

INSTRUCTIONS: HOW TO GET A GUARDIAN AND/OR CONSERVATOR APPOINTED FOR AN ADULT ON A TEMPORARY / EMERGENCY BASIS

Introduction: These are the steps to ask the Court to appoint a temporary guardian and/or conservator for an adult. 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.

If you have not already filed for appointment of a permanent guardian and/or conservator, be sure to get the packet for a PERMANENT APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR OF AN ADULT, and complete all forms for permanent appointment before you begin.

Sometimes a person needs a guardian or a conservator appointed without prior notice. This means that the temporary 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.**

1. Complete the paperwork for the TEMPORARY ORDER:

Fill out all the forms for the **temporary appointment** completely:

- **TYPE OR PRINT USING BLACK INK.**
- **MAKE 2 COPIES** of the completed forms.

You will need to complete the following forms:

- PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN AND/OR CONSERVATOR FOR ADULT/MINOR. If this is a petition for an adult, attach a copy of the latest doctor report to the petition. If you do not have this report, then you must make the doctor available to give testimony at the court hearing. Inform the judge's staff you will need a telephone at the hearing to call the doctor.
- NOTICE OF HEARING REGARDING TEMPORARY APPOINTMENT. This is the document the judge's staff will complete if the judge decides that you need a hearing and need to give advance notice of the hearing.
- ORDER APPOINTING TEMPORARY GUARDIAN AND/OR CONSERVATOR.
- LETTERS OF APPOINTMENT OF TEMPORARY GUARDIAN/CONSERVATOR, AND ACCEPTANCE OF APPOINTMENT.
- ORDER TO GUARDIAN, CONSERVATORS or GUARDIAN AND CONSERVATORS. Remember to sign the Acknowledgment on last page of the Order. (This document is only for guardian/conservator for an ADULT)

2. Complete the paperwork for the PERMANENT ORDER:

Complete the forms for the appointment of the permanent guardian AND OR CONSERVATOR. The following is the list of forms you need to start the case for the permanent appointment.

- PROBATE COVER SHEET: For guardianship and conservatorship.
- PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR:
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR: Pursuant to A.R.S. §14-5106
- PETITIONER'S INFORMATION SHEET TO COURT INVESTIGATOR:
- INSTRUCTIONS AND REQUEST FOR HEARING DATE:

3. **Make copies of all the paperwork:** Make **2 copies** of all the forms. Assemble the copies so that you have **3 complete packets** – the **originals and 2 sets** of copies.
4. **FILE THE PAPERS AT THE COURT:** Determine where to file the Court forms. There are three locations of the Superior Court in Mohave County - Kingman, Bullhead City, and Lake Havasu City:

Clerk of Superior Court
415 E. Spring St.
Kingman, AZ 86401
(928) 753-0713
 Monday-Friday
 8:00a-5:00p

Clerk of Superior Court
2225 Trane Road
Bullhead City, AZ 86442
(928) 758-0730
 Monday-Friday
 8:30a-12:00p, 1:30p-4:30p

Clerk of Superior Court
2001 College Drive
Lake Havasu City, AZ 86404
(928) 453-0701
 Monday-Friday
 8:30a-12:00p, 1:30p-4:30p

Take the original and 2 copies of the following documents to the **Clerk of the Superior Court** for processing.

- PROBATE COVER SHEET
- PETITION FOR TEMPORARY/EMERGENCY APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR
- PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN AND/OR CONSERVATOR OF AN ADULT (with Request for Appointment of Attorney, Physician, and Court Investigator/Visitor (adult only)); AND
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR (Pursuant to ARS §14-5106)
- PETITIONER'S INFORMATION SHEET FOR COURT INVESTIGATOR

If you cannot or do not want to file the documents in person, you can mail the documents to the Clerk of the Court. Provide a self-addressed, stamped envelope with proper postage so that the Clerk can return your "conformed" (stamped by Court staff) copies to you.

Mail to: Clerk of Superior Court
 P.O. Box 7000
 Kingman, AZ 86402

Pay Your Filing Fee: Pay your filing fees to the **Clerk of the Superior Court**. (A list of court fees can be found online at www.mohavecourts.az.gov)

Note: If you think a fee deferral or waiver is appropriate, ask for the court papers when you go to file.

What the Clerk Will Do: The Clerk will file the original Probate Cover Sheet. The Clerk will file originals of the following documents, and give you back clerk-stamped copies to show these documents were filled:

- PETITION FOR TEMPORARY APPOINTMENT OF A GUARDIAN AND/OR CONSERVATOR FOR AN ADULT
- PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN AND/OR CONSERVATOR OF AN ADULT
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR (Pursuant to ARS §14-5106)

5. **NOTE YOUR "GC" CASE NUMBER:** The Clerk will file the originals, and stamp the copies for you with the case number and proof that you filed the originals. The case number always starts with the initials "GC." You must use this number on every paper you file with the court from now on in this case.

- 6. HOW YOU WILL GET A COURT HEARING DATE:** The Court will schedule the hearing: date, time, place, and judicial officer, by Minute Order. This Minute Order will also name the attorney, investigator, and medical professional. **YOU MUST APPEAR AT THIS HEARING.** The Court will also mail you a copy of the signed Order so you can proceed with the next step by giving the NOTICE OF HEARING to all interested persons.
- If the Judge decides to give you a hearing on the Petition for Temporary Appointment of a Guardian and/or Conservator of an Adult, Court staff will provide you with a copy of a NOTICE OF HEARING form. You will need to give notice of the hearing to everyone entitled to notice before the hearing. See # 8 below.
- 7. TO GET THE LAWYER APPOINTED (FOR ADULTS ONLY);** If this is a guardianship and/or conservatorship for an adult, the person you say needs a guardian and/or conservator must also have a lawyer, whether the hearing is with or without notice. If there is no lawyer already representing him/her in this matter, you may go online to www.azbar.org for a list of available lawyers in your area.
- 8. GIVE NOTICE ABOUT THE COURT CASE:** (ARS §14-5310 and §14-5401) If this is an emergency hearing with notice, you must give notice to everyone just like with a PETITION FOR PERMANENT GUARDIANSHIP AND/OR CONSERVATORSHIP
- If this is an emergency hearing without notice, you must give notice to the person you say needs the temporary or emergency guardianship by personal service within 72 hours after the court hearing. No other notice is required in these cases.
- 9. BEFORE THE HEARING:** If you were required to give advance notice of the temporary emergency hearing, file the originals of the following documents: NOTICE OF HEARING, WAIVER OF NOTICE, (If applicable), and PROOF OF NOTICE.
- Bring copies of all 3 documents with you to the hearing to be “conformed” (stamped by court staff). Do this as soon as possible, at least 5 business days before the hearing on the temporary petition. Otherwise, bring these documents with you to the hearing.
- 10. AT THE HEARING:** Bring to the hearing the originals and one (1) copy of ACCEPTANCE OF APPOINTMENT AS TEMPORARY GUARDIAN AND/OR CONSERVATOR and LETTERS OF APPOINTMENT. Tell the judge about the case, and why the temporary appointment is necessary. Bring all paperwork with you that you think is applicable, such as reports about the person you say needs the guardian and/or conservator, financial records for the person, etc.
- If this is a temporary appointment for an adult:** You will need to have the doctor testify by telephone. Call the doctor’s office ahead of time to arrange this, and tell the judge’s staff the name and telephone number of the doctor so they can connect the telephone for the court hearing.
- 11. AFTER THE COURT HEARING: (GO TO THE CLERK):** If the judge signs the ORDER FOR TEMPORARY APPOINTMENT, take the Order to the Clerk’s office to be filed. Also take the original and a copy of the ACCEPTANCE OF APPOINTMENT AS TEMPORARY GUARDIAN and LETTERS OF APPOINTMENT. The Clerk will complete the LETTERS after you sign the ACCEPTANCE.
- Then you will need a certified copy to show you are the person officially appointed by the judge. There is a fee to do this. Go to www.mohavecourts.az.gov for a current list of fees. Payment may be made in cash (in person only) or by check or money order made payable to the Clerk of the Superior Court.
- If you did not already give legal notice** about the PETITION FOR TEMPORARY APPOINTMENT and the court hearing as described in Step 9, then you must now give notice of the court papers and the hearing to everyone who is entitled to know about the court case before the hearing date.
- 12. OTHER HELP:** Court personnel can answer certain limited questions about the procedures involved, but only an attorney can give you legal advice. The Arizona State Bar can help you find a lawyer. Their number is 1-866-482-9227. You may also go online at www.mohavecourts.az.gov, Legal Resources.

STATUTES REFERRED TO CAN BE FOUND AT THE LAW LIBRARY, OR ONLINE AT
<http://www.azleg.state.az.us>

NOTE THAT STATUTES MAY HAVE BEEN CHANGED AND THE MOST CURRENT VERSION IS WHAT SHOULD BE FOLLOWED.