

Name of Person Filing: _____
Address: _____
City, State, and Zip Code: _____
Telephone Number: _____
Email Address: _____
Attorney Bar Number (if applicable): _____
Licensed Fiduciary Number (if applicable): _____
Representing: Self or Attorney for: _____

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MOHAVE**

Case Number: _____

In the Matter of the Guardianship of:

Ward's Name

**ORDER TO GUARDIAN OF AN
ADULT**

(Assigned Judicial Officer)

Warning: Your appointment is not effective until the Clerk of the Superior Court has issued your Letters of Appointment.

You have asked the court to appoint you as the guardian of your "ward," referred to in this order as the "subject person." While you serve as the guardian, you will be under this court's authority and supervision, and the court will continue to monitor the subject person's welfare and best interests.

This order generally explains your duties to the subject person and to this court. You may have additional duties imposed by statutes, rules, or the court. By separate order, the court may modify or excuse you from performing a specific duty described below.

YOUR POWERS AND DUTIES AS GUARDIAN:

1G. General Powers and Duties. You have powers and responsibilities like those of a parent of a minor child. A.R.S. § 14-5312(A). However, you are not legally obligated to contribute your own funds to support the subject person. Your responsibilities include, but are not limited to, making appropriate arrangements for the subject person's basic needs, such as food, clothing, and housing. A.R.S. § 14-5312(A)(1)-(2). You are responsible for making decisions concerning the subject person's educational, and social activities. A.R.S. § 14-5312(A)(2). You must consider the subject person's preferences to the extent they are known to you or that you can determine with a reasonable inquiry. A.R.S. § 14-5312(A)(11).

- 2G. Contact Between Subject Person and Others.** You must encourage and allow contact between the subject person and other persons who have a significant relationship with the subject person. A.R.S. § 14-5316(A). In exercising this duty, you must consider the subject person's wishes and whether the subject person has sufficient mental capacity to make such a decision. A.R.S. § 14-5316(C). However, unless the court orders otherwise, you may limit, restrict, or prohibit contact between the subject person and another person if you reasonably believe that the contact will be detrimental to the subject person's health, safety, or welfare. A.R.S. § 14-5316(B).
- 3G. Health Care Decisions for Subject Person.** You are responsible for making decisions concerning the subject person's medical needs. A.R.S. § 14-5312(A)(3) and (9). Such decisions include, but are not limited to, choosing doctors, nurses, or other professionals to provide for the subject person's health care needs, and placing the subject person in a health care facility, including a residential care facility. However, you must use the least restrictive residential care setting that is available for meeting the subject person's needs. A.R.S. § 14-5312(A)(8). You may arrange for medical care for the subject person even if the subject person does not wish to have it.
- 4G. Psychiatric and Psychological Treatment for Subject Person.** You may give consent to outpatient psychiatric and psychological treatment, including the administration of psychotropic medication. However, you may not place the subject person in an inpatient psychiatric facility without the subject person's consent, unless the court has specifically authorized you to do so. A.R.S. § 14-5312.01(A) and (B).
- 5G. Notify Family Members of Subject Person's Hospitalization.** You must notify the subject person's family members as soon as practicable if the subject person is admitted to a hospital for more than 3 days, or if the subject person dies. A.R.S. § 14-5317(A).
- 6G. Money and Property.** If the court has not appointed a conservator for the subject person, then, under A.R.S § 14-5312(A)(4), you may:
- (a) Collect money and tangible property to which the subject person is entitled and spend the money and property for the subject person's support, care, and education. You may not use the subject person's money, however, for the subject person's food or housing that you or your spouse, parent, or child have furnished, unless the court has approved the expense. You must exercise care to conserve the subject person's funds for the subject person's needs.
 - (b) Initiate legal proceedings to require any person under a duty to pay the subject person money or a benefit to perform that duty.

- 7G. Do Not Accept “Kickbacks.”** You must not accept any compensation for placing the subject person in a particular nursing home or other care facility, using a certain doctor, or using a certain attorney. “Compensation” includes, but is not limited to, direct or indirect payment of money, “kickbacks,” gifts, favors, or other items of value.
- 8G. File Annual Reports.** You are required to file a written report with the court annually concerning the subject person's residence, physical and mental health, and whether the guardianship should be continued. A.R.S. § 14-5315(A). Your report is due each year no later than 60 days after the anniversary date of the issuance of your letters of permanent appointment, or on a date established by the court. Ariz. R. Prob. P. 46(a).
- 9G. Change of Subject Person’s Contact Information.** If the subject person's contact information changes, you must file Form 14, Notice of Change of Ward’s Contact Information, within 3 court days after learning of such change. Ariz. R. Prob. P. 13(c)(1)(B). If the subject person dies, you must notify the court in writing no later than 14 calendar days after learning of the death. Ariz. R. Prob. P. 40(c).
- 10G. Termination of Subject Person’s Incapacity.** You must always be mindful of the subject person’s needs and best interests. If the circumstances that made a guardianship necessary should end, you are responsible for petitioning the court to terminate the guardianship and obtaining your discharge as guardian. A.R.S. § 14-5312(A)(7). Even if the guardianship terminates, you will not be discharged from your responsibilities until you have obtained a court order discharging you. A.R.S. § 14-5306.

GENERAL INFORMATION:

- 1. Certified Copy of Letters of Appointment.** You will need to obtain a certified copy of the Letters of Appointment that the Clerk of the Superior Court will issue to you. The certified copy is proof of your authority to act on behalf of the subject person. You may need to obtain additional (or updated) certified copies from time to time for delivery to, or inspection by, the people with whom you are dealing.
- 2. Change of Your Contact Information.** If your contact information changes during your appointment, you must file Form 13, Notice of Change of Fiduciary’s Contact Information, within 10 court days after such a change occurs. Ariz. R. Prob. P. 13(c)(1)(A).
- 3. Compensation for Services as Guardian.** If you are a licensed fiduciary or are related by blood or marriage to the subject person, you may be entitled to compensation for your services as the subject person's guardian. A.R.S. §§ 14-5314(A) and 14-5651. If you wish to be compensated for your services as guardian, you must file with the court a statement that explains how you will be compensated, including any hourly rate you intend to charge, and you must file an updated statement at least 30 days before you change the basis for your compensation, including your hourly rate. A.R.S. § 14-5109(A) and (B). In addition,

you should keep detailed records of the time you spend performing your duties. The time records should include the date you perform each task, a description of the task, the amount of time you spent on the task, and the hourly rate you are charging for that task. Read Rule 33, Arizona Rules of Probate Procedure, and Arizona Code of Judicial Administration § 3-303 for more information about compensation for guardian services.

- 4. **Mail Copy of this Order.** Within 10 court days after entry of this Order to Guardian of an Adult, you must mail a copy of this order to every party in this case (or if a party is represented, that party's attorney) and to any person who has filed a demand for notice.
- 5. **Inability to Serve as Guardian.** If you become unable to continue with your duties for any reason, you (or your own guardian, if you have one) must petition the court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must inform the court of your death and petition for the appointment of a successor.
- 6. **Legal Advice.** You are responsible for obtaining proper legal advice about your duties. Failure to do so may result in personal financial liability for any losses. If you have any questions about the meaning of this order or the duties that the court's orders, statutes, and rules impose upon you by reason of your appointment as guardian, you should consult an attorney or petition the court for instructions.
- 7. **Forms.** The forms referred to in this order are available at <https://mohavecourts.com/>.

Warning: Failure to obey this order, the other orders of this court, or the statutory provisions or rules relating to guardians may result in your removal as guardian and other penalties. In some circumstances, you may be held in contempt of court, and your contempt may be punished by confinement in jail, a fine, or both. Ariz. R. Prob. P. 48.

DATED this _____ day of _____, 20_____.

Judicial Officer's Signature

Judicial Officer's Name (Type or Print Name)

Case No. _____

ACKNOWLEDGEMENT

I (We), the undersigned, agree to be bound by the provisions of this order, as long as I (we) continue to serve as guardian.

Date

Guardian Signature

Guardian Name (Type or Print Name)

Date

Co-Guardian Signature

Co-Guardian Name (Type or Print Name)