

**YAVAPAI COUNTY
Self-Service Center**

**WHAT TO DO WITH THE COURT DOCUMENTS
AFTER I HAVE COMPLETED THEM**

Step 1. Make copies.

You will need to file the original Petition with the Court/Probate Registrar. Make one copy of the papers for yourself and one copy for anyone defined as an "interested person" as listed below who has not filed a waiver of his or her right to receive notice.

- **The current spouse of the ward** (the incapacitated or protected adult);
- **Any adult children of the protected adult;**
- **Any other person who is currently serving as court-appointed guardian or conservator for the protected adult;**
- **Any other person (or agency) legally entitled to notice of court actions in this case, AND**
- ***If* you are stating the protected adult is now capable of handling his or her own affairs, a copy for him or her as well.**

Step 2. File the papers at the Court:

GO TO: THE SUPERIOR COURT TO FILE YOUR PAPERS: The court is open from 8 a.m. to 5 p.m., Monday through Friday. **You should go to the court at least two hours before it closes. It is recommended that you not bring your children with you.** You may file your court papers at either of the following Superior Court locations:

The Clerk of Superior Court
YAVAPAI COUNTY COURTHOUSE
120 S. Cortez Street
Prescott AZ 86303-4737

The Clerk of Superior Court
Yavapai County Superior Court
2840 N. Commonwealth Drive
Camp Verde AZ 86322

FEES: When you file with the Court/Probate Registrar there are fees for petitions, responses, requests, motions, objections and various other actions. The court will accept payment in the form of cash, VISA/MasterCard debit or credit cards, money orders, or personal checks made payable to "Clerk of Superior Court". Personal checks will be accepted with current picture ID. To check out the current fees, go online to <http://www.co.yavapai.az.us/clerksupct.aspx> and find the fees schedule on the left hand side of the page, or call the Clerks' Office in Prescott at (928) 771-3312 or Camp Verde at (928) 567-7741. If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a **deferral or waiver** (delay or completely waive fees and/or costs) when you file your papers with the Clerk of the Court. The **Deferral or Waiver of Court Fees and/or Costs and Consent to Entry of Judgment Application** is available at **no charge** from the Clerks' Office, though a fee for applying for the deferral will be added to your costs.

WHAT THE CLERK WILL DO: The Clerk will file and keep the original documents and stamp the 2 sets of copies. These are called “conformed” copies. The clerk will place all your original documents in your court file. You will be notified of a Hearing date by mail from the Court.

Step 3: Notice of hearing form

Complete the upper part of the form by filling in your name and address and the caption information. Mark the appropriate box to indicate what the hearing is concerning. Fill in the Court Hearing information, and sign the form (no notary is required). List the names and addresses of all interested parties you will notify about the court case. Make one (1) copy of the completed form and take the original and the copy to the Probate Department to file and process. The clerk will keep the original, conform the copy, and give it back to you. You can use it to make however many copies you need to notify all interested parties

Give notice of the hearing to everyone entitled to notice.

- Provide a **copy** of the **Petition and Notice of Hearing** to **all** interested persons.
- Notice **MUST** be given to the proposed Ward, the proposed Ward’s spouse and his/her parents that live in the State of Arizona. Notice must be given no later than 14 days prior to the hearing date, not counting the day of the hearing.
- You do **not** need to give “formal notice” by process server or sheriff.
- First-class mail with enough postage to ensure delivery is sufficient.
- Certified mail with return-receipt is not required but provides proof of delivery.
- Mail or deliver the **Petition** and the **Notice of Hearing** *at least 14 days* before the hearing. The 14 days does **NOT** include the hearing day.

Note: If you cannot locate an “interested party” who has not signed a Waiver of Notice you may give notice by *publication*, that is by running a legal notice advertisement. See A.R.S. §14-1401 (A)(3) and the Self-Service Center packet on Service Options.

Step 5: After giving notice to all interested persons:

Complete the Affidavit of Notice stating how and when you gave notice and file them with the Court, along with the “Order Discharging and or Terminating and Releasing Restricted Funds”. The Order is for the Judge to sign at the hearing. (See Below).

Step 6: Attend the hearing.

Be prepared to tell the Judge or Commissioner why the guardianship and/or conservatorship should end and/or why the guardian and/or conservator should be discharged, and if applicable, why the funds or property should be released.

Note: If you or the Ward/protected adult live out-of-state, you may ask the court in writing to allow you and/or the Ward to “appear” by telephone. It is up to the Judge whether you can appear telephonically, or whether you and/or the Ward must appear in person.

AT THE HEARING:

- **If your petition includes a request for release of funds** and the Court grants your request, the Judge will sign the Order authorizing the release of the restricted funds. You or the former ward **can request a certified copy of the Order** from the Probate Registrar to give to the bank or financial institution where the restricted account is located.

Note: If funds are located at multiple banks or other financial institutions, you may need multiple certified copies of the Order.

- **When you get the certified copy of the Order** the bank or other financial institution will release the funds to you or to the replacement (“successor”) conservator or to the formerly protected person. Remember to take valid photo identification with you to the bank or other financial institution for the release of funds.

Note: Having the new and the old conservator (or the formerly protected person and the former conservator) go to the bank together may be helpful in reducing the amount of time required to release funds or change account information.

- ✓ Be sure that you and the former conservator or former ward agree upon the amount released.
- ✓ Have the former protected person or successor conservator sign the **RECEIPT OF RESTRICTED FUNDS** in front of a notary public. Most banks have notary public service.
- ✓ **Mail or Deliver a Receipt of Restricted Funds to the Court.** The Order will also require you to file an original RECEIPT OF RESTRICTED FUNDS **within 30 days from the date of the court Order**, signed by the former protected person or the successor (replacement) conservator.
- ✓ Mail the Receipt to the Clerk of the Superior Court at the address where you filed. 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 the money was released to the former protected person or successor conservator.