

**YAVAPAI COUNTY
SELF-SERVICE CENTER**

**HOW TO GET A GUARDIAN APPOINTED FOR A MINOR
ON A TEMPORARY and/or EMERGENCY BASIS**

Introduction: These are the steps to ask the Court to appoint a **temporary** guardian for a minor. A temporary guardianship only lasts for a maximum of six (6) months unless extended by the Court or until the court hearing takes place on a request to appoint what the Court calls a regular guardian. The temporary guardian and the regular guardian may be the same person.

- You may file for regular and temporary guardianship together or separately.
- You may file for regular guardianship *without* filing for temporary.
- You may file for temporary guardianship *without* filing for regular guardianship if the guardian will not be needed for longer than six months.

Temporary Guardianship

The regular guardianship 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 regular appointment, or you do not expect a guardian will be needed for more than six months.

Temporary Emergency Guardianship Without Notice (sometimes called “ex parte”), is granted when 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. A Temporary Emergency Guardianship appointment only lasts for a maximum of 30 days unless extended by the Court.**

1. Complete the paperwork for the TEMPORARY APPOINTMENT.

Fill out all the forms for the **temporary appointment** completely:

- **USE BLACK INK.**
- **MAKE TWO COPIES** of the completed forms.

You will need to complete the following forms:

- **Petition for Temporary Appointment of a Guardian for a Minor.**
- **Order for Temporary Guardianship of a Minor.**
- **Acceptance of Appointment as Temporary Guardian and Letters of Appointment.**
- **Disclosure Statement Pursuant to A.R.S. §14-5106.**
- **Order to Guardians.** Remember to sign the Acknowledgment on the last page of the Order.
- **Request for Hearing (if requesting a hearing with notice)**

Hold on to the Proof of Notice of Hearing. It will be used after a hearing date is set.

- 2. *If applicable:* Complete the paperwork for the REGULAR APPOINTMENT.** (Separate packet required, Packet 60 a/b/c, available in the Law Library or Clerk’s Office for sale, or on the Web at <http://courts.yavapai.us/selfservicecenter>).

3. **Make copies of all the paperwork:** Make **two (2) copies** of all the forms. Assemble the copies so that you have **3 complete packets** -- the **originals and two sets** of copies.
4. **File the papers at the Court:** Go to the CLERK OF SUPERIOR COURT TO FILE YOUR PAPERS. The Clerk's Office is open from 8:00 a.m. – 5:00 p.m., Monday – Friday. **Morning is the better time to go, but if you must go in the afternoon try to go at least two hours before it closes. It is recommended that you do not bring any children with you.** You may file your court papers at either of the following Superior Court locations:

YAVAPAI COUNTY COURTHOUSE 120 S. Cortez Street Prescott, AZ 86303	YAVAPAI COUNTY SUPERIOR COURT 2840 N. Commonwealth Drive Camp Verde, AZ 86322
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GO TO THE CLERK'S OFFICE: Take the **original and two (2) copies** of the following documents **to the Clerk of the Court:**

- Petition for Temporary Appointment of a Guardian for a Minor.
- Order for Temporary/Emergency Guardianship of a Minor.
- Acceptance of Appointment as Temporary Guardian and Letters of Appointment.
- Disclosure Statement Pursuant to A.R.S. §14-5106
- Order to Guardian and Acknowledgment.
- Request for Hearing (if hearing is requested)

Fees: When you file with the court, 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/clerkstupct.aspx> and find the link to the fees schedule on the top of the page, or call the Clerk's Office in either 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 Clerk's 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. The clerk will give you back clerk-stamped ("conformed") copies to show these documents were filed.

5. **(If applicable) Get the regular guardianship hearing date scheduled.** (See directions in Packet 60 a/b/c, available in the Law Library or Clerks' Office for sale, or on the Web at <http://courts.yavapai.us/selfservicecenter>).
6. **To get the hearing on the temporary or emergency appointment scheduled:**
If you have requested that a temporary guardian be appointed, the **Petition for Temporary Appointment of Guardian** will be given to the assigned Judicial Officer for review. The assigned Judicial Officer will set a hearing date **ONLY** if he/she agrees that an emergency exists.

If the Judge decides to give you a hearing on the petition for Temporary Appointment of a Guardian of a Minor, you will need to give notice of the hearing to **everyone entitled to notice** before the hearing date.

7. **Give notice about the court case:** If this is an emergency hearing **with notice**, you must give notice to everyone required to be given notice under Arizona law of a petition for *permanent* guardianship, as required by Arizona law.(A.R.S.§14-5207). Notice must be completed prior to the hearing.
- If this is an emergency hearing **without notice**, you must give notice *to the person who needs the temporary or emergency guardianship* by personal service **within 72 hours** after the Court hearing. No other notice is required in these cases.

8. **Before the hearing:** If you were required to give advance notice of the temporary or emergency hearing, file the **originals** of the following documents: **Notice of Hearing, Waiver of Notice (if applicable)** and **Proof of Notice**.

Bring copies of these **three documents** with you to the hearing to be “conformed” (stamped by Court staff). Do this as soon as possible, **at least 3 business days before the hearing** on the temporary petition. Otherwise, bring these documents with you to the hearing.

9. **At the hearing:** Bring to the hearing the **originals and one (1) copy** of **Acceptance of Appointment as Temporary Guardian** 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.
10. **After the court hearing (GO TO THE CLERK):** If the Judge signs the **Order for Temporary Guardianship of a Minor and the Order to Guardian and Acknowledgement**, take the **original and a copy** of the **Acceptance of Appointment as Temporary Guardian** and **Letters of Appointment** to the Clerk, who 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 a certification fee plus a fee **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 Superior Court.

If you did not already give legal notice about the **Petition for Temporary Appointment** at the court hearing as described in **STEP 7**, 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.

11. **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 for temporary guardianship of a minor can be found at the law library, or online at <http://www.azleg.state.az.us>

Note: statutes are continually revised and the most current version should always be followed.