only] the documents you received.)

☐ **Petition for Contact**

3. (Optional) ☐ **I WAIVE NOTICE** of all court filings and proceedings regarding this matter.

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

4. MILITARY STATUS

☐ I am **NOT** on active duty in the U.S. military;

OR

☐ I **AM** on active duty in the U.S. military.

If you *are* on active duty with the U.S. military, see the information on your rights under the *Servicemember's Civil Relief Act* and the optional waiver of the right to delay this court proceeding under the Act on the page following.

SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA) INFORMATION AND OPTIONAL WAIVER

NOTE: When military duty interferes with the ability to participate in a case, the **Servicemember's Civil Relief Act** (SCRA) may permit a service member to delay or overturn a civil court proceeding. Waiving this right does **NOT** affect your right to later request a change regarding court appointment of a guardian or conservator.

It is generally advisable to consult a military legal assistance attorney before waiving any rights under the Servicemember's Civil Relief Act. If Luke Air Force Base is the military installation closest to you, you can contact the legal office at **623-856-6901**. Otherwise, contact the legal office at the nearest military installation.

IF ACTIVE DUTY MILITARY and you do not wish to delay court proceedings in this matter, check the box below to WAIVE any right that may apply under the SCRA to cause the court to delay.

(Optional)

☐ **I WAIVE any right I may have under the SCRA to delay this matter.**

WAIVER OF NOTICE and *(if applicable)*
SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA) WAIVER

I have read and understand this **Waiver of Notice** and the separate **Servicemember's Civil Relief Act Waiver**. I understand that I am not required to either waive notice **or** any rights that may apply under the SCRA, but **if** I have waived either notice or any rights under the SCRA as indicated above or on the preceding page, I do so voluntarily.

UNDER PENALTY OF PERJURY

I swear or affirm that I have read and understand this document and that the information I have provided is true and correct to the best of my information and belief.

Date

Signature of Person Receiving Documents

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 ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN YUMA COUNTY

In the Matter of Guardianship of:

Case Number: _____

ORDER for CONTACT

Name of Ward

Warning: This Order is not effective until it is signed by the Judicial Officer.

The Court has read the sworn Petition for Contact, and held a hearing to determine whether the Court should enter the Order requested in the Petition.

THE COURT has CONSIDERED the factors set forth under A.R.S. § 14-5316 to determine whether the proposed contact is in the best interest of the Ward.

THE COURT FINDS:

- A. ☐ Petitioner is entitled to file the Petition under Arizona law, A.R.S. § 14-5316;
- B. ☐ Petitioner has given Notice of Hearing as required by law or Notice of Hearing was waived by all interested parties;
- C. ☐ Venue in this county is proper;
- D. ☐ A significant relationship exists between:
- ☐ The Ward and _____.

E. ☐ Contact between the person and the Ward is in the best interest of the Ward.

F. ☐ Other: _____

IT IS ORDERED:

1. ☐ **Contact between the Ward and _____ is ordered, *subject to the following restrictions* (if any)**

☐ **Contact between the Ward and _____ is denied, *because of***

2. **OTHER ORDERS:** _____

Dated: _____

Signature of Judicial Officer or ☐ Judge Pro Tem

Printed Name of Judicial Officer/Judge Pro Tem