

# PROCEDURES: HOW TO ASK THE COURT TO END A GUARDIANSHIP AND/OR CONSERVATORSHIP OF A MINOR AND RELEASE OF RESTRICTED FUNDS

## USE THIS PACKET IF:

- You are the guardian of a minor and the minor has turned 18, no longer needs a guardianship or has died, AND/OR
- You are the conservator of a minor and the minor has turned 18, no longer needs a conservatorship or had died, AND
- You had all the money placed by order of the court in a restricted account, AND
- You made no unauthorized withdrawal from the account during the conservatorship, AND
- You now want a court order releasing the restricted funds.

## INSTRUCTIONS:

1. **COMPLETE THE PETITION:** Complete a PETITION FOR TERMINATION OF GUARDIANSHIP AND/OR CONSERVATORSHIP AND RELEASE OF RESTRICTED FUNDS. Write neatly in **black ink**. Sign the Petition in front of a Notary Public.
2. **FILE THE PAPERS AT THE COURT:** File the original and 4 copies of the following documents with the Clerk of the Court at one of locations listed below.

**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

- A letter explaining what you are sending and why (only if you are mailing the documents)
- Original and copies of the Petition and copy of the minor's birth certificate.
- 8 x 11" self addressed, stamped envelope so the hearing date can be mailed back to you.

The Clerk of the Court will file the original of the Petition for you and then schedule the case for a hearing. You will be mailed a copy of the hearing date and time and conformed (date-stamped) copies of the Petition back to you.

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

3. **GIVE NOTICE OF THE HEARING TO EVERYONE ENTITLED TO NOTICE.** You must give a copy of the Petition and Notice of Hearing to all interested persons. For more information about notice, go to the Law Library located at the Mohave County Superior Court, 401 E Spring Street, Kingman, AZ.
  - You do not need to give formal notice by personal service, but you do need to mail or deliver the NOTICE OF HEARING. First class, prepaid postage mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you want to have notice received the notice.

You can also give notice by publication in some cases. The following people should be given notice:

- To the minor,

- To a minor's spouse, or if minor is unmarried to any living parent of a minor, or to the spouse or adult child of an adult,
- To the guardian, if the minor or adult has one, unless the conservator is also the guardian,
- To the guardian ad litem if one was appointed by the court.

**4. COMPLETE AND FILE OTHER COURT PAPERS.** At least 15 days before the hearing is scheduled complete the PROOF OF NOTICE stating how and when you gave notice to all interested persons. Make **2 extra copies** of each of the following documents. Then file or mail the original and 2 copies of the following documents to the Clerk of Superior Court at one of the locations listed above. Bring your copies to the hearing.

- NOTICE OF HEARING
- PROOF OF NOTICE
- WAIVER OF NOTICE (if any was signed by interested parties) **AND**
- ORDER RELEASING THE FUNDS

The Clerk of the Court will file the original for you and deliver the copies to the judge assigned to the hearing.

**5. COME TO THE HEARING.** Be prepared to tell the judge why the guardianship and/or conservatorship should end and why the funds should be released.

**NOTE:** If you or the minor live out-of-state, you may ask the court in writing to allow you and/or the minor to appear telephonically. It is up to the judge whether you can appear telephonically or whether you and/or the minor must appear in person. At the hearing, the following things could occur.

- **Court Order:** If the court grants your Petition, the judge will sign the Order authoring the release of the restricted funds. You or the minor can request a certified copy of the Order from the Probate Registrar/Deputy Clerk to give to the bank or financial institution where the restricted account is located.

**NOTE:** If the funds are located at multiple locations, you will need to get multiple certified copies of the Order.

- **Release of funds:** When you get the certified copy of the Order, the bank or institution will release the funds to you or the former minor. Remember to take valid picture identification with you to the bank or institution for the release of funds. It is also a good idea for both of you to go together for the release. As soon as the money is released be sure that you and the former minor agree upon the amount released. Then have the minor sign the RECEIPT OF RESTRICTED FUNDS in front of the Notary Public.

**NOTE:** You can have the former minor sign the Receipt in front of a Notary at the bank since most banks have Notary Public service.

- **Mail to the court a Receipt of Restricted Funds:** The Order will also require filing a RECEIPT OF RESTRICTED FUNDS **within 30 days of the court Order**, signed by the minor. This is to prove to the court that you followed the court Order, and the amount everyone thought was in the account was actually there and released to the former minor. Mail the Receipt to the Clerk of the Court at the address where you filed the case.