

Self-Service Center

INSTRUCTIONS: HOW TO COMPLETE THE FORMS TO ASK THE COURT TO APPOINT A GUARDIAN AND CONSERVATOR OF AN ADULT or a person at least 17.5 years old *to become effective at age 18*

NOTE: This process, from time of filing to the signing of the court order, may take at least two months. If there is an **urgent** situation that requires the actions of a Guardian/Conservator in less than that amount of time **OR** the guardian/conservator will only be needed for a period of **6 months or less**, see the Self-Service Center packet for "**TEMPORARY ORDERS**" for Guardianship/Conservatorship. Refer to the checklist in that packet to help determine whether you need to file for Temporary Orders *only*, or *in addition to* "permanent" appointment of more than 6 months.

BE SURE YOU NEED TO ASK THE COURT TO APPOINT A GUARDIAN AND CONSERVATOR, AND NOT JUST ONE OR THE OTHER. If you are not sure, see the "Checklist" at the beginning of the "Forms" packet. Note that the Self-Service Center has separate packets to request appointment of a guardian, a conservator, or both a guardian and conservator.

The person you say *needs* a guardian and conservator may be referred to as:

- "the ward", "the proposed ward", "the incapacitated person",
- "the person to be protected" or "the person needing protection".

The person who is to serve as Guardian and Conservator may also be referred to as "the fiduciary", a person placed in a position of trust regarding the protected person.

1. COMPLETE THE COURT FORMS FOR FILING: Fill out all the forms completely and in **black ink**. Read and follow the instructions on the individual forms.

FORM 1: PROBATE INFORMATION COVER SHEET (Form PB10f). (No copies required)

Fill in the information requested about:

- **the ward**, the person for whom the guardian is to be appointed,
- **the petitioner**, you, the person filling out and filing these forms, and
- **the fiduciary**, the person who is to serve as guardian/conservator.

Leave "Case Number" blank. A case number beginning with the letters "**PB**" will be stamped on the papers by the Clerk of the Court when you file the papers. Use this case number on all other papers you file with the court in this case.

- Indicate whether an interpreter will be needed, for what language, and for whom;
- Leave the boxes for "Reasons Fee Not Paid" blank, and
- For "**Nature of Action**", if filing for guardian and conservator, go to **#240**. Read the selections underneath and place a check next to the number **242** or **243** that best describes the adult for whom the guardian and conservator for an adult is to be appointed. Check 243 only if requesting "mental health powers" including authority to place the ward in an Inpatient Psychiatric Facility.
- On page 2, fill in the information about the fiduciary (the guardian/conservator) and sign.

FORM 2: PETITION FOR APPOINTMENT OF GUARDIAN/CONSERVATOR (Form PBGCA11f) **including request for appointment of attorney, health professional** (a physician or other medical professional to evaluate the physical and/or mental health of the proposed ward), **and court investigator**.

Regarding: (“A” and “B” below do **not** correspond to lettering on the Petition.)

A. Appointment of Attorney: A petition for appointment of a guardian/conservator for an **adult** must include a request for the court to appoint a lawyer to represent the proposed protected person. If the proposed ward already has a lawyer **and** you want that lawyer to represent the ward in *this* matter, list the lawyer’s name and address and explain any prior relationship or dealings between the lawyer and you, and between the lawyer and the person to be protected.

~~If you do not have the name of a specific lawyer to be appointed, call the **Office of Public Defense Services** after you file. They will provide the name of a lawyer to be appointed by the court. See the “**Procedures**” document in this packet for the number to call and what to say when you call.~~

B. Persons Entitled to Notice: In this section, list every person (or agency) legally entitled to receive notice of your request for a court order concerning the proposed ward. Arizona Revised Statutes **A.R.S. § 14-5305 and 14-5405**, provide that in the matters of guardianship/conservatorship for an adult, notice shall be given to:

1. The proposed ward *and* his or her spouse and parents or adult children,
2. Any person who is currently serving as a guardian or conservator (fiduciary) for or who has care and custody of the ward,
3. If no one other than the ward is notified under #1 or 2, notice must be given to at least one of the ward’s closest adult relatives, *if any can be found, and*
4. Any person who has filed a *Demand for Notice* with the Clerk of the Court.

For more detailed information on “**Serving Notice**”, refer to Self-Service Center packet #2 on “**SERVICE**”.

FORM 3: AFFIDAVIT OF PERSON TO BE APPOINTED (Form PBGC13f). This document required by Arizona law **A.R.S. §14-5106(A)**, must be completed *by the proposed guardian/conservator* and filed with the PETITION. The proposed guardian/conservator is usually, but not always, the same person as the Petitioner. Read carefully, answer truthfully, and attach explanations as instructed on the document itself.

2. COMPLETE OTHER COURT PAPERS: These forms are NOT filed with the Clerk, but you will need them later to schedule a court hearing.

- **PETITIONER’S INFORMATION SHEET TO COURT INVESTIGATOR** (PBGCA12f). This document provides important information to the Court Investigator which will aid the progress of your case. Inaccurate or incomplete information may cause delay. This is not filed but is needed before a hearing will be set.
- **NOTICE OF HEARING** (Form PBGC18F).*
- **WAIVER OF NOTICE** and **WAIVER OF SERVICEMEMBERS CIVIL RELIEF ACT** * (Form PBGC19F)*
*See **PBGC20h** in **Packet #2** on “**Service**” for how and when to use these.

NEXT: Read and follow instructions on the separate “**PROCEDURES**” document (PBGCA10p) in this packet for what to do after you have completed these forms.