

## **INSTRUCTIONS: HOW TO GET A GUARDIAN AND/OR CONSERVATOR APPOINTED FOR A MINOR ON A TEMPORARY/EMERGENCY BASIS**

**Introduction:** These are the steps to ask the Court to appoint a temporary guardian and/or conservator for a minor. A temporary guardianship only lasts until the Court hearing takes place on a request for a regular guardianship and/or conservatorship, which the Court refers to as a “permanent guardianship and/or conservatorship.” You cannot request temporary guardianship and/or conservatorship without filing for permanent guardianship and/or conservatorship. You may file the request for a permanent guardianship and/or conservatorship first, or you may file both at the same time.

**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 THE GUARDIAN FOR A MINOR, and have all forms you need before you begin.**

### **Temporary**

The regular, “permanent” guardianship and/or conservatorship process takes about two months. It is appropriate to file for a temporary guardianship when there are good reasons you cannot wait the few months it would take to get a permanent appointment. Filing for temporary guardianship is an urgent request for the judge to appoint a temporary guardian while you wait for the appointment of the permanent guardian. The temporary guardian and the permanent guardian may be the same person.

### **Temporary / Emergency (No Notice)**

Sometimes a person needs a guardian appointed immediately, without prior notice to the parents of the minor or to other persons who have a legal right to know that a legal process has been started that involves the minor. **This is a very serious matter.** The judge will not grant a 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 (adult/minor)
- 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 (adult/minor)

### **2. Complete the paperwork for the PERMANENT ORDER:** Complete the forms for the appointment of the permanent guardian. The following is the list of forms you need to start the case for the permanent appointment.

- PROBATE COVER SHEET
- PETITION FOR PERMANENT APPOINTMENT OF GUARDIAN AND/OR CONSERVATOR OF A MINOR: (adult/minor)
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR (Required by ARS §14-5106)
- INSTRUCTIONS AND REQUEST FOR HEARING DATE: (adult/minor)

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, NV**  
**(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 (Adult/Minor)
- PETITION FOR APPOINTMENT OF A PERMANENT GUARDIAN AND/OR CONSERVATOR OF A MINOR
- AFFIDAVIT OF PERSON TO BE APPOINTED GUARDIAN AND/OR CONSERVATOR Pursuant to A.R.S. §14-5106

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

5. **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](http://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.

6. **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.

7. **HOW YOU WILL YOU 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 a Minor, 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.

**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 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, police or Child Protective Services (CPS) records concerning the person, etc.

**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 an \$30.00 certification fee plus \$0.50 per page to do this. 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.

**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.**