GUARDIAN and/or CONSERVATOR

For an Adult or Minor

Do not copy or file this page

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Part 2: Service and Notice of the Court Hearing

(Forms Only)

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Self-Service Center

GUARDIANSHIP and/or CONSERVATORSHIP
for an Adult or Minor

Part 2: SERVICE AND NOTICE

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"Service" means giving legally required notice to other parties that you have filed documents with the court to request a court order that may affect them, or other persons in whom they have a legal interest, and demonstrating to the court that notice was provided in a manner permitted by law.

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ You have filed a petition in the Probate Court to request the appointment of a guardian and/or conservator *for an adult or a minor*, AND
- ✓ You are required to ***serve notice*** to "interested parties", persons or agencies entitled to notice of what you have filed with the court, AND
- ✓ You understand that your case cannot proceed until you have demonstrated to the court's satisfaction that notice has been given in a manner permitted by law, AND
- ✓ You need to know **how** you are permitted or required to serve notice in this matter, AND
- ✓ You need the forms to file with the Court to show how and when notice was provided.

NOTE: If you know you are going to have all papers served by the Sheriff's Department or by a private process server and you do not need information about other methods of service, both the Sheriff and private process servers have their own forms *and you will not need this packet*.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. If you need to consult a Lawyer, the Pima County Bar Association offers a Lawyer Referral Service that provides half-hour consultations for a low cost.
http://www.pimacountybar.org/
The Clerk's office cannot provide legal advice. Employees may be able to offer instruction about how and where to file appropriate paperwork, but will not provide help on issues of law

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Self-Service Center

GUARDIANSHIP and/or CONSERVATORSHIP

FOR AN ADULT or MINOR

Part 2: SERVICE AND NOTICE OF COURT HEARING

(Forms Only)

Do not copy or file this page

This packet contains court forms and instructions to file service and notice of court hearing. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File No.	Title	# pages
1		Checklist: You may use these forms if . . .	1
2		Table of Contents (this page)	1
3		***"Acceptance of Service"*** *including* *OPTIONAL: Waiver of Notice, and separate* *OPTIONAL: Waiver of Servicemembers Civil Relief Act)*	3
4		***"Declaration Supporting Publication"***	2
5		***"Declaration of Notice Provided"***	2
6		***"Notice of Hearing for Guardianship and/or Conservatorship"***	***1***

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Person Filing: _____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
Lawyer's Bar Number:_____
Licensed Fiduciary Number: _____

Representing ☐ **Self, without a Lawyer** **or** ☐ **Attorney for** ☐ **Petitioner** **OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN PIMA COUNTY

In the matter of:

Case No: _____

ACCEPTANCE OF SERVICE and
(Optional) **WAIVER OF NOTICE**

_____
An incapacitated or protected ☐ **Adult** or ☐ **Minor**

STATE OF ARIZONA
County of PIMA

UNDER PENALTY OF PERJURY I SWEAR OR AFFIRM:

1. I have voluntarily accepted a copy of the following legal papers: (Check all that apply)

☐ **Petition for Permanent Appointment of** ☐ **Guardian** ☐ **Conservator**

☐ **Petition for *Temporary* Appointment of** ☐ **Guardian** ☐ **Conservator**

(Check Guardian or Conservator, or *BOTH, if applicable*)

☐ **Affidavit of Person to be Appointed** (Guardian, Conservator, or Both)

☐ **Consent of Parent** (to Appointment of Guardian, Conservator, or Both)

☐ **Petition for Approval of Accounting** ☐ **Annual Report of Guardian**

☐ **Other:** _____

I waive formal service of process (personal service), and understand by accepting these papers, it is the same as if I were personally served under Arizona Law.

I am aware that accepting service of these court papers and signing this document does not in any way reduce my rights or obligation to file a written objection or come to court to object.

2. (optional) ☐ **I WAIVE NOTICE of all future court filings and proceedings** in this matter. I understand that I can reverse this waiver by filing a written document with the Court under this case number declaring that I no longer waive notice of hearings and other court proceedings.

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Case No._____

3. ☐ **I am <u>not</u> on active duty in the military** forces of the United States, ***OR***

☐ **I <u>am</u> on active duty in the military** forces of the United States.

If you ARE on active duty with the U.S. military, see the information on your rights under the **Servicemembers Civil Relief Act (SCRA)** and the *optional* waiver of the right to delay this court proceeding on the (optional) **SCRA Waiver** form in this packet.

I have read and understand this document. The information above is true and correct.

_____ **Date**

_____ **Signature of Person Receiving Documents**

_____ **Printed Name**

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

_____
Deputy Clerk or Notary Public

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Case No. _____

SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA) INFORMATION AND *OPTIONAL* WAIVER

NOTE: When military duty interferes with the ability to participate in a case, the **Servicemember's Civil Relief Act** (SCRA) may permit a service member to delay or overturn a civil court proceeding. Waiving this right does **NOT** affect your right to later request a change regarding court appointment of a guardian or conservator.

It is generally advisable to consult a military legal assistance attorney before waiving any rights under the Servicemember's Civil Relief Act. If Davis-Monthan Air Force Base is the Military Installation closest to you, you can contact the legal office at (520) 228-5242. Otherwise, contact the office at the nearest military installation.

IF ACTIVE DUTY MILITARY and you do <u>not</u> wish to delay court proceedings in this matter, check the box below to WAIVE any right that may apply under the SCRA to cause the court to delay.

(Optional)

☐ **I WAIVE any right I may have under the SCRA to delay this matter.**

WAIVER OF NOTICE and *(if applicable)* SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA) WAIVER

I have read and understand this **Waiver of Notice** and the separate **Servicemember's Civil Relief Act Waiver**. I understand that I am not required to either waive notice ***or*** any rights that may apply under the SCRA, but **<u>if</u>** I have waived either notice or any rights under the SCRA as indicated above or on the preceding page, I do so voluntarily.

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Case No. _____

UNDER PENALTY OF PERJURY

I swear or affirm that I have read and understand this document and that the information I have provided is true and correct to the best of my information and belief.

_____ Date

_____ Signature of Person Receiving Documents

_____ Printed Name

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

_____ Deputy Clerk or Notary Public

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

Representing ☐ **Self, without a Lawyer or** ☐ **Attorney for** ☐ **Petitioner OR** ☐ **Respondent**

SUPERIOR COURT OF ARIZONA
IN PIMA COUNTY

In the Matter of:

_____

A Protected ☐ **Adult or** ☐ **Minor**

Case Number: _____

DECLARATION OF NOTICE PROVIDED
Regarding A Matter of
Guardianship and/or Conservatorship

UNDER PENALTY OF PERJURY

1. **DOCUMENTS PROVIDED:** I provided copies of the following court documents to the persons named below. (Check only those that apply.)

Petition for ☐ ***Permanent*** ☐ ***Temporary*** **Appointment of a** ☐ **Guardian and Conservator** (or) ☐ **Guardian or** ☐ **Conservator** (only) **for** ☐ **Adult** or ☐ **Minor**

☐ **Affidavit of Person to be Appointed**
☐ **Consent of Parent to Appointment**
☐ **Notice of Hearing**
☐ **Other:** _____

☐ **Conservator's Account**
☐ **Consent of** *(other)* **Parent to Appointment**
☐ **Annual Report of Guardian**
☐ **Other:** _____

2. **TO WHOM I GAVE NOTICE:** These are the people to whom I gave copies of all the documents indicated above. State the relationship between the person who has or will have the guardian and/or conservator, and the person you gave the copies to.

(**If this is about a petition to appoint a guardian and/or conservator *for an adult,*** be sure to include the court-appointed attorney and the court investigator among those to whom you give notice and list below. Use extra paper if necessary.)

A. Person Given Notice (Name): _____
B. Relation to Protected Person: _____
C. Date Mailed or Delivered: _____
D. Method of Delivery: (Check at least one box and complete the information below)

☐ **Personal service** (File ***"Acceptance of Service"*** or affidavit of process server or sheriff)
☐ **1st class mail, postage prepaid**
☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
☐ **Hand delivery by:** (name) _____

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Case Number: _____

A. Person Given Notice (Name)**:** _____

B. Relation to Protected Person: _____

C. Date Mailed or Delivered: _____

D. Method of Delivery: (Check at least one box and complete the information below)

- ☐ **Personal service** (File ***"Acceptance of Service"*** or affidavit of process server or sheriff)
- ☐ **1st class mail, postage prepaid**
- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

A. Person Given Notice (Name)**:** _____

B. Relation to Protected Person: _____

C. Date Mailed or Delivered: _____

D. Method of Delivery: (Check at least one box and complete the information below)

- ☐ **Personal service** (File ***"Acceptance of Service"*** or affidavit of process server or sheriff)
- ☐ **1st class mail, postage prepaid**
- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

A. Person Given Notice (Name)**:** _____

B. Relation to Protected Person: _____

C. Date Mailed or Delivered: _____

D. Method of Delivery: (Check at least one box and complete the information below)

- ☐ **Personal service** (File ***"Acceptance of Service"*** or affidavit of process server or sheriff)
- ☐ **1st class mail, postage prepaid**
- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

A. Person Given Notice (Name)**:** _____

B. Relation to Protected Person: _____

C. Date Mailed or Delivered: _____

D. Method of Delivery: (Check at least one box and complete the information below)

- ☐ **Personal service** (File ***"Acceptance of Service"*** or affidavit of process server or sheriff)
- ☐ **1st class mail, postage prepaid**
- ☐ **Certified mail** (if applicable, attach green return receipt card to this paper)
- ☐ **Hand delivery by:** (name) _____

UNDER PENALTY OF PERJURY

By signing this document I state to the Court under penalty of perjury that the information presented is true and correct to the best of my knowledge and belief.

_____ **Date**

_____ **Signature**

_____ **Printed Name**

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Person Filing:_____
Address (if not protected):_____
City, State, Zip Code:_____
Telephone:_____
Email Address:_____
Lawyer's Bar Number:_____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
IN PIMA COUNTY

In the Matter of:

_____
☐ An Adult ☐ A Minor ☐ Deceased

Case Number: _____

DECLARATION SUPPORTING PUBLICATION
(Because all efforts to serve notice have failed)

UNDER PENALTY OF PERJURY, I STATE THESE FACTS:

1. I am the Petitioner or Applicant and make these statements to show the circumstances why notice by Publication was used, and to show how service by publication was done.

2. Here are the names of people entitled to notice of this matter to whom I gave notice by publication:

- **Name:** _____
  Last Known Address: _____
  Last Date I Tried to Find Person: _____
  Relationship to Protected or Deceased person: _____

- **Name:** _____
  Last Known Address: _____
  Last Date I Tried to Find Person: _____
  Relationship to Protected or Deceased person: _____

- **Name:** _____
  Last Known Address: _____
  Last Date I Tried to Find Person: _____
  Relationship to Protected or Deceased person: _____

- **Name:** _____
  Last Known Address: _____
  Last Date I Tried to Find Person: _____
  Relationship to Protected or Deceased person: _____

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3. I made a diligent search to find out the residence and whereabouts of all persons entitled to notice but failed to find any information concerning the residence or whereabouts of one or more of those persons.

4. I contacted the persons listed below to find out the location of the persons entitled to notice. (Note: There is no exact minimum number of persons you must contact. It may be more or less than five as required to satisfy the Court you have made every reasonable effort to locate every person entitled to notice.). Attach additional pages as necessary to show all the persons you contacted.

Name of Person Entitled to Notice: _____
Name of Person I Contacted: _____
Address of Person I Contacted: _____

Name of Person Entitled to Notice: _____
Name of Person I Contacted: _____
Address of Person I Contacted: _____

Name of Person Entitled to Notice: _____
Name of Person I Contacted: _____
Address of Person I Contacted: _____

Name of Person Entitled to Notice: _____
Name of Person I Contacted: _____
Address of Person I Contacted: _____

Name of Person I am Looking for: _____
Name of Person I Contacted: _____
Address of Person I Contacted: _____

5. ABOUT THE PUBLICATION.

☐ **NOTICE OF HEARING was published** in a newspaper in this County on the following dates.

A. _____, B. _____ , C._____ .

☐ **PROOF OF PUBLICATION IS ATTACHED**. **(REQUIRED)**
(Attach an "Affidavit of Publication" supplied by the newspaper that published the notice.)

By signing this document, I state to the Court, under penalty of perjury that the information presented is true and correct to the best of my knowledge and belief.

_____ _____
Date Signed Petitioner's Signature

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Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

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Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA
IN PIMA COUNTY

In the Matter of
Guardianship and/or Conservatorship for:

_____

Date of Birth: _____

Case Number: _____

NOTICE OF HEARING REGARDING

(Check one box)

☐ **Guardianship** ☐ **Conservatorship**
☐ **Guardianship and Conservatorship**

THIS IS A LEGAL NOTICE; Your rights may be affected.
Éste es un aviso legal. Sus derechos podrían ser afectados.

NOTICE IS GIVEN that the Petitioner has filed with the Court the following Petition and other court paper indicated below (Check the box to indicate whether the Petition was for a Permanent or Temporary appointment, and a second box to indicate whether for Guardian and Conservator, or just one):

Petition for ☐ ***Permanent*** ☐ ***Temporary*** **Appointment of a** ☐ **Guardian and Conservator** (or) ☐ **Guardian or** ☐ **Conservator** (only)

COURT HEARING. A court hearing has been scheduled to consider the Petition and matters in the court papers as follows:

DATE and TIME _____
PLACE: _____
JUDICIAL OFFICER: _____

DATED: _____ _____
Petitioner

You are not required to respond to this Petition, but if you choose to respond, you *may* do so by filing a written response *or* by appearing in-person at the hearing. *If you choose to file a written response:*

- File the original with the Court;
- Provide a copy to the office of the Judicial Officer named above; and
- Mail a copy to all interested parties at least five (5) business days before the hearing.

YOU ARE RESPONSIBLE FOR PROTECTING YOUR INTERESTS.

This matter may not be independently investigated or verified by the court. If you object to any part of the petition or motion that accompanies this notice, you must file (at least 3 days before the hearing) with the court a written objection describing the legal basis for your objection. Failure to file a written objection may jeopardize your interests. Without your written objections, you should expect that the requested relief will be granted. If you question any other action of the fiduciary, file an appropriate written petition or motion with the court.

This is a legal matter. If you have questions, seek legal advice from an attorney. You have the right to represent yourself. If you represent yourself you must correctly follow court procedures.