

Order to Guardian and Acknowledgement



Packet #13



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.

What is an Order to Guardian and Acknowledgement?

When the Court has determined that it is in the best interest of the minor to appoint you as their guardian, the Court will provide you with this order to assist you in understanding your responsibilities. This form lists some of the responsibilities you will have and provides an outline of what will be required of you as the minor's guardian. It is your responsibility to understand all of your duties and obligations. Please be sure to read this form fully and carefully. If you're confused about any of the items listed, please consider consulting an attorney.

Should I see a lawyer for help?



Court cases can be very complicated, and even if you are representing yourself you should see a lawyer for legal advice as to how the law applies to you and what is best in your particular situation. This might save you time, money, and trips to court and help you to avoid serious mistakes.

There are lawyers who will help you on a limited basis. They will only charge for giving the help you need, and you can complete the court papers on your own or ask the lawyer for help.

For more information, call the Self-Service Center at **(520) 724-8456** and ask how to find an attorney.



Where is the Self-Service Center?

The Self-Service Center is located in the Pima County Law Library, Room 256, on the second floor of the Pima County Superior Court, 110 West Congress Street, Tucson, Arizona 85701. It is open from 8 am to 5 pm Monday through Friday (except holidays). For more information, call (520) 724-8456 or email pcll@sc.pima.gov.

What is a "Ward?"

A "ward" is the minor who is in need of a court-appointed guardian to take responsibility for their needs, such as food, clothing, and shelter.

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-](http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Filing-for-Minor-Guardianship)

[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 form that must be filled out and submitted to the court:

- **Order to Guardian and Acknowledgement**

The welfare and best interest of the minor are matters of great concern to the Court. When you accept appointment as a guardian you are agreeing to supervision by the Court. To help you understand your legal duties as a guardian, this form includes a list of **some** of the duties you will be expected to perform as a minor's guardian.



Please note that this is not an exhaustive list, and other duties may be expected of you while you are a guardian.

Please read all of the information in this packet very carefully. It lists the many duties you are expected to perform, as well as your legal responsibilities.

Caption:

Name of Person Filing Document - Fill in your name.

Address - Enter your current street address.

City, State, Zip Code – Enter your city, state, and ZIP.

Telephone Number – Enter your current telephone number.

Attorney Bar Number - Leave blank.

Certified Fiduciary Number - Leave blank.

Representing - Mark the box next to "Self."

Case No. – Leave this blank. The clerk will fill this information for you when you file your petition.

Assigned to the Honorable - Leave this blank. The clerk will fill this information for you when you file your petition.

In the Matter of the Guardianship of - Enter the name of the minor or minors you are accepting appointment of guardianship for and mark the box "a Minor."

What am I being ordered to do as guardian?



By signing this document, you are telling the Court that you have read and understood all of your responsibilities. This list is to assist you in the performance of your duties as a guardian. You will be required to comply with all of the responsibilities listed. **Please read each one carefully before signing the document.**

You will be responsible for the minor's needs, but you do not have to fund these needs with your own money. While you are responsible for the safety and wellbeing of the minor, the minor's parents are still financially responsible. For information about child support, please contact the Department of Economic Security at **1-800-882-5145** or go online at www.azdez.gov/dcsc.

It is your responsibility to make decisions concerning the minor's educational, social, and religious activities, as well as the minor's medical needs as they arise. If the minor is at least 14, it is important to consider the minor's preferences in your decision-making.

You are required to file a report each year about the minor. Your report is due each year **on the anniversary date of your appointment as guardian**. See Packet #14, *Annual Report*.

You must always be aware of the minor's best interests. If circumstances have made it necessary to end the guardianship, you are responsible for terminating the guardianship. You must receive a discharge of guardianship from the Court **before** you will be relieved of your duty as guardian. Until that time, you are still responsible for the minor's care. If, for any reason, you can no longer perform your duties, you must petition the Court to accept your resignation.



Once you have carefully reviewed your responsibilities as guardian that are listed in the Order, please read the warning at the top of page four of the Order to Guardian and Acknowledgement.

Leave the next lines blank, these are for the Judge to sign and date.

What is an Acknowledgment?

You must agree that you have received, read, and understood this order and will

follow it to become guardian of the minor.

On the signature line for “Signature of Guardian” sign and date. If there is a co-guardian, they will sign and date below your signature.



Remember this is a Court Order and you are agreeing to be bound by the provisions of the Order while you are the minor’s guardian.

Name of Person Filing Document: _____
 Address: _____
 City, State, Zip Code: _____
 Telephone Number: _____
 Attorney Bar Number (if applicable) _____
 Certified Fiduciary Number (if applicable) _____
 Representing Self or Attorney for: _____

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 IN AND FOR THE COUNTY OF PIMA**

In the Matter of the Guardianship of:

a Minor
 an Adult

Case No.:

**ORDER TO GUARDIAN AND
 ACKNOWLEDGEMENT**

Assigned to the Honorable:

The welfare and best interest of the person named above (“your ward”) are matters of great concern to this Court. By accepting appointment as guardian you have subjected yourself to the power and supervision of the Court. Therefore, to assist you in the performance of your duties, this order is entered. You are required to be guided by it and comply with its provisions, as it relates to your duties as guardian of your ward to your duties as his/her guardian as follows:

1. You have powers and responsibilities similar to those of a parent of a minor child, except that you are not legally obligated to contribute to the support of your ward from your own funds.
2. Unless the order appointing you provides otherwise, your duties and responsibilities include (but are not limited to) making appropriate arrangements to see that your ward’s personal needs (such as food, clothing, and shelter) are met.
3. You are responsible for making decisions concerning your ward's educational, social, and religious activities. If your ward is 14 years of age or older, you must take into account the ward’s preferences to the extent they are known to you or can be discovered with a reasonable amount of effort.

4. You are responsible for making decisions concerning your ward's medical needs. Such decisions include (but are not limited to) the decision to place your ward in a nursing home or other health care facility and the employment of doctors, nurses, or other professionals to provide for your ward's health care needs. However, you are to use the least restrictive means and environment available that meet your ward's needs.

5. You may arrange for medical care to be provided even if your ward does not wish to have it, **but you may not place your ward in a level one behavioral health facility against your ward's will unless the Court specifically has authorized you to consent to such placement.**

6. You may handle small amounts of money or property belonging to your ward without being appointed as a conservator. As a general rule, "small amount" means that the ward does not receive income (from all sources) exceeding \$10,000.00 per year, does not accumulate excess funds exceeding that amount, and does not own real property. If more than these amounts come into your possession, or are accumulated by you, you are required to petition the Court for the appointment of a conservator.

7. If you handle any money or property belonging to your ward, you have a duty to do each of the following:

- a. Care for and protect your ward's personal effects;
- b. Apply any monies you receive for your ward's current support, care, and education needs;
- c. Conserve any excess funds not so spent for your ward's future needs;
- d. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;
- e. Maintain records of all of the ward's property received and expended during the period of the guardianship;
- f. Account to your ward or your ward's successors at the termination of the guardianship, if requested; and
- g. Not purchase, lease, borrow, or use your ward's property or money for your benefit or anyone else's, without prior Court approval.

8. You shall not accept any remuneration of any kind for placing your ward in a particular nursing home or other care facility, using a certain doctor, or using a certain lawyer.

“Remuneration” includes, but is not limited to, direct or indirect payments of money, “kickbacks,” gifts, favors, and other kinds of personal benefits.

9. You will need to obtain a certified copy of the letters that are issued to you by the clerk of the superior court. Your certified copy is proof of your authority to act as guardian of your ward, and you should have this document available when acting on behalf of your ward. You may need to obtain additional (or updated) copies from time to time for delivery to, or inspection by, the people with whom you are dealing.

10. You are required to report annually, in writing, with respect to your ward’s residence, physical and mental health, whether there still is a need for a guardian, and (if there is no conservator) your ward’s financial situation. Your report is due each year on the anniversary date of your appointment. In addition to sending copies to the other persons named in the statute, you are directed to lodge a copy of your annual report with the Presiding Judge of this Court.

11. If your ward’s physical address changes, you shall notify the court by updating the probate information form within three days of learning of the change in your ward’s physical address. If your ward dies, you shall notify the court in writing of the ward’s death within ten days of learning that the ward has died.

12. You must be conscious at all times of the needs and best interests of your ward. If the circumstances that made a guardianship necessary should end, you are responsible for petitioning the Court to terminate the guardianship and obtaining your discharge as guardian. Even if the guardianship should terminate by operation of law, you will not be discharged from your responsibilities until you have obtained an order from this Court discharging you.

13. If you become unable to continue with your duties for any reason, you (or your guardian or conservator, if any) must petition the Court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must advise the Court and petition for the appointment of a successor.

14. If you have any questions about the meaning of this order or the duties that it and the statutes impose upon you by reason of your appointment as guardian, you should consult an attorney or petition the Court for instructions.

15. If you are not a certified fiduciary and are not related by blood or marriage to the ward, you are not entitled to compensation for your services as the ward’s guardian. *See* A.R.S. § 14-5651(J)(1).

This is only an outline of some of your duties as guardian. It is your responsibility to obtain proper legal advice about your duties. Failure to do so may result in personal financial liability for any losses.

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, A FINE, OR BOTH.

DATED this _____ day of _____, 20____.

This order shall terminate on _____, the minor's eighteenth birthday.

Judicial Officer/Judge/Commissioner
Superior Court of Arizona in Pima County

ACKNOWLEDGMENT

The undersigned acknowledges receiving a copy of this order and agrees to be bound by its provisions, whether or not he or she read it before signing, as long as he or she is guardian.

Signature of Guardian

Date Signed

Signature of Co-Guardian

Date Signed