

PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR



PINAL COUNTY

**HOW TO PETITION FOR TEMPORARY AND/OR EMERGENCY
APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR**

INSTRUCTIONS AND FORMS

**Provided as a Public Service by
REBECCA PADILLA
Clerk of the Superior Court**

EMERGENCY ORDERS WHEN THE COURT IS CLOSED

The Court is open Monday through Friday from 8:00 a.m. to 5:00 p.m. except on holidays.

If you are seeking an Order of Protection; an Injunction Against Harassment or an Injunction Against Workplace Harassment from the Court and you are present in the Courthouse by 5:00 p.m., then you will be allowed to file your petition and appear in front of a judge that same day. Court staff and a judge will remain available to address your petition until the hearing is concluded, even if it will extend beyond regular court hours.

For all other emergency orders (legal decision making/child custody, child dependency, guardianship or conservatorship), the required petition and related paperwork must be submitted and accepted by the Clerk of the Court by 5:00 p.m. Your paperwork will not be accepted by the Clerk of the Court if it is incomplete or in error. Please be advised that filling out the necessary paperwork for these types of emergency orders may take a considerable amount of time. You should, therefore, plan for at least two hours to complete the required forms. If you are unable to file the necessary paperwork before the Court closes, you may return to court the next business day and file it then.

If there is an emergency that may result in serious harm to someone before you can return to Court, you can take one or more of the following actions to protect yourself or another person:

If someone is injured or in danger of imminent physical harm or if a crime has been committed or is about to be committed call 911.

If you or your child are the victim of domestic violence or are in danger of becoming the victim of domestic violence you can call your local law enforcement agency, and they can place you in contact with a judge by telephone. The judge can hold a hearing over the telephone and determine whether to issue an emergency order of protection.

If a child is in danger of abuse or neglect, you can call the Department of Child Safety's Child Abuse Hotline at 1888-SOS-CHILD (1-888-767-2445).

If a vulnerable adult is in danger of abuse or neglect, call the Adult Abuse Hotline at 1-877-SOS-ADULT (1-877-767-2385).

PETITION FOR TEMPORARY APPOINTMENT AS GUARDIAN and/or CONSERVATOR

How to assemble these documents:

This packet contains general information and instructions on how to file for temporary appointment as guardian and/or conservator for an adult. Be sure the documents are in the following order:

ORDER	TITLE	# OF PAGES
1	Table of Contents (this page)	1
2	Instructions and Procedures: How to File Petition for Temporary Appointment of Guardian and /or Conservator	2
3	Petition for Temporary Appointment of Guardian and/or Conservatorship	4
4	Notice of Hearing on Petition for Temporary Appointment of Guardian and/or Conservatorship	1
5	Order for Temporary Appointment of Guardian and/or Conservatorship	2
6	Letter and Acceptance of Temporary Appointment of Guardian and/or Conservatorship	2

You have permission to use these forms for any lawful purpose. They 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 and that you contact an attorney to assist you in completing these forms if you have any questions.

INSTRUCTIONS and PROCEDURES:
**HOW TO FILE A PETITION FOR TEMPORARY AND/OR EMERGENCY
GUARDIANSHIP AND/OR CONSERVATORSHIP**

1. **Introduction:** These are the steps to ask the Court to appoint a **temporary** guardian and/or conservator. A temporary guardianship or conservatorship appointment means that you cannot wait the few months it would take to get a permanent appointment, so you want the Judge to appoint a person temporarily, while you wait for the appointment of the permanent guardian and/or conservator.

To file for a temporary appointment, you must also complete all the papers for the Petition for Appointment of Guardian and/or Conservator of an Adult. Be sure you have all the forms for both court proceeding before you start. **Get all the forms you need before you begin.**

Sometimes a person needs a guardian or a conservator appointed without prior notice. This means that the temporary emergency appointment is done very fast and without letting others know about it ahead of time. **This is a very serious matter.** The Judge will not grant the temporary appointment without notice unless you have a **very good reason** and can prove that **immediate and irreparable injury, loss, or damage will result before notice can be given.**

2. **Complete the paperwork – Petition for Temporary Appointment:** Decide if you are applying for a **guardian**, a **conservator**, or **both**. If you are not sure, the Self-Service packet has information to describe the differences between the different appointments.

Fill out all the forms for the **temporary appointment** completely and in **black ink**. Make **3 copies** of the completed forms. The forms you need to complete are the following:

- PETITION FOR TEMPORARY APPOINTMENT OF GUARDIAN/CONSERVATOR. Fill out all the information and list all persons entitled to know about this matter. Complete questions #8 and #9 if an emergency situation exists. Attached a **copy of the latest doctor report** to the petition.
 - NOTICE OF HEARING ON TEMPORARY APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR. Complete the information of the person filing the document at the top of the page. Fill in the name of the adult you are seeking guardian conservator in the caption. Date and sign. The judge will complete the notice of hearing date if the Judge decides that you need a hearing and notice need to be given to those entitled to receive notice.
 - ORDER APPOINTING TEMPORARY GUARDIAN/CONSERVATOR. Complete the information of person filing document at the top of the page. Fill in the name of the adult you are seeking guardian conservator in the caption. The Judge will fill out the rest of the document.
 - LETTERS OF APPOINTMENT OF TEMPORARY GUARDIAN/CONSERVATOR, AND ACCEPTANCE OF APPOINTMENT. Complete the information of person filing document at the top of the page. Fill in the name of the adult you are seeking guardian conservator in the caption. The rest of the document will be filled out at the appropriate time.
3. **Complete the paperwork – Petition for Appointment of Guardian and/or Conservator:** Complete the forms for Petition for Appointment of Guardian and/or Conservator packet. Follow the instructions regarding that packet.
4. **Make copies of all the paperwork:** Once you have completed both packets, make **3 copies** of all the forms. Assemble the copies so that you have 4 complete packets – **original and 3 sets** of copies.
5. **Take the Original and Copies to the Clerk to be filed:** Take the all **originals and 3 copies** of the following documents: **to the Clerk of the Superior Court**, for filing:

Visit our website for office locations or feel free to give us a call.

Contact Information for all Offices

Toll Free: 888.431.1311 • Local: 520.509.3555 or 311 • Fax: 520.866.5320

www.coscpinalcountyaz.gov/office.html

NOTE: If you are filing an emergency petition for Guardian and/or Conservator of an Adult you must file the documents at the **Florence Office** no later than **2:00 p.m.**

- 6. FILING FEE** There is a filing fee for filing this Application and there may be other charges associated with this case. Inquire with the Clerk's office regarding the filing fee amount. Payment may be made by Cash, Money Order, Visa or MasterCard debit or credit. If you cannot pay these fees, you may request the fee(s) be deferred or waived. The Clerk of the Superior Court has the necessary forms to ask for a deferral or waiver.

Note: With the Application for Deferral, you must provide proof of income (copy of your last 2 most recent paystubs)

- 7. NOTE YOUR "GC" CASE NUMBER:** The Clerk will file the **originals documents**, and stamp the copies for you with the case number and conform file stamp showing the date original documents were filed. Make sure to reference the court case number on all future filings.
- 8. GETTING A HEARING DATE ON THE TEMPORARY APPOINTMENT:** The file and documents will be forwarded to the assigned judge for review. The judge will decide whether to give you a future hearing date and whether the hearing must be with notice:

If the judge completes the Notice of Hearing on Petition for Temporary Appointment of Guardian and/or Conservatorship form, that means you will need to give notice of the hearing to all person who are entitled to know about this case (ARS §14-5310 and ARS § 14-5401).

If the judge grants an emergency hearing without notice, you must give notice to the person you say needs the temporary emergency guardianship and/or conservatorship by personal service **within 72 hours** of the date and time of the court order. No other method of notice is allowed in these cases. You must also give notice to everyone else who is entitled to know about the court case.

- 9. Giving Notice to Others.** Now you are ready to give notice of the court papers and the hearing to everyone who is entitled to know about the court case before the hearing date. There are important procedures and time lines for this that you must follow. These are described in the Self-Service Packet **Information on Legal Notice Packet**.

- 10. After Temporary and/or Emergency Hearing for Appointment of Guardian and/or Conservator:** If the judge signs the Order for Temporary Appointment of Guardian and/or Conservatorship, the Clerk's office will complete and issue Letters of Temporary Appointment of Guardian and/or Conservatorship.

You will need to purchase a certified copy of the Letters of Temporary Appointment of Guardian and/or Conservatorship to show you are the official person appointed by the judge. There is a \$26.00 certification fee plus \$0.50 per page copy charge to do this.

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys."

Name of Person Filing: _____
Street Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of (check one or both)
 Guardianship Conservatorship

CASE NUMBER: GC _____

**PETITION FOR TEMPORARY APPOINTMENT OF
(Check One Box)**

Guardian
 Conservatorship
 Guardianship and Conservatorship

_____ an Adult or a Minor

HONORABLE: _____

INFORMATION FROM GUARDIANS AND CONSERVATORS, UNDER OATH:

1. Information about person to be protected by this temporary order:

Name: _____
Residence: _____
Mailing Address: _____
Date of Birth: _____ Age: _____

2. Information about the Petition that was filed for Permanent Guardianship and/or Conservatorship (You cannot file for a Petition for Temporary Appointment unless you complete all the paperwork for the permanent appointment.)

- A. Date Petition was filed: _____
- B. Name of court where petition was filed: _____
- C. Type of order requested: (check one)
 Guardianship and Conservatorship; Guardianship; Conservatorship
- D. Information about court hearing scheduled for that petition: (if any) _____

3. **Reasons for temporary appointment.** The temporary appointment of a guardian and/or conservator is necessary because: (Explain why the temporary appointment is necessary.)

4. **Petitioner's relationship** to the person you say needs a guardian and/or conservator:

5. **Why should this court choose the person you say should be the guardian/conservator:**

6. **Information about person to be appointed guardian/conservator** (if different person than Petitioner)

Name: _____ Telephone: _____

Address: _____ Date of Birth: _____

Driver License Number: _____

Relationship to the proposed incapacitated and/or protected person: _____

7. **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 is guardian or conservator):

Complete 8 and 9 only if this Petition for Temporary Appointment is an EMERGENCY. If this is not an emergency, skip to number 10.

8. **Emergency Situation.** This case is an emergency and the appointment is necessary without notice to the person whom I say needs the guardian and/or conservator, or his/her attorney, because (explain here in detail why this needs to be done right away and without notice) _____

9. **Physician's Report.** Complete this only if the person you say needs the emergency temporary guardian or conservator is an **ADULT**: An affidavit or physician's report describing need for a guardian and/or conservator and reason for emergency.

is attached to this Petition. is **not** attached to this Petition (explain why not).

10. **Persons Entitled to Notice** under Arizona law, A.R.S. 14-5309 (adults), 5207 (minors) and 14-5310 (emergency) for guardians and 14-5405 (adults and minors) and 14-5401 for conservators. I have: (check one box)

Given notice to the person who needs a guardian and/or conservator, or his/her attorney, or others follows:

	NAME	ADDRESS	RELATIONSHIP to Person Who Needs Guardian or Conservator and how NOTICE was given
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____
D.	_____	_____	_____

OR

Not given notice to the person who needs a guardian and/or conservator, or his/her attorney, or others because (explain here why no advance notice about this court case should be given). I promise I will give notice by personal service to the person who needs protection, his or her attorney, and all others required by law no later than 72 hours after the judge signs the Temporary Order:

REQUESTS TO THE COURT:

1. To find that the person about whom this petition is filed is in need of a temporary guardian and/or conservator.
2. **Check this box only if you are asking for an emergency appointment without notice, and have completed question #9:**

To find that an emergency exists and this temporary order is necessary without notice to the person I say needs the guardian and/or conservator, or his/her attorney;

3. To appoint the person identified in this petition as the temporary guardian and/or conservator for that person until a court hearing can take place on this matter, or until further order of the court.

4. Pursuant to A.R.S. 14-5303, the appointment of _____
as Temporary Guardian for _____,
the alleged incapacitated person, which may include the authority granted to the Guardian to withhold or
withdraw life sustaining treatment, including artificial food and fluid.

OATH OR AFFIRMATION AND VERIFICATION

STATE OF ARIZONA)
COUNTY OF PINAL) ss.

I, the Petitioner, being duly sworn and under oath, state that I have read this Petition. All the statements in the Petition are true and correct and complete to the best of my knowledge and belief.

(DATE)

(SIGNATURE)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

My Commission Expires:

(Deputy Clerk/Notary Public)

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of (check one or both)
 Guardianship Conservatorship

CASE NUMBER: GC _____

**NOTICE OF HEARING ON PETITION FOR
 TEMPORARY APPOINTMENT GUARDIANSHIP
 AND/OR CONSERVATOR**

_____ an Adult or a Minor

HONORABLE: _____

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 a Petition along with other court papers. (List the title of all the papers filed in the space below):

2. **COURT HEARING.** A court hearing has been scheduled to consider the Petition for Temporary Appointment and matters in the court papers before:

HONORABLE JUDGE: _____

DATE AND TIME: _____

PLACE: *Pinal County Justice Complex, Superior Court*
 971. N. Jason Lopez Circle Bldg A.
 Florence, AZ 85132

3. **RESPONSE TO PETITION.** You can file a written Response to the Petition. File your original written Response with the court, mail a copy of the original Response to the Petitioner(s) and the Judge named above at least 5 business days before the hearing. Or, you can appear in person at the hearing. You must appear at the hearing **only** if you wish to object to the Petition.

If you wish to object to any part of the Petition or Motion 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 or you must appear in person or through an attorney at the time and place set forth in the notice of hearing.

 (Dated)

 (Petitioner's Signature)

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of (check one or both)
 Guardianship Conservatorship

CASE NUMBER: GC

ORDER FOR TEMPORARY APPOINTMENT OF

- Guardian
 Conservatorship
 Guardianship and Conservatorship

_____ an Adult or a Minor

HONORABLE: _____

NOTICE: This is an important court order that affects your rights. Read this order carefully. If you do not understand this order, contact an attorney for legal advice.

THE COURT FINDS:

1. **PETITION FILED.** A sworn Petition for Temporary Appointment of a Guardian and/or Conservator for the person named above was filed with the Court by the Petitioner.
2. **PERSON TO BE PROTECTED:** The person to be protected by this order:
 - Is a **MINOR** whose welfare and best interests require the appointment of a **Temporary Guardian** to provide for his or her continuing care and supervision.
 - Is a **MINOR** for whom a **Temporary Conservator** is necessary because he or she has money or property that requires management or protection or has or may have business affairs which may be jeopardized by his or her minority or the minor needs funds for his or her education and protection is necessary or desirable to obtain or provide funds.
 - Is an **Adult** who is incapacitated due to physical and/or mental disabilities that he or she is unable to make or communicate responsible decisions concerning his or her person and that appointment of a **Temporary Guardian** is necessary to provide for his or her continuing care and supervision.
 - Is an **Adult** for whom a **Temporary Conservator** is necessary because he or she is unable to effectively manage or apply his or her estate due to physical and/or mental disabilities, confinement or disappearance, and that it is necessary to obtain or provide funds for the support, care, and welfare of the person to be protected and of those entitled to his or her support.
3. **NEED FOR PROTECTION:** There is sufficient evidence to support a finding of incapacity or need for protection by the person who is subject of this order.
4. **PERSON TO SERVE AS GUARDIAN and/or CONSERVATOR:** is competent to serve as:
 Temporary Guardian and Conservator OR Temporary Guardian OR Temporary Conservator.
5. There is no guardian or conservator appointed by a court to date, or this order replaces such other order;

6. **EMERGENCY.** An emergency exists and there is need under law for the Court to enter this order immediately;
7. **PRIOR NOTICE.** Prior Notice of this order is not required to be given to the person to be protected or his or her attorney or others entitled to prior notice because all the conditions of Arizona law A.R.S. §14-5310 and/or §14-5401-01 have been met.

THE COURT ORDERS:

1. **APPOINTMENT:** _____ is appointed
 Guardian and Conservator OR Guardian OR Conservator of the above-named person pursuant to Arizona law A.R.S. §14-5310 and/or §14-5401-01.

2. **LETTERS:** This Order shall be filed with the Clerk of the Court, and upon filing a bond, if required, LETTERS OF TEMPORARY APPOINTMENT shall be issued to the Appointee in accordance with the terms of this Order and subject to the following restrictions (if any): _____

3. **BOND:**
 No Bond is required, **OR**
 The Guardian and/or Conservator shall file a bond in the amount of \$ _____ with the Clerk of the Court.

4. **NOTICE:** The appointee shall give notice to the minor and his or her parents or to the protected or incapacitated adult person named in the caption above, and to all others, with a copy of each the following documents:
 a. The Petition for Appointment with this Order;
 b. All reports, affidavits, or other documents filed in support of both Petitions.

5. **EMERGENCY HEARING WITHOUT NOTICE:**
 Personal service shall be completed no later than 72 hours after the date of this order upon the person who needs the protection, his or her attorney, and the parents of that person if the person is a minor.

6. **PROOF OF NOTICE.**
 Proof of Notice of Hearing shall be filed with the Clerk of the Court, as required by Arizona law, A.R.S. §14-5310 (B) and/or §14-5401-01 (B).

7. **CHANGE OF ADDRESS.** The person appointed as temporary guardian and/or conservator shall notify this Court immediately of any change in his or her address or the person protected by this order. The appointee shall be responsible for all costs resulting from his/her failure to do so.

8. Pursuant to A.R.S. §14-5303, the appointment of _____ as Temporary Guardian for _____, the alleged incapacitated person, who may include the authority granted to the Guardian to withhold or withdraw life sustaining treatment, including artificial food and fluid.

DONE IN OPEN COURT: _____
(Judge of the Superior Court)

Name of Person Filing: _____
 Street Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Email Address: _____
 Representing Self (No Attorney) or Represented by Attorney
 If Attorney, Bar Number: _____

**SUPERIOR COURT OF ARIZONA
 PINAL COUNTY**

In the Matter of (check one or both)
 Guardianship Conservatorship

CASE NUMBER: GC

LETTERS OF TEMPORARY APPOINTMENT AS

Guardian
 Conservatorship
 Guardianship and Conservatorship

**AND ACCEPTANCE OF LETTERS OF
 TEMPORARY APPOINTMENT**

_____ an Adult or a Minor

HONORABLE: _____

ISSUANCE OF LETTERS:

1. **This person is appointed:** (name) _____
 as Temporary Guardian Temporary Conservator or Temporary Guardian and Conservator for the above captioned.
2. **Reasons for Appointment:** The above captioned an Adult a Minor is an incapacitated ward and/or protected person.
3. **Length of Appointment:** until further order of this court order: _____
4. **Restrictions** that apply to this permanent appointment by order of the court: _____

5. **MENTAL HEALTH CARE:**

OUTPATIENT MENTAL HEALTH CARE: The Guardian has the authority to consent for the Ward/Incapacitated Person to receive outpatient mental health care and treatment.

INPATIENT MENTAL HEALTH CARE: The Guardian has the authority to place the ward in a level one behavioral health facility for inpatient mental health care and treatment. This authority expires on: _____ (date).

Pursuant to A.R.S. 14-5303, the appointment of _____ as Permanent Guardian for _____, the alleged incapacitated person, which may include the authority granted to the Guardian to withhold or withdraw life sustaining treatment, including artificial food and fluid.

6. **DRIVING PRIVILEGES:**

- The Ward/Incapacitated Person's right to obtain or retain a driver's license is suspended. **OR**
- The Ward/Incapacitated Person's right to obtain or retain a driver's license is not suspended.

Witness: _____

REBECCA PADILLA
Clerk of the Superior Court

Seal: _____

By: _____
(Deputy Clerk)

ACCEPTANCE OF LETTERS OF TEMPORARY APPOINTMENT

STATE OF ARIZONA)
County of Pinal) ss.

I, _____ accept the duties as Temporary Guardian
 Conservator Guardian and/or Conservator of (Name) _____
and I swear that I will perform these duties according to law.

(Guardian And/Or Conservator)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

By _____
(Deputy Clerk/Notary Public)

My Commission Expires:

STATE OF ARIZONA)
County of Pinal) ss.

I, _____ accept the duties as Temporary Guardian
 Conservator Guardian and/or Conservator of (Name) _____
and I swear that I will perform these duties according to law.

(Guardian And/Or Conservator)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20 _____

By _____
(Deputy Clerk/Notary Public)

My Commission Expires: