

GUARDIANSHIP OF A MINOR

2

Service and Notice of the Court Hearing

(Forms and Instructions)

Service and Notice for Appointment of Guardian of a Minor

Checklist

You may use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to have the court appoint a guardian for a minor.
- ✓ You filed or will file the court papers to ask for the appointment.
- ✓ You need to give notice of the court case to parents, interested parties or other persons entitled to notice as required by law (A.R.S. § 14-5207).

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.

Service and Notice for 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!

| Order | Title | # pages |
|-------|--|------------|
| 1 | Table of Contents (this page) | 1 |
| 2 | Information on Legal Notice for Guardianship of a Minor | 3 |
| 3 | Procedures: How to serve legal papers – by Acceptance of Service | 2 |
| 4 | Procedures: How to serve legal papers – by Sheriff | 2 |
| 5 | Procedures: How to serve legal papers – by Publication | 2 |
| 6 | Proof of Notice of Hearing for Guardianship of a Minor | 2 |
| 7 | Acceptance of Service | 2 |
| 8 | Declaration Supporting Publication | 4 |
| 9 | (optional) Waiver of Notice and (optional) Waiver of Service Members Civil Relief Act (SCRA) Rights | 4 |

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.

Information on Legal Notice for Guardianship of a Minor

What is Legal Notice?

After you have filed the guardianship Petition, Affidavit, and other papers with the Court, AND received a "Notice of Hearing" from the Court, you must tell all "interested persons" about the papers and Court hearing. This is called Legal Notice.

What court documents do I need to give Legal Notice about?

- Petition: This document explains what you want the Judge/Commissioner to do and why.
- Notice of Hearing: This document provides information about the hearing, including the date, location, and the name of the Judge/Commissioner who will hear the case.

It is recommended that you give people entitled to notice copies of all documents you filed with the court. After giving notice to those persons, you must then file a "Proof of Notice" listing the name of each person given notice and the title of each of the documents you provided. See section "How do I show that I gave Legal Notice" below for further information.

Who is entitled to Legal Notice?

Arizona law (ARS 14-5207) requires that notice regarding guardianship of a minor must be given to:

- The Minor, if 14 years or older;
- The person who has had the principal care and custody of the Minor during the 60 days preceding the date of the Petition; AND
- Any living parent of the minor whose rights have not been permanently terminated by court order.

How do I give Legal Notice in a case to Appoint a Guardian for a Minor?

- You can give Notice in the following ways:
 1. Hand delivery.
 2. Mail, using 1st class postage-prepaid. If you want proof of delivery and receipt, you can use other methods such as certified or registered mail with return receipt, or signature and delivery confirmation.
 3. Personal service, using a process server, Sheriff Deputy, or acceptance of service.
 4. Waiver. A parent or other adult entitled to notice can waive notice, by signing a "Waiver of Notice."
 5. Publication. Publication is permitted as a last resort when you do not know how to locate the person. The Court will only permit notice by publication after you have made every reasonable effort to locate the person, and you prove to the Court's satisfaction that you did everything you could to try to find the person or the person's address. Then, you must publish the Notice once a week at least 3 times in a newspaper in the county where the Court hearing is held. See A.R.S. § 14-1401(A)(3).

When do I give Legal Notice?

- You must give all interested persons notice of the court papers at least 14 days before the hearing.
- If you are giving Notice by Publication, the first publication must be at least 14 days before the hearing.

Note: The newspaper will not provide the Affidavit of Publication to you until all 3 required notices have been published at least once a week for 3 weeks before the hearing.

How do I show that I gave Legal Notice?

- You must complete a "Proof of Notice" form and file it with the Court to prove you gave notice to all interested persons.
 - Fill out this form after you have given Notice to all interested persons. Be sure to list the title of any documents given, and the names of the persons to whom you gave the copies. Also list the date you gave each person copies, how they were served (delivered), and the relationship between the person to whom you gave copies and the Minor). If the Minor has an attorney, be sure the attorney receives copies also.
 - If you have given notice by mail with return receipt, signature confirmation, by process server, or by acceptance of service, attach the proof to your "Proof of Notice." The proof includes things like the green card, signature card, or the affidavit/declaration of service,
 - Make 3 copies of the "Notice of Hearing" and "Proof of Notice" (including any attachments).
 - At least 10 business days before the scheduled hearing date, file the original with the Clerk of Superior Court, Juvenile Division.

Note: Keep a copy of each document for your records. Bring them with you to the court hearing.

NEXT STEP: Prepare for the court hearing and get the rest of the paperwork in order. If you still have questions, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys." Also, the Law Library Resource Center has a list of lawyers who will, for a fee, help you help yourself. The list shows where the lawyers are located, how much they charge per hour, and what their experience is.

All forms referred to in these instructions are available at the Law Library Resource Center.

Procedures: How to serve legal papers regarding guardianship of a minor by Acceptance of service

The person being served cannot sign an Acceptance of Service until after you have filed your court papers.

STEP 1 Ask the person to accept service of the papers:

If the person being served goes with you to the filing counter:

- Give the other person his or her set of copies.
- Stay at the counter with that person.
- The person must have valid picture identification with him or her to sign the original Acceptance of Service and (optional) Waiver of Notice. The person must then sign the Acceptance in front of the Clerk, which the Clerk will notarize for free, OR

If the person cannot or will not go with you to file papers:

- Arrange a meeting place and time with the person before a Notary Public. Remind the person being served to bring valid picture identification with him or her to the Notary Public.
- Give the person his or her set of copies.
- Have the original of the court papers with you in case the person wants you to prove that you have it.
- The person must then sign the Acceptance of Service in front of the Notary Public, OR

If you cannot give the person the papers by hand:

- Mail all the copies to the person with an explanation, such as the form letter attached.
- The person must sign and date the original Acceptance of Service.
- A Notary Public must witness the signature.
- The person signing must send the signed, notarized document back to you.
- You should write the date the person signed the Acceptance on your copy.

NOTE: If the person will not voluntarily send back the Acceptance of Service, ask him or her again to send it back. If he or she still does not send it back, then you have to serve him or her by one of the other processes.

STEP 2 File the Acceptance of Service at the Court:

- Go back to the Clerk of Superior Court where you filed your original court papers and file the original of the Acceptance of Service with the notarized signature of the person to whom you gave notice.
- Give the Clerk the originals of the following documents:
 - 1) Notice of Hearing
 - 2) Acceptance of Service, if person signed one

Do not bring children to Court (unless it's "the Minor" named in the case).

(Your Name)

(Address)

(City/State/Zip Code)

(Telephone Number)

(Date)

(Person's Name)

(Address)

(City/State/Zip)

Re: Acceptance of Court Papers

Dear _____
(Name)

Case Number: _____

I have filed court papers for Appointment of a Guardian of a Minor. The Minor (or Minors) is

(are):

Enclosed is a copy of the following papers for you: (WARNING: documents listed should include at least a Petition on whatever matter is before the court and Notice of Hearing on the Petition. Check the boxes to indicate which papers you are sending. Describe any other non-listed Court documents included).

- ☐ Petition for Appointment of Guardian of a Minor
- ☐ Affidavit of Person to be Appointed as Guardian
- ☐ Consent of Parent to Guardianship (and Waiver of Notice)
- ☐ Notice of Hearing
- ☐ Petition for Termination of Guardianship of a Minor
- ☐ Other (list title of) Document: _____

I have also enclosed an "Acceptance of Service and (optional) Waiver of Notice," which I would like you to sign in front of a Notary Public and return to me in the self-addressed stamped envelope. Signing the Acceptance does not affect your right to file a response (objection) or to appear in court to object to all or part of what is contained in the Petition or other papers filed with the Court.

You may (optionally) also check the box for "Waiver of Notice" if you do not wish to receive copies of all papers filed in this case in the future.

If you choose not to sign and return the Acceptance, Arizona law allows for you to be charged for the cost of serving by other methods.

If you disagree with what is in the Petition, you can file a written Response and/or you may also come to the court hearing and tell the Judge what you think about the Petition.

Sincerely,

(Your Signature)

Procedures: How to serve legal papers by Sheriff in cases concerning Guardianship of a Minor

(Arrange for service ONLY after you have filed your court papers)

STEP 1 Arranging for service:

- Go to the sheriff's office with the papers for Service. The Yuma County Service's Office, Civil Unit is located at:

Yuma County Sheriff's Office
ATTN: Civil Department
141 S. 3rd Avenue
Yuma, Arizona 85364
(928) 783-6274

- There is a filing fee for all Petitions and there are service fees. You may request a waiver or deferral of filing fees (and the Sheriff's service fees if you intend to use the Sheriff's Office for service) at the time you file your papers with the Clerk of Superior Court.

STEP 2 Documents needed for service:

- Complete the attached sheet for identifying the other person (Page 2) and bring the following with you to the Sheriff's Office:
 - 1) A set of copies of the court papers for the person being served.
 - 2) A picture or a written physical description of the other person.
 - 3) A written description of the automobile the other person drives.
 - 4) The address where other person can be served.
 - 5) A certified copy of the Order Waiving/Deferring Fees or a \$200.00 deposit payable with cash or money order.

STEP 3 After service is given:

- The Sheriff will mail you a copy of the Affidavit of Service after he or she serves the other person with the papers. The Sheriff may also file these papers instead of sending them back to you; however, you must make sure that the Affidavit is filed.

(Your Name)

(Address)

(City/State/Zip)

(Telephone Number)

(Date)

(County) County Sheriff

(Street Address)

(City, State, Zip Code)

I enclose a copy of the following documents: (list all documents you want to be served)

- ☐ Petition for Appointment of Guardian of a Minor
- ☐ Affidavit of Person to be Appointed as Guardian
- ☐ Consent of Parent to Guardianship (and Waiver of Notice)
- ☐ Petition for Termination of Guardianship of a Minor
- ☐ Other (list title of) Document: _____

Please serve these papers on the person. His or her current address and physical description are:

(Other Person's Name) _____

(Work Address) _____

(Home Address) _____

| Sex | Race | Birth | Height | Weight | Eyes | Hair | SSN |
|-----|------|-------|--------|--------|------|------|-----|
| | | | | | | | |

Please return a notarized Affidavit of Service to my address at your earliest convenience. Yuma County Superior Court requires that each document served be named in the Affidavit of Service.

- ☐ I enclose a deposit for \$200.00. I understand there is a \$16.00 service fee, \$2.40 per mile, one way, for each attempt at service travel fee, and a \$8.00 notary fee. I understand the difference between my deposit and the fees accrued for service will be billed or returned to me. OR,
- ☐ I enclose a certified copy of the Order for Waiver/Deferral of fees for Service of Process.

Thank you for your cooperation in this matter.

(Your Signature)

Enclosures

Procedures: How to serve legal papers for guardianship of a minor by publication

(Arrange for service after you have filed your papers at the court)

STEP 1 How to publish: If you are publishing Notice, you should complete the attached letter, describing the documents that need to be referenced by the newspaper for the publication.

A. If you have a court order waiving/deferring costs of publication, you must publish in the Yuma Sun

Mail or deliver the letter that is attached to this form, a copy of the documents you filed with the Clerk, and the certified order waiving/ deferring costs of publication to:

Yuma Sun, 2055 Arizona Ave., Yuma, Arizona 85364 (928) 783-3333

STEP 2 When to file:

- Wait for the newspaper to send you a copy of the document called Affidavit of Publication. If the newspaper sends you an original, file the original. Otherwise, make sure the original Affidavit of Publication gets filed with the Clerk of Superior Court, Juvenile Division.

STEP 3 Gather the paperwork:

- Complete the original of the Declaration Supporting Publication form, which is attached.
- Make a copy of the Declaration Supporting Publication for yourself.
- If the newspaper has not filed the Affidavit of Publication, make sure it gets filed by using the attached Affidavit of Publication form.

Note that the Declaration Supporting Publication and the Affidavit of Publication are two separate documents.

STEP 4 File your documents with the Court:

- Original of the Declaration Supporting Publication and copy of the publication, AND
- Original of the Affidavit of Publication you received from the newspaper unless the newspaper filed it for you. Make sure you bring a copy of the Affidavit of Publication to the hearing.

Do not bring children to Court (unless it's the Minor(s) named in this case).

Your Name: _____

Your Address: _____

Date: _____

Case No. JG _____

_____ Name of Newspaper

_____ Address

To Whom It May Concern:

I need to publish notice in the newspaper regarding Guardianship of a Minor, whose name is: _____

_____ (name of the Minor(s) who needs/need guardian).

Enclosed is the "Notice of Hearing" for a matter about a guardianship (of a minor).

Please publish a notice in your newspaper about this court case on three separate days before the hearing. The first publication must be at least 14 days prior to the hearing, which is scheduled for: _____

_____ (date of Hearing).

Also enclosed is (check one box)

☐ A check or money order in the amount of \$_____ for the cost of the publication as requested,

OR,

☐ a certified copy of the Order from the court waiving/deferring the publication costs (Arizona Business Gazette only).

When you receive this letter, please call me at (_____) to tell me when the first publication will occur. When all three days of publication have been completed, please file the original and send me one copy of the Affidavit of Publication.

Thank you for your assistance in this matter.

Sincerely,

Your name

Enclosures

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar 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:

Case Number: _____

PROOF OF NOTICE OF HEARING FOR GUARDIANSHIP OF A MINOR

a Minor

The person who signs below (on next page) states under oath or affirmation, the following to be true under penalty of perjury:

1. DOCUMENTS PROVIDED: I provided copies of the following court documents. (Check the box for each court document you provided. Write in any non-listed documents after "Other.")

- ☐ Petition for Appointment of Guardian of a Minor
- ☐ Affidavit of Person to be Appointed as Guardian
- ☐ Consent of Parent to Guardianship (and Waiver of Notice)
- ☐ Notice of Hearing
- ☐ Petition for Termination of Guardianship of a Minor
- ☐ Other (list title) document _____

2. TO WHOM I GAVE NOTICE: These are the people to whom I gave copies of all the documents listed in Number 1 above. State the relationship between the person who has or will have the guardianship, and the person you gave the copies to.

A. Name: _____

B. Relationship to person: _____

C. Date I gave the documents: _____

D. How I gave the documents -- check at least one box and complete the information:

- ☐ Personal service (file "Affidavit of Acceptance" or affidavit of process server or sheriff)
- ☐ 1st class mail, postage prepaid
- ☐ Certified mail
- ☐ Registered mail (attach green card to this paper)
- ☐ Hand delivery by (name) _____

Case No. _____

- A. Name: _____
- B. Relationship to person: _____
- C. Date I gave the documents: _____
- D. How I gave the documents -- check at least one box and complete the information:
- ☐ Personal service (file "Affidavit of Acceptance" or affidavit of process server or sheriff)
 - ☐ 1st class mail, postage prepaid
 - ☐ Certified mail
 - ☐ Registered mail (attach green card to this paper)
 - ☐ Hand delivery by (name) _____

- A. Name: _____
- B. Relationship to person: _____
- C. Date I gave the documents: _____
- D. How I gave the documents -- check at least one box and complete the information:
- ☐ Personal service (file "Affidavit of Acceptance" or affidavit of process server or sheriff)
 - ☐ 1st class mail, postage prepaid
 - ☐ Certified mail
 - ☐ Registered mail (attach green card to this paper)
 - ☐ Hand delivery by (name) _____

- A. Name: _____
- B. Relationship to person: _____
- C. Date I gave the documents: _____
- D. How I gave the documents -- check at least one box and complete the information:
- ☐ Personal service (file "Affidavit of Acceptance" or affidavit of process server or sheriff)
 - ☐ 1st class mail, postage prepaid
 - ☐ Certified mail
 - ☐ Registered mail (attach green card to this paper)
 - ☐ Hand delivery by (name) _____

By signing this document, I state to the Court, under penalty of perjury, that the information I have provided on this form is true and correct to the best of my knowledge and belief.

Date (Month/Day/Year)

Petitioner's 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 IN YUMA COUNTY

In the Matter of Guardianship of:

Case Number: _____

A Minor

ACCEPTANCE OF SERVICE and (optional) WAIVER OF NOTICE REGARDING GUARDIANSHIP OF A MINOR

The person who signs below states under oath or affirmation, the following:

My relationship to the person named in the caption above as "A Minor", is:

(Example: "father" or "sister"): _____

1. ACCEPTANCE OF SERVICE

I have received a copy of the following Court papers concerning guardianship of a minor:

(Check the box next to each document you received.)

- ☐ Petition for Appointment of Guardian of a Minor
- ☐ Affidavit of Person to be Appointed as Guardian
- ☐ Consent of Parent to Guardianship (and Waiver of Notice)
- ☐ Notice of Hearing
- ☐ Petition for Termination of Guardianship of a Minor
- ☐ Other: _____

I waive formal service of process (personal service), and understand that by accepting these papers, it is the same under Arizona Law as if I had been personally served.

I am aware that accepting service of these court papers and signing this document does not in any way reduce my rights or obligation to file a written response (objection) or to come to court to object.

2. ☐ I am not on active duty in the military forces of the United States of America;

OR

- ☐ I am on active duty in the military forces of the United States of America, AND

(check one box)

☐ I WAIVE the right to delay or overturn this proceeding.

☐ I DO NOT waive the right to delay or overturn this proceeding.

NOTE: When military duty interferes with the ability to participate in a case, the Service Members Civil Relief Act 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 in the court's ruling.

3. ☐ (OPTIONAL) 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 case number declaring that I no longer waive notice of hearings and other court proceedings.

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: _____

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: _____

DECLARATION SUPPORTING PUBLICATION

A Minor

UNDER PENALTY OF PERJURY I make this Affidavit to tell the Court why service by publication was necessary, and to show how service by publication was done.

1. Here are the names of people entitled to notice of this matter to which I gave notice by publication:

- Name: _____
Last Known Address: _____
Last Date I Tried to Find Person: _____
Relationship of Person to the Minor: _____
- Name: _____
Last Known Address: _____
Last Date I Tried to Find Person: _____
Relationship of Person to the Minor: _____
- Name: _____
Last Known Address: _____
Last Date I Tried to Find Person: _____
Relationship of Person to the Minor: _____
- Name: _____
Last Known Address: _____
Last Date I Tried to Find Person: _____
Relationship of Person to the Minor: _____

2. The residence and location of the persons to whom notice was given by publication is unknown to me. I have made every reasonable effort to find those persons but despite a diligent search have been unable to find an address or location and to have the court papers personally served.

(Explain below everything you did to try to find the persons to whom notice was given by publication. Check all that apply and supply details where indicated. This list is not all-inclusive and other options may be available. If the Court is *not satisfied* that you have made every reasonable effort to locate, you may be required to take additional steps, including being required to publish notice again.)

3. **I took the following actions to try to locate the other party.**

(Check all that apply. Supply details.)

- ☐ Checked the county jail in Yuma County and/or this county: _____
- ☐ Checked the prisons (Dept. of Corrections) in Arizona and/or this state: _____
- ☐ Checked phone directories ☐ Checked court records at: _____
- ☐ Contacted Post Office for forwarding address information
- ☐ Checked obituary notices at: (List newspapers checked) _____
- ☐ Also Searched the Internet* at: (Check all that apply.) * ☐ Facebook ☐ MySpace
- ☐ Windows Live (Live.com) ☐ LinkedIn.com ☐ Spokeo.com ☐ Zabasearch.com
- Searched other sites listed here: _____

*** I UNDERSTAND SEARCHING THE INTERNET ALONE IS NOT ENOUGH TO JUSTIFY SERVICE BY PUBLICATION, AND IF THIS IS THE ONLY EFFORT I MADE TO LOCATE PERSONS TO BE SERVED, PUBLICATION MAY BE REJECTED, MY CASE DELAYED, AND I MAY HAVE TO TAKE OTHER STEPS AND PAY TO PUBLISH AGAIN.**

- ☐ I contacted the persons listed below to try to get information about the location of the person(s) notified by publication so that the court papers could be personally served on him or her.

- Name: _____
 Last Known Address: _____
 How I contacted this person: _____
 Relationship to Person entitled to Notice: _____
 Examples: friend, ex-wife, parent, brother, roommate, co-worker, employer
- Name: _____
 Last Known Address: _____
 How I contacted this person: _____
 Relationship to Person entitled to Notice: _____

- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Person entitled to Notice: _____
Examples: friend, ex-wife, parent, brother, roommate, co-worker, employer
- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Person entitled to Notice: _____
- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Person entitled to Notice: _____
- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Person entitled to Notice: _____
- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Person entitled to Notice: _____
- Name: _____
Last Known Address: _____
How I contacted this person: _____
Relationship to Person entitled to Notice: _____

4. ☐ **To the best of my knowledge, information, and belief, the person entitled to notice is not in the military service of the United States.**

5. **The following documents were published in a newspaper in the county where my case is pending.**
(List title/name of each document. Example: Petition, Summons)

| | | |
|--|--|--|
| | | |
| | | |

The documents above were published on the following dates:

A. ____ / ____ / ____, B. ____ / ____ / ____, C. ____ / ____ / ____, D. ____ / ____ / ____.

AND/OR

The following documents were published in a newspaper in the Arizona county of the other party's last known address, or in an adjoining county if no newspaper is published in that county, and neither is the county in which my case is pending.

A. ____ / ____ / ____, B. ____ / ____ / ____, C. ____ / ____ / ____, D. ____ / ____ / ____.

6. **The “*Affidavit of Publication*”** (supplied by the newspaper after publication is complete) **and a copy of the notice published are attached or have been filed. (REQUIRED)**
7. **By signing below, I state to the Court that I have read this document and that the information provided is true and correct, under penalty of perjury.**

Date

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: _____

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** or ☐ **Minor**

☐ **Guardianship**

(check one or both)

☐ **Conservatorship**

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 Permanent Appointment of:** ☐ **Guardian** ☐ **Conservator**

☐ **Petition for *Temporary/Emergency* Appointment of:** ☐ **Guardian** ☐ **Conservator**

☐ **Order Appointing Attorney, Health Professional, Court Investigator**

☐ **Affidavit of Person to be Appointed** ☐ **Consent of Parent** (*only* if regarding a minor)

or ☐ Petition for Approval of Accounting ☐ Annual Report of Guardian

☐ Other: _____

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