

*Volunteer  
Lawyers  
Program*



# MINOR GUARDIANSHIP



Student Training Manual  
Spring 2010

# Table of Contents

## I. General Information

Student Information Sheet .....	2
Guardianship of a Minor .....	3

## II. Training Materials

Training Notes .....	4
Clinic Procedures .....	5
Guardianship Project Checklist .....	10
Guardianship Project Volunteer Notes .....	11
Guardianship Project Examination Questions .....	12
Guardianship Project Notice "Cheat Sheet" .....	13

## III. Applicable Statutes ..... 15

- ◆ A.R.S. § 14-1401: Notice; Method & Time of Giving
- ◆ A.R.S. § 14-5204: Court Appointment of Guardian of Minor; Conditions for Appointment
- ◆ A.R.S. § 14-5205: Court Appointment of Guardian of Minor; Venue
- ◆ A.R.S. § 14-5206: Court Appointment of Guardian of Minor; Qualifications; Priority of Minor's Nominee; Fingerprints
- ◆ A.R.S. § 14-5207: Formal Appointment of Guardian of Minor; Procedure
- ◆ A.R.S. § 14-5209: Powers & Duties of Guardian of Minor
- ◆ A.R.S. § 14-5210: Termination of Appointment of Guardian; General
- ◆ A.R.S. § 14-5212: Resignation or Removal Proceedings
- ◆ A.R.S. § 14-5309: Notices in Guardianship Proceedings
- ◆ A.R.S. § 14-5108: Guardianship of Foreign Citizens

## IV. Guardianship of a Minor: Pleadings (provided at the training)

- Form 1 - Petition for Appointment of Guardian (2 pages)
- Form 2 - General Order to Guardian for a Minor Child (4 pages)
- Form 3 - Acceptance of Guardianship of Minor (1 page)
- Form 4 - Notice of Hearing (1 page)
- Form 5 - Proof of Notice (1 page)
- Form 6 - Proposed Guardian's Affidavit § 14-5106 (4 pages)
- Form 7 - Verified Statement § 14-5651 (1 page)
- Form 8 - Affidavit Regarding Minor Child (5 pages)
- Form 9 - AZ Superior Court Probate Information Sheet (1 page)
- Form 10 - Consent and Waiver (1 page)
- Form 11 - Parental Consent to Appointment of a Guardian for a Minor (2 pages)
- Form 12 - Order Appointing Guardian of a Minor (1 page)
- Form 13 - Letters of Guardianship of Minor (1 page)
- Form 14 - Instructions to Guardians of Minors (1 page)

# Guardianship Project

## 1. Clinic Information

**Location:** Superior Court of Arizona, Pima County  
110 West Congress Street (NW Corner of Church & Congress)  
Courtroom #207

**Time:** Mondays and Wednesdays from 9:30 am until 11:30 am

**Dress:** Because you will be appearing before the Court, you should wear appropriate business attire. However, suits are unnecessary.

## 2. Responsibilities

The number of clients you assist each session will vary, depending on how many clients are scheduled by the Clerk's Office and how many show up for their hearings. You and the volunteer attorney will meet with the clients and explain the court process to them. You will also review the client's file and complete "Guardianship Project Volunteer Notes." Finally, you will appear before the Court to question each client and recommend whether the client should be awarded guardianship of the minor.

## 3. Concerns

If you encounter problems or have any concerns, please call or e-mail Randi Burnett, Staff Attorney and Law Student Coordinator at the VLP:

Office Phone: (520) 623-9465, x. 4173  
E-Mail: [rburnett@sazlegalaid.org](mailto:rburnett@sazlegalaid.org)

**If for any reason you are not able to attend a Clinic on a date that you have signed up to volunteer, then please notify staff as follows:**

- **Cancellations prior to the volunteer date:**
  - Randi Burnett OR Jen Crutchfield (student coordinator)  
e-mail: [jcrutch@gmail.com](mailto:jcrutch@gmail.com)
- **Cancellations the day of the volunteer date:**
  - Randi Burnett OR Kara Slack (VLP Staff)  
e-mail: [kslack@sazlegalaid.org](mailto:kslack@sazlegalaid.org)  
Office Phone: (520) 623-9465, x. 4178

# Guardianship of a Minor

A minor is any person under the age of 18. A guardian of a minor is a substitute parent who accepts the responsibility of raising the minor and providing for the minor's needs. A guardian has the same powers and responsibilities of a custodial parent regarding the minor's care, support, and education. However, a guardian is not personally liable for the minor's expenses and is not liable to third parties for the acts of the minor. A guardianship may be needed whenever a child is not living with at least one natural or adoptive parent.<sup>1</sup>

The appointment of a guardian for a minor in probate court is based on **parental consent or the termination (or suspension) of parental rights**. The termination (or suspension) can occur by court order<sup>2</sup> or "circumstances."<sup>3</sup> Thus, before appointing a guardian for a minor child, the probate court must determine either that the parents consent to the guardianship (or at least do not object) or that the parents' relationship has been severed by circumstances or court order.

## A. Notice Requirements

Under section 14-5207 of the Arizona Revised Statutes ("A.R.S."), the guardian must provide notice of the hearing date, time, and location to: 1) any minor child who is age 14 or older; 2) any living parent of the minor; and 3) any person who is serving a guardian or conservator or who has had the principal care and custody of the minor during the 60 days preceding the date of the petition. A copy of the Petition (Form 1) must be provided along with notice of the hearing date, time and location. Notice of the Hearing (Form 4) and a copy of the Petition (Form 1) must be delivered at least **14 days prior to the hearing (19**

---

1

Most school districts require out-of-district tuition for children whose parent or guardian does not live in the district. In order to avoid tuition charges it may be necessary to have a district resident appointed as guardian. It may also be necessary, or at least desirable, to have a guardian appointed in order to get the child qualified for medical insurance through the guardian's work. If parents are unavailable, it may be necessary to secure a guardian's appointment to give consent (or withhold consent) for medical treatment.

<sup>2</sup>The probate division of the Superior Court does **NOT** have jurisdiction to terminate parental rights of custody. Rather, cases involving allegations of abuse, neglect, or unfit parenting against the minor's parents fall under the jurisdiction of the Juvenile Court.

<sup>3</sup>"Circumstances" may include the death, disappearance, incarceration, military service, serious illness, or incapacity of a parent or parents.

**days** if mailed) and the guardian must file **Proof of Notice** (Form 5) with the Clerk seven days prior to the hearing.

**Note:** All parties may **waive** notice and the parents may provide **consent** to the guardianship. If the parents have signed consent and waiver forms, the guardian need not file **Proof of Notice** (Form 5).

If the address or identity of any person is unknown and cannot be ascertained with reasonable diligence, the guardian may **publish notice** of the hearing three times prior to the hearing in a newspaper of general circulation. The date of the first publication must be at least 14 days before the hearing.

## **B. Fingerprint Requirements**

Under section 14-5206 of the A.R.S., guardians who are **not blood-related** to the minor must be fingerprinted by the Department of Public Safety. A “blood relative” is any of the following: biological or adoptive parents, siblings, half-siblings, grandparents, great-grandparents, and aunts or uncles (if he or she shares a common parent with either of the minor’s parents). All other friends and family members are **not** considered blood relatives, including stepparents, step-siblings, and spouses of uncles or aunts.

In order to comply with the fingerprint requirement, the guardian must go either to the Pima County Sheriff’s Department or the Tucson Police Department to have his or her prints taken at the dates and times those agencies provide fingerprinting services. The guardian must bring a state-issued photo I.D., the correct fee (\$6 at PCSD; \$5 at TPD), and one 9x12 envelope. Ten days after the petition is filed, the guardian must bring the fingerprints to his or her compliance hearing, along with a postage-paid 10x13 envelope addressed to the Department of Public Safety and a cashier’s check or money order for \$29 made payable to the Arizona Department of Public Safety. The prints will be sent for processing and the results will be returned to the Court within 60 days.

## **C. Termination**

If a parent objects to the continuation of a guardianship, even if he or she originally consented, the guardianship will be terminated by the Court once the objection is properly filed. There may be a slight delay to give the guardian time to initiate a Juvenile Court proceeding, but the guardianship cannot continue over a parent’s objection unless the parental rights have been terminated. If a guardian chooses to resign, the Court will seek to appoint a successor. However, in the absence of any choice, the guardianship may be terminated. If the minor turns 18 or dies, the guardianship terminates automatically.

# Training Notes

# ***Clinic Procedure***

## **1. When you arrive at the Guardianship Clinic**

The Guardianship Clinic is a two-part Clinic where you will speak with each client about their case prior to participating in their Court hearing. You will need to arrive at the Clinic office, located on the 3<sup>rd</sup> Floor of the Pima County Courthouse in room 301, by no later than 9:30 a.m. A VLP staff member will be present to let you into the office and to give you the client case numbers for the day. Once you have the case numbers, you will be able to access the Court's file using the Court's online document system. (We will show you how to access documents at your first clinic.)

Once you have accessed the client's case file, spend a few minutes looking at the documents to familiarize yourself with the case. You will want to look at the client's **Petition for Appointment of Guardian**. This document will give you the names of the minor's parents (found on the first page) and it will also give you the names of all the individuals that the client was required to give notice to (found on the second page). You will also want to check the case file to see if there are any documents on file that pertain to the legal notice requirement. This means that you will be checking for **Parental Consent** forms, **Minor Consent** forms, **Proof of Notice** forms and **Affidavits of Publication** in the case file. Lastly, you will want to check the case file for any **Minute Entries** or filings from one of the parents. If you have any questions or problems with the case file, please ask the volunteer attorney for help.

While you are reviewing the case file, it is a good idea to begin filling out the "**Guardianship Project Checklist**" and the "**Guardianship Project Volunteer Notes**" (both forms are provided below). The "**Checklist**" is a form that has been provided to assist you in keeping each client's situation straight and will only be used by you. Please feel free to write additional notes or anything else that you find helpful on the "**Checklist**". You will turn the "**Checklist**" in to VLP staff at the end of each clinic, but the only purpose for turning in the "**Checklist**" is to protect confidential client information. The VLP shreds the "**Checklist**" after the Clinic. **The "Volunteer Notes" sheet needs to be filled out completely and returned to VLP staff at the end of each clinic.** The "**Volunteer Notes**" form is used by VLP staff to keep statistics on the Guardianship Clinic and becomes part of the client's VLP file. You will fill out a "**Checklist**" and a "**Volunteer Notes**" sheet for each client you assist.

## **2. When the client arrives**

The VLP staff member will bring the client in and will introduce everyone. Begin by asking the client to produce any paperwork that they have brought with them for the hearing. Look through the paperwork to see if the client has an **Order Appointing Guardian of Minor** (Form 12) and a form entitled **Letters of Guardianship** (Form 13). If the client has these two forms then pull them out, paperclip them together, and tell the client to keep them handy so that they can easily find them during their hearing. They will need these two forms if the

guardianship is approved. If the client does not have these two forms, then we can provide them to the client.

Next, ask the clients how they provided notice of the proceedings to the parents, the minor (if 14 or older), and anyone else that they listed on the second page of the Petition. Your objective is to make sure that the client provided legal notice to everyone entitled to notice. We have provided a “Notice Cheat Sheet” in the office to assist you, and the volunteer attorney can help with this issue.

**NOTE:** if the client has hand-delivered or mailed a copy of the Petition and a Notice of Hearing to the parents, in a timely manner, then they can fill out a Proof of Notice (Form 5) and file it with the Court at their hearing. Although the Proof of Notice is supposed to be filed at least 7 days before the hearing, the Court will accept it at the client’s hearing.

### **3. Filling out the “Guardianship Project Checklist”**

In addition to checking notice and client paperwork, the Court has asked us to check on a few other things.

#### ◆ Relationship to the Minor

- ◆ This is important because of the fingerprint requirement for non-relatives (including aunts and uncles by marriage). If a non-relative is involved in the guardianship case, then we check the case file to make sure that a fingerprint report is on file.
- ◆ Many times you will have to help explain to the judge how the parties are related. Be sure that you know exactly how they are related.
- ◆ If the client is a paternal relative, it then becomes important to find out if paternity has been established for the minor. Ask the client if the parents were married at the time of the minor’s birth, if the father is on the birth certificate, or if there has been a legal adjudication of paternity.
  - ◆ If paternity has NOT been established, then the paternal relatives are legal strangers and must be fingerprinted!!

#### ◆ Felonies, DV Misdemeanors, & Crimes Against Children

- ◆ Petitioners are required to tell the Court if they have ever been convicted of a felony, domestic violence misdemeanor or crime against children on their “Proposed Guardian’s Affidavit” (Form 6). Unfortunately, many people do not answer truthfully because they fear that their previous conviction will prevent the guardianship from being established. This is not necessarily the case. Unless the crime was a heinous one or a crime against children, then it is unlikely to prevent the guardianship. When the client reveals to the Court that they omitted a past conviction, the Court will question them about the nature of the crime and will ask the client for reasons why the guardianship should be established despite the client’s past criminal history. We discuss these issues with the client before they attend the hearing to let them know what to expect from the judge. Once again, if you have questions in this area, please look to the volunteer attorney for help.

- ◆ Previously Established Child Support
  - ◆ If Child Support was previously established for the minor, we let the Court know at the hearing. Ask the client if they know where (what state and county) the Order was established. If Child Support has been established, then the Court will send a copy of the Minute Entry to the Court that issued the child support order. If it was established in Arizona, then the Division of Child Support Enforcement will receive a copy of the Minute Entry, as well. Once a guardianship is established, any child support payments that are actually being paid should be directed to the guardian(s) as that person is actually caring for the minor. However, it is up to the guardian to take the necessary actions to make sure they receive the child support payments.
  
- ◆ DISCUSSED: Annual Report & Change of Address
  - ◆ The Court has asked us to discuss the Annual Report of Guardian with our clients. The “Checklist” lists the four important areas that we need to make sure we cover with every, single client. The requirements of the Annual Report and its importance, as well as the Notice of Change of Address, will be discussed in detail at the Guardianship Training.

#### **4. Attending the Hearing**

Once you have finished reviewing everything on the “Checklist” with the client, then instruct them to be at courtroom 207 (on the 2<sup>nd</sup> floor) by no later than 10:25 a.m. The hearings are scheduled to begin at 10:30 a.m. and are in front of Commissioner Amy Hubbell. Make sure you bring the “Checklist”, “Volunteer Notes” and a pen with you to the hearing. On the backside of the “Notice cheat sheet” is the “Guardianship Project Examination” sheet. You can take this sheet with you to the courtroom to refer to as you examine clients at their hearing. Just be sure to return the sheet to the VLP staff member after the hearing.

At the hearing, you will go up in front of Commissioner Hubbell once your client’s case is called. The parties must be sworn in first, then the Court will look to you to begin your examination. Start by introducing yourself and then go through the six questions with your client. You are allowed to ask additional questions to clarify answers for the Court. For example, if you ask about the client’s relationship to the minor and the client replies, “I’m her uncle,” then you can follow up by asking if he is the paternal or maternal uncle. The important thing is to make sure that the Court gets the information that it needs from the parties.

In addition, if your client has documents that need to be filed then let the Court know about the documents after you have finished your examination. This would also be the point at which you would let the Court know about any other issues that came up during the course of your interview with the client prior to the hearing. Once you are finished, please let the Court know that you have nothing further and Commissioner Hubbell will take over.

**NOTE:** you have to reintroduce yourself every time you go up with a client.

## **5. After the hearing**

Once all of the hearings are done, Commissioner Hubbell's clerk will come out and take all of the clients who were successfully appointed as guardians down to the Probate Clerk's Office. If a guardianship was not approved and the client has questions, then spend a few minutes with the volunteer attorney to answer the client's questions. If a client has a legal issue that cannot be answered within a few minutes, then direct the client to the VLP staff member and the staff member will give out the VLP's contact information to the client. The client can then call the VLP to get assistance with their legal issue.

If none of the clients have any questions then turn in your Clinic paperwork to the VLP staff member, give yourself a pat on the back for a job well done, and you are finished with the Clinic for the day!

# STUDENT FORMS, HANDOUTS & CHEATSHEETS



## Guardianship Project Volunteer Notes

Case Number: \_\_\_\_\_ Date: \_\_\_\_\_

Minor Name(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Guardian Name(s): \_\_\_\_\_ Relationship (\_\_\_\_\_)

\_\_\_\_\_ Relationship (\_\_\_\_\_)

Law Student Volunteer's Name: \_\_\_\_\_

Supervising Attorney's Name: \_\_\_\_\_

### Volunteer Notes

Volunteer reviewed file and documents, established statutory requirements before Court, and provided additional advice and/or materials regarding:

1. Order:  Gave to client & helped fill out, OR  Reviewed for client

2. Letters:  Gave to client & helped fill out, OR  Reviewed for client

3. Mother's Name: \_\_\_\_\_  Consented to Guardianship

4. Father's Name: \_\_\_\_\_  Consented to Guardianship

5. Other: \_\_\_\_\_

Did Court award guardianship?  Yes  No

If NO, what information and/or materials were provided to the client? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# **Guardianship Project Examination**

## **Introduce yourself to the Court:**

My name is \_\_\_\_\_. I am a Rule 38(d)(3) student under the supervision of (attorney's name). I am appearing as a friend of the Court.

## **Questions to Ask Client**

1. **What is your name?**
  2. **What is your relationship to the minor?**
    - a. Follow up question → Related on mom's/dad's side?
  3. **Does the minor live with you here in Pima County?**
  4. **Is the minor in need of a guardian?**
  5. **Why is the minor in need of a guardian?**
  6. **Will you serve as the guardian?**
- ★ **If the client has documents that need to be filed (consents or affidavit of publication), then ask:**

CONSENT – Do you have a consent from the mother/father that you would like to file with the Court?

PUBLICATION – Do you have proof of publication for the Court? Can you please tell the Court what efforts you made to find this person?

### **★ If the minor is present, then ask the minor:**

- Do you understand the purpose of this guardianship?
- Do you understand that (guardian's name) will be acting as your parent and will have the ability to make important decisions about you?
- Do you consent to the guardianship?

**Client must give notice to each person listed on page 2 of the Petition.**

## NOTICE

### OPTION A – Mail or Delivery

- **Forms that must be provided:**
  - o *Form 4* – Notice of Hearing
  - o *Form 1* – Petition
- **Persons who MUST have Notice:**
  - o Any living parent
  - o Minor’s current legal guardian
  - o Anyone with whom the minor has lived with in the past 60 days
  - o Minor, if age 14 or older
- **MAIL:**
  - o Must be mailed at least **19 days** before the hearing
- **DELIVERY:**
  - o Must be delivered at least **14 days** before the hearing
- **PROOF OF NOTICE:**
  - o *Form 5* (proof of notice) must be filed **7 days** before the hearing – for both MAIL & DELIVERY

### OPTION B – Consent

- **Forms that must be provided:**
  - o *Form 4* – Notice of Hearing
  - o *Form 1* – Petition
- **Person who MUST have Notice:**
  - o Any living parent
  - o Minor’s current legal guardian
  - o Anyone with whom the minor has lived with in the past 60 days
  - o Minor, if age 14 or older
- **You must obtain a SIGNED, NOTARIZED Consent and Waiver:**
  - o *Form 10* – consent from the minor
  - o *Form 11* – parental consent
- **Written consent can be obtained any time prior to the hearing.**
- **An oral consent can also be given, on record, during the hearing.**

### OPTION C – Publication

- **Used only when parties WHEREABOUTS or IDENTITIES are unknown.**
- **ASK what efforts they made to find the party.**
- **AFFIDAVIT OF PUBLICATION**
  - o Must have this affidavit with them or in the court file prior to the hearing.
- **TIMELY MADE** – first publication date MUST be at least **14 days** before the hearing.

# GUARDIANSHIP STATUTES

# GUARDIANSHIP STATUTES

## 14-1401. Notice; method and time of giving

A. If notice of a hearing on any petition is required and except for specific notice requirements as otherwise provided, the petitioner shall cause notice of the time and place of hearing of any petition to be given to any interested person or his attorney if he has appeared by attorney or requested that notice be sent to his attorney. Notice shall be given either:

1. By mailing a copy thereof at least fourteen days before the time set for the hearing by certified, registered or ordinary first class mail addressed to the person being notified at the post office address given in his demand for notice, if any, or at his office or place of residence, if known.

2. By delivering a copy thereof to the person being notified personally at least fourteen days before the time set for the hearing.

3. If the address or identity of any person is not known and cannot be ascertained with reasonable diligence, or when otherwise required under this title, by publishing at least three times prior to the date set for the hearing a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the first publication of which is to be at least fourteen days before the hearing.

B. The court for good cause shown may provide for a different method or time of giving notice for any hearing.

C. Proof of the giving of notice shall be made at or before the hearing and filed in the proceeding.

## 14-5204. Court appointment of guardian of minor; conditions for appointment

The court may appoint a guardian for an unmarried minor if all parental rights of custody have been terminated or suspended by circumstances or prior court order. A guardian appointed by will as provided in section 14-5202 whose appointment has not been prevented or nullified under section 14-5203 has priority over any guardian who may be appointed by the court but the court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within thirty days after notice of the guardianship proceeding.

## 14-5205. Court appointment of guardian of minor; venue

The venue for guardianship proceedings for a minor is in the place where the minor resides or is present.

## 14-5206. Court appointment of guardian of minor; qualifications; priority of minor's nominee; fingerprints

A. The court shall appoint as guardian a person whose appointment would be in the best interests of the minor. The court may appoint a person nominated by the minor, if the minor is fourteen years of age or older, unless the court finds the appointment contrary to the best interests of the minor.

B. Before the court may appoint as guardian a person unrelated to the minor, the court shall, in order to determine the applicant's suitability as a guardian, require the potential guardian to furnish a full set of fingerprints to the court to enable a criminal background investigation to be conducted. The court shall submit the completed fingerprint card with the fee prescribed in section 41-1750 to the department of public safety. The applicant shall bear the cost of obtaining the criminal background information. The cost shall not exceed the actual cost of obtaining the applicant's criminal background information. The department of public safety shall conduct criminal history records checks pursuant to section 41-1750 and applicable federal law. The department of public safety is authorized to submit fingerprint card information to the federal bureau of investigation for a national criminal history records check.

#### **14-5207. Formal appointment of guardian of minor; procedure**

A. Any person interested in the welfare of a minor may petition the court for appointment of a guardian. The court shall then set a hearing date. The petitioner shall give notice of the time and place of the hearing in the manner prescribed by section 14-1401 to:

1. A minor who is at least fourteen years of age.
2. The person who has had the principal care and custody of the minor during the sixty days preceding the date of the petition.
3. Any living parent of the minor.

B. Upon hearing, if the court finds that a qualified person seeks appointment, venue is proper, the required notices have been given, the requirements of section 14-5204 have been met and the welfare and best interests of the minor will be served by the requested appointment, it shall make the appointment and issue letters on the acceptance of the proposed guardian. In other cases the court may dismiss the proceedings or make any other disposition of the matter that will best serve the interests of the minor.

C. If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian shall not last longer than six months.

D. If, at any time in the proceeding, the court determines that the interests of the minor are or may be inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is at least fourteen years of age.

#### **14-5209. Powers and duties of guardian of minor**

A. A guardian of a minor has the powers and responsibilities of a custodial parent regarding the ward's support, care and education. A guardian is not personally liable for the ward's expenses and is not liable to third persons by reason of the relationship for acts of the ward.

B. In particular, and without qualifying the foregoing, a guardian shall:

1. Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know of the ward's capacities, limitations, needs, opportunities and physical and mental health.
2. Take reasonable care of the ward's personal effects and commence protective proceedings if necessary to protect other property of the ward.
3. Apply any available monies of the ward to the ward's current needs for support, care and education.

4. Conserve any excess monies for the ward's future needs, but if a conservator has been appointed for the estate of the ward, the guardian, at least quarterly, shall pay to the conservator money of the ward to be conserved for the ward's future needs.

5. Report the condition of the ward and of the ward's estate which has been subject to his possession or control, as ordered by the court on petition of any person interested in the ward's welfare or as required by court rule.

C. A guardian may:

1. Receive monies payable for the support of the ward under the terms of any statutory benefit, insurance system, private contract, devise, trust, conservatorship or custodianship, and monies or property of the ward paid or delivered pursuant to section 14-5103.

2. Take custody of the person of the ward and establish the ward's place of residence in or outside this state, if consistent with the terms of an order of a court of competent jurisdiction relating to the detention or commitment of the ward.

3. If no conservator for the estate of the ward has been appointed, institute proceedings, including administrative proceedings, or take other appropriate action to compel the performance by any person of a duty to support the ward or to pay amounts for the welfare of the ward.

4. Facilitate the ward's education, social or other activities and consent to medical or other professional care, treatment or advice for the ward. A guardian is not liable by reason of this consent for injury to the ward resulting from the negligence or acts of third persons unless a parent would have been liable in the circumstances.

5. Consent to the marriage or adoption of the ward.

6. If reasonable, delegate to the ward certain responsibilities for decisions affecting the ward's well-being.

D. A guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board and clothing personally provided to the ward, but only as approved by order of the court. If a conservator, other than the guardian or one who is affiliated with the guardian, has been appointed for the estate of the ward, reasonable compensation and reimbursement to the guardian may be approved and paid by the conservator without order of the court.

E. In the interest of developing self-reliance on the part of a ward or for other good cause, the court, at the time of appointment or later, on its own motion or on appropriate petition or motion of the minor or other interested person may:

1. Create a limited guardianship by limiting the powers of a guardian otherwise conferred by this section. Any limitation on the statutory power of a guardian of a minor must be endorsed on the guardian's letters.

2. Remove a limitation and issue revised letters.

#### **14-5210. Termination of appointment of guardian; general**

A guardian's authority and responsibility terminates on the death, resignation or removal of the guardian or on the minor's death, adoption, marriage or attainment of majority. Termination does not affect the guardian's liability for prior acts or the guardian's obligation to account for the ward's monies and assets. Resignation of a guardian does not terminate the guardianship until it has been approved by the court.

#### 14-5212. Resignation or removal proceedings

A. Any person interested in the welfare of a ward or the ward, if fourteen or more years of age, may petition for removal of a guardian on the ground that removal would be in the best interests of the ward, or for any other order that is in the best interest of the ward. A guardian may petition for permission to resign. A petition for removal or for permission to resign may, but need not, include a request for appointment of a successor guardian.

B. Notice of a hearing on a petition for an order subsequent to appointment shall be given to a ward who is at least fourteen years of age, the guardian and any other person the court orders to receive the notice.

C. After notice and a hearing on a petition for removal or for permission to resign, the court may terminate the guardianship and make any further order that may be appropriate.

D. If, at any time in the proceeding, the court determines that the interests of the ward are, or may be, inadequately represented, it may appoint an attorney to represent the minor, giving consideration to the preference of the minor if the minor is fourteen or more years of age.

#### 14-5309. Notices in guardianship proceedings

A. In a proceeding for the appointment or removal of a guardian of a ward or an alleged incapacitated person other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of a hearing shall be given to each of the following:

1. The ward or the alleged incapacitated person and that person's spouse, parents and adult children.

2. Any person who is serving as guardian or conservator or who has the care and custody of the ward or the alleged incapacitated person.

3. In case no other person is notified under paragraph 1 of this subsection, at least one of that person's closest adult relatives, if any can be found.

4. Any person who has filed a demand for notice.

B. At least fourteen days before the hearing notice shall be served personally on the ward or the alleged incapacitated person, and that person's spouse and parents if they can be found within the state. Notice to the spouse and parents, if they cannot be found within the state, and to all other persons except the ward or the alleged incapacitated person shall be given as provided in section 14-1401. Waiver of notice by the ward or the alleged incapacitated person is not effective unless that person attends the hearing.

#### 14-5108. Guardianship of foreign citizens

The court may appoint an adult as the guardian of a foreign citizen if all of the following are true:

1. The foreign citizen is under twenty-one years of age.

2. The foreign citizen has a temporary visa issued by the United States.

3. The adult agrees to sponsor the foreign citizen in obtaining permanent resident alien status in the United States.

4. The foreign citizen's parent, on behalf of the foreign citizen, filed a petition for permanent resident alien status with the United States government and that parent is now deceased.

5. The foreign citizen was under eighteen years of age at the time the petition for permanent resident alien status was filed.