

## INSTRUCTIONS

### **HOW TO COMPLETE THE FORM TO PETITION TO RESTORE THE WARD'S RIGHT TO VOTE (A.R.S. § 14-5304.02)**

**USE THESE INSTRUCTIONS if you want to restore a ward's right to vote.**

**VOTING RIGHTS:** Upon appointment of a guardian, the incapacitated adult "ward" generally loses the right to vote. For a limited guardianship only, The Court may allow the person to retain the right to vote if a specific request is made in this petition and the Court determines at the hearing by clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote. (A.R.S. § 14-5304.02).

**Note:** If you believe the person should be allowed to exercise the right to vote, you must request that in your Petition. You will have to provide clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote. If you are requesting a *limited* guardianship and you believe the person *should* be allowed to vote, you must specifically request that in your Petition.

**STEP 1      THIS FORM IS ONLY TO BE USED IF A COURT HAS ORDERED A LIMITED GUARDIANSHIP AND THAT ORDER DID NOT RETAIN THE WARD'S RIGHT TO VOTE.**

**STEP 2      VENUE. (A.R.S. § 14-5313)** A Petition to Restore the Ward's Right to Vote may be filed either in the county where the Ward currently lives or in the county of the court that appointed the guardian at the time the guardianship was ordered. Court fees may apply; please check with the Superior Court in the County you are filing.

**STEP 3      PROVIDE INFORMATION ABOUT THE ORDER THAT APPOINTED THE GUARDIAN.**

**If an Arizona court ordered the guardianship:**

- A. If an Arizona court issued the order appointing a guardian, you must provide the Case Number and the name of the county where that Order was issued (See Section 4).
- B. If the ward still lives in the same Arizona county where the guardianship was ordered, use the same case number that was assigned to the original guardianship matter. Write this case number where directed at the upper right-hand corner of the first page of the Petition.

**If a court outside Arizona ordered the guardianship and the Ward now lives in Arizona:**

If a court outside of Arizona issued the order appointing a guardian, you must provide a certified copy of the Order. You may obtain a certified copy by contacting the Clerk of the Court where the Order was issued.

**STEP 4      OTHER THAN BEING FOUND TO BE AN INCAPACITATED PERSON, THE WARD IS ELIGIBLE TO REGISTER TO VOTE. (A.R.S. § 16-101)**

**STEP 5 PROVIDE CLEAR AND CONVINCING EVIDENCE OF SUFFICIENT UNDERSTANDING TO EXERCISE THE RIGHT TO VOTE.** If you or the ward are requesting the court restore the ward's right to vote, you must present clear and convincing evidence that the person retains sufficient understanding to exercise the right to vote. Although other evidence may be considered by the court, one way to present this evidence is from a health care professional who can provide an opinion on the matter.

**STEP 6 APPOINTMENT OF AN ATTORNEY.** If the ward already has a lawyer, you must include the name and address of the lawyer in the Petition. If an attorney does not represent the ward, the court shall appoint an attorney.

**STEP 7 NOTIFICATION AND SERVICE OF COURT PAPERS.** Now you are ready to give notice of the court papers to everyone who is entitled to know about the court case. There are important procedures and time lines for this that you must follow. You should check the Self-Service Center of the superior court in your county for forms and information.

[NOTE: A.R.S. §§ 14-5309 and 14-5405 requires that at least 14 days before hearing the court papers and notice of hearing be served personally on the proposed ward or protected person and that person's spouse and parents.]

You may find helpful information about service at:

[www.azcourthelp.org/faq/serving-papers-to-others](http://www.azcourthelp.org/faq/serving-papers-to-others).

You must also give the appointed physician the GUIDELINES FOR PHYSICIAN REPORT. Be sure to get the completed report from the physician and give copies to the APPOINTED ATTORNEY and COURT INVESTIGATOR.

**STEP 8 COVER SHEET.** Each superior court in each county will have its own cover sheet. You must contact that county's Office of the Clerk for a copy. The Deputy Clerk at the Clerk of the Superior Court will stamp the case number when you file the papers. You will use this case number on all court papers after you file the papers with the clerk.

**STEP 9 FORMS.** Fill out all the forms completely. Type or print neatly. **BLACK INK ONLY.** Sign the forms in front of a notary if required.

**STEP 10 COPIES.** Once you have had your **signature notarized** in all the appropriate documents, make **3 copies.**

**NOTE:** Some courts require additional copies. Please check with the Office of the Clerk of the Court to see if your court requires more than three copies.