

House Engrossed

guardianship; minors; appointment; notice

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HOUSE BILL 2079

AN ACT

AMENDING SECTIONS 14-5204 AND 14-5207, ARIZONA REVISED STATUTES; RELATING
TO GUARDIANS OF MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-5204, Arizona Revised Statutes, is amended to
3 read:

4 14-5204. Court appointment of guardian of minor; conditions
5 for appointment

6 A. The court may appoint a guardian for ~~an unmarried~~ A minor if ~~all~~
7 ~~parental rights of custody have been terminated or suspended by~~
8 ~~circumstances or prior court order.~~ THE COURT FINDS THAT THE APPOINTMENT
9 IS IN THE BEST INTEREST OF THE MINOR AND THAT ONE OF THE FOLLOWING
10 APPLIES:

11 1. AFTER BEING FULLY INFORMED OF THE NATURE OF A GUARDIANSHIP
12 APPOINTMENT, EACH LIVING PARENT OF THE MINOR CONSENTS TO THE APPOINTMENT
13 OF A GUARDIAN.

14 2. THE PARENTAL RIGHTS OF THE LIVING PARENTS OF THE MINOR HAVE BEEN
15 TERMINATED.

16 3. THE MINOR IS AT LEAST SIXTEEN YEARS OF AGE AND IS NOT THE
17 SUBJECT OF AN OPEN DEPENDENCY CASE PURSUANT TO TITLE 8 AND, BASED ON A
18 PREPONDERANCE OF THE EVIDENCE, NO PARENT OF THE MINOR IS WILLING OR ABLE
19 TO EXERCISE THE POWERS AND DUTIES GRANTED BY THE COURT TO A GUARDIAN.

20 B. A guardian WHO IS appointed by will as provided in section
21 14-5202 AND whose appointment has not been prevented or nullified under
22 section 14-5203 has priority over any guardian who may be appointed by the
23 court but the court may proceed with an appointment ~~upon~~ ON a finding that
24 the testamentary guardian has failed to accept the testamentary
25 appointment within thirty days after notice of the guardianship
26 proceeding.

27 Sec. 2. Section 14-5207, Arizona Revised Statutes, is amended to
28 read:

29 14-5207. Formal appointment of guardian of minor; procedure

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

34 1. A minor who is at least fourteen years of age.

35 2. The person who has had the principal care and custody of the
36 minor during the sixty days preceding the date of the petition.

37 3. Any living parent of the minor UNLESS BOTH OF THE FOLLOWING
38 APPLY:

39 (a) AFTER A DUE DILIGENCE SEARCH, A LIVING PARENT CANNOT BE LOCATED
40 AND SERVED.

41 (b) THE MINOR IS AT LEAST SIXTEEN YEARS OF AGE AND IS NOT
42 THE SUBJECT OF AN OPEN DEPENDENCY CASE PURSUANT TO TITLE 8.

43 B. THE NOTICE PRESCRIBED BY SUBSECTION A OF THIS SECTION SHALL
44 INCLUDE BOTH:

1 1. A STATEMENT OF THE RIGHT TO OBJECT TO THE PROPOSED GUARDIANSHIP
2 APPOINTMENT.

3 2. A DESCRIPTION OF THE NATURE, PURPOSE AND CONSEQUENCES OF THE
4 POWERS AND DUTIES ASSUMED BY A GUARDIAN.

5 C. IF THE PETITIONER HAS NOT SERVED NOTICE ON ANY LIVING PARENT OF
6 THE MINOR, THE COURT SHALL MAKE A DETERMINATION WHETHER THE PETITIONER HAS
7 EXERCISED DUE DILIGENCE TO LOCATE A LIVING PARENT OF THE MINOR.

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

16 ~~C.~~ E. If necessary, the court may appoint a temporary guardian,
17 with the status of an ordinary guardian of a minor, but the authority of a
18 temporary guardian shall not last longer than six months. THE COURT MAY
19 EXTEND THE AUTHORITY OF A TEMPORARY GUARDIAN IF THE COURT DETERMINES A
20 LONGER TEMPORARY GUARDIANSHIP APPOINTMENT IS IN THE BEST INTERESTS OF THE
21 MINOR.

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