

Notice of Hearing & Proof of Notice



Packet #4



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) the users' reliance upon the instructions or information provided.

General Information & Frequently Asked Questions

This packet contains court forms and instructions about providing information to those people who may have an interest in the guardianship proceeding.



After you have filed your Petition for Appointment of Guardian (Packet #2), you must notify any person who may have an interest in the guardianship hearing. These people are known as “interested parties” because **their rights may be affected** by a guardianship and they are entitled to be made aware of the proceeding. There may be a number of interested parties who must be notified.

NOTE: If the interested party signs the Consent and Waiver, you do not need to give notice to that person. See Packet #10, *Consent and Waiver*.

Who is an Interested Party?

- Both of the minor’s parents – if living.
- The minor – if at least 14 years old.
- Any person the minor has lived with in the past 60 days.

What is a Notice of Hearing?

A Notice of Hearing for the appointment of guardian is a legal document that gives interested parties information about the upcoming guardianship hearing. It provides the details of the hearing including the time, date, and location. This document must be provided to all interested parties who have not formally consented to the guardianship.

What is a Proof of Notice?

A Proof of Notice is a legal declaration stating that you provided the Notice of Hearing and Petition for Appointment of Guardian(s) of Minor(s) to the interested parties. You are required by law to give all interested parties warning that you are asking the Court to appoint you as the minor’s guardian. This form simply notifies the Court that you have fulfilled that obligation.

You may choose to notify the interested parties either by mail or hand delivery.

If you are ***sending the notice by mail***, you must mail it at least **19 calendar days** before the date of the hearing. If you are ***hand delivering*** this notice, you must give it to the interested parties at least **14 calendar days** before the date of the hearing.

If you are unable to locate any person, or their identities are unknown, you may give notice through a newspaper publication, but only after a *diligent* search.

What is a Diligent Search?

A *diligent* search means you made every reasonable effort to contact any living parent of the minor or anyone the minor has been living within the last 60 days. This may include:

- Doing an internet search of that person's name in an attempt to locate them.
- Attempting to contact them using previous phone numbers or email addresses.
- Visiting known previous physical addresses.
- Contacting known associates and family of that person.

Once you have exhausted all reasonable efforts, if you still cannot locate these persons you may provide notice of the guardianship hearing in a newspaper of general circulation. The notice must be published three times prior to the hearing and the first notice must be published at least 14 days prior to the hearing.

General Instructions for Completing this Packet



You may use fillable forms available online at:

<http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Filing-for-Minor-Guardianship> or print the attached form and complete by hand. If you are filling out this form by hand, please use ink.

This packet contains the following forms that must be filled out and submitted to the Court:

- **Notice of Hearing (Appointment of Guardian)**
- **Proof of Notice**

Caption

Personal information – Fill in your name, current street address, city, state, ZIP code, and telephone number.

Case No. – Enter the Case No. that was assigned when you filed your petition.

Judge/Commissioner – Enter the Judge’s name.

Matter of the Guardianship of – Enter the full name of the minor or minors that you are accepting guardianship for.

Notice of Hearing (Appointment of Guardian)

In the spaces provided please write your full name. If there is another adult asking for guardianship with you for the same minor, enter their full name in the second space.

Leave the date and time blank. When you file the petition, the Clerk will fill in the date and time that the guardianship hearing will take place.

Finally, at the end of the notice, please sign and date the document. If there is another adult asking for guardianship of the minor with you, please have them date and sign the document as well.

Proof of Notice

Name and Address – Fill in the name and address of each interested party that were provided a Notice of Hearing and a Petition for Appointment of Guardian(s) of Minor(s).

Delivered or Mailed – State if you delivered the notice and petition by hand, or if you mailed them to the interested party.

Date – Fill out the date you delivered or mailed the notice and petition.

Please understand you are promising and affirming that what you have filled out is true and correct. If you have lied, there may be penalties.

Sign and date the document.

After all interested parties have been notified of the hearing, take the completed forms back to the Superior Court and file with the Probate Clerk.

NOTE: If the interested party agrees to the guardianship and signs the Consent and Waiver, you do not need to give notice to that person and you will need to file the Consent and Waiver form instead. See Packet #10, *Consent and Waiver*.

