

# **GUARDIANSHIP/ CONSERVATORSHIP**

# **X**

# **DISCHARGE AND/OR TERMINATE**

**To Discharge a Guardian &/or Conservator &/or  
Terminate a Guardian/Conservatorship or  
DISCHARGE FUNDS for a MINOR\***

*\*Case Numbers beginning "PB" only*

**(Instruction Packet)**

## **GUARDIANSHIP AND CONSERVATORSHIP DISCHARGE OF GUARDIAN AND/OR CONSERVATOR FOR MINOR ONLY AND RELEASE RESTRICTED FUNDS**

(Instructions Only)

This packet contains instructions to get a court order to discharge a guardianship and/or conservatorship for a minor and release restricted funds. Be sure the documents are in the following order:

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## Procedures: How to ask the Court to End the Guardianship of a Minor and/or end the Conservatorship and Release Restricted Funds

Use this packet if:

- ✓ You are the guardian of a minor and the minor has turned 18, no longer needs a guardianship, or has died, and/or
- ✓ You are the conservator of a minor and the minor has turned 18, no longer needs a conservatorship, or has died, and
- ✓ You had all the money placed by order of the court in a restricted account, and
- ✓ You made no unauthorized withdrawal from the account during the conservatorship, and
- ✓ You now want a court order releasing the restricted funds

Procedures:

Step 1 Complete the petition and other forms: Complete a "Petition for Termination of Guardianship and/or Conservatorship and Release of Restricted funds". Write neatly and use black ink. Sign the Petition in front of a notary public.

Step 2 Photocopy: Use original set and make 4 photocopies.

Then, separate each into complete sets as follows:

<p>Set 1: Originals for the Clerk of Superior Court</p> <ul style="list-style-type: none"><li>• Petition for Termination and/or Discharge</li><li>• Notice of Hearing</li><li>• Waiver of Notice of Hearing (If applicable)</li><li>• Order Terminating Guardianship/Conservatorship</li></ul>	<p>Set 3: Copies for Guardian and/or Conservator</p> <ul style="list-style-type: none"><li>• Petition for Termination and/or Discharge</li><li>• Notice of Hearing</li><li>• Waiver of Notice of Hearing (If applicable)</li><li>• Order Terminating Guardianship/ Conservatorship</li></ul>
<p>Set 2: Copies for the Judicial Officer</p> <ul style="list-style-type: none"><li>• Petition for Termination and/or Discharge</li><li>• Notice of Hearing</li><li>• Waiver of Notice of Hearing (If applicable)</li><li>• Order Terminating Guardianship/Conservatorship</li></ul>	<p>Set 4 or more: Copies for the Minor and Persons (or Agencies) to receive notice</p> <ul style="list-style-type: none"><li>• Petition for Termination and/or Discharge</li><li>• Notice of Hearing</li><li>• Waiver of Notice of Hearing (if applicable)</li><li>• Order Terminating Guardianship/ Conservatorship</li></ul>

Step 3 Go to the Clerk of Superior Court filing counters at one of the following locations:

Downtown Phoenix:  
Central Court Building, 1st Floor  
201 West Jefferson  
Phoenix, Arizona 85003

Northeast Phoenix:  
Northeast Regional Court Facility  
18380 North 40<sup>th</sup> Street  
Phoenix, Arizona 85032

Surprise:  
Northwest Regional Court Facility  
14264 West Tierra Buena Lane  
Surprise, Arizona 85374

Mesa:  
Southeast Court Facility, 1<sup>st</sup> Floor  
222 East Javelina Avenue  
Mesa, Arizona 85210

If you mail the documents to the court, please include:

- A letter explaining what you are sending and why.
- Original and copies of the Petition and copy of minor's birth certificate;
- 8 x 11" self-addressed, stamped envelope so the hearing date can be mailed back to you.

The Clerk will file the original of the Petition for you and mail a copy of the conformed (date-stamped) copies of the Petition back to you.

Step 4 Get your copies back.

The Clerk of Superior Court will file the originals, stamp the copies with a case number to indicate the copies conform to (are the same as) original documents filed with the court, and return the copies to you.

Step 5 Get a court hearing date:

A. If filing in downtown Phoenix at 201 West Jefferson Street, after filing walk to East Court Building 3<sup>rd</sup> Floor, to Probate Court Administration to immediately ask to schedule a hearing, or . . .

B. If filing at a court location where there is no Calendar Clerk available:

- Wait until 2 to 3 days after filing so Probate Administration can see information in data system).
- Call 602-506-5510 and tell the Calendar Clerk you need to schedule a hearing.
- Provide the case number.
- The Calendar Clerk will provide you with the date, time, and location of the hearing, as well as the name of the Judicial Officer assigned to conduct the hearing.
- Please write it down! Don't lose it! Or

C. If filing at a court location where there is no Calendar Clerk available and you do not want to wait the 2-3 days:

- Bring your documents to the downtown Phoenix Probate Court Administration East Court Building, 3<sup>rd</sup> Floor, 101 West Jefferson Street, Phoenix, Az. in person to schedule the hearing.
- Present one clerk-stamped (conformed) copy of the following documents to Probate Court Administration:
  - Notice of Hearing

Probate staff will then provide you with printed information about the time, date, and location of the hearing, as well as the name of the Judicial Officer assigned.

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

Step 6 Give notice of the hearing to everyone entitled to notice: You must give a copy of the Petition and Notice of Hearing to all interested persons. For more information about notice, see the Law Library Resource Center Information on Probate Service and Notice.

- You do not need to give formal 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.
- The following people should be given notice:
  - To the minor,
  - To a minor's spouse, or if minor is unmarried to any living parent of a minor; or to the spouse or adult child of an adult,
  - To the guardian or conservator, if the minor or adult has one, unless the conservator is also the guardian;
  - To the guardian ad litem if one was appointed by the court.

Step 7 Complete and file other court papers: At least 15 days before the hearing is scheduled, complete the Proof of Notice stating how and when you gave notice to all interested persons. Make 2 extra copies of each of the following documents. Then file or mail the original and 2 copies of the following to Probate Court Administration. Bring copies of the following to the hearing:

- Notice of Hearing;
- Proof of Notice;
- Waiver of Notice (if any was signed by interested parties); and
- Order Terminating the Guardianship and/or Conservatorship, and
- Order Releasing the Funds.

Probate Court Administration will file the originals for you and deliver the copies to the commissioner assigned to the hearing. Remember to bring copies of your documents to the hearing.

Step 8 Come to the hearing: Be prepared to tell the Judge why the guardianship and/or conservatorship should end and why the funds should be released.

Note: If you or the minor lives 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. At the hearing, the following things could occur:

- Court Order: If the court grants your Petition, the Judge will sign the Order terminating the Guardianship/Conservatorship and authorizing the release of the restricted funds. You or the minor can request a certified copy of the Order from the Probate Registrar to give to the bank or financial institution where the restricted account is located.

Note: If the funds are located at multiple locations, you will need to get multiple certified copies of the Order.

- Release of funds: When you get the certified copy of the Order, the bank or institution will release the funds to you or the former minor. Remember to take a valid picture identification with you to the bank or institution for the release of funds. It is also a good idea for both of you to go together for the release, if you can, As soon as the money is released, be sure that you and the former minor agree upon the amount released. Then have the minor sign the receipt of restricted funds in front of a notary public.

Note: You can have the former minor sign the Receipt in front of a Notary at the bank since most banks have Notary Public service.

- Mail to the court a Receipt of Restricted Funds: The Order will also require you to file a receipt of restricted funds within 30 days from the date of the court Order, signed by the minor. This is to prove to the Court that you followed the court order, and the amount everyone thought was in the account was actually there and released to the former minor. Mail the Receipt to Probate Court Administration at the address where you filed the case.

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