

REFERENCE TITLE: guardianship; minors; appointment; notice

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

HB 2079

Introduced by
Representative Blackman

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. BASED ON A PREPONDERANCE OF THE EVIDENCE, NO PARENT OF THE MINOR
17 IS WILLING OR ABLE TO EXERCISE THE POWERS AND DUTIES GRANTED BY THE COURT
18 TO A GUARDIAN.

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

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

28 14-5207. Formal appointment of guardian of minor; procedure

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

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

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

36 3. Any living parent of the minor.

37 B. THE NOTICE PRESCRIBED BY SUBSECTION A OF THIS SECTION SHALL
38 INCLUDE BOTH:

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

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

43 C. THE COURT MAY NOT GRANT A PETITION IF NOTICE THAT SUBSTANTIALLY
44 COMPLIES WITH SUBSECTION A OF THIS SECTION IS NOT SERVED ON BOTH:

45 1. THE MINOR, IF THE MINOR IS FOURTEEN YEARS OF AGE OR OLDER.

1 2. EACH PARENT OF THE MINOR UNLESS, BASED ON A PREPONDERANCE OF THE
2 EVIDENCE, THE COURT FINDS THAT EITHER:

3 (a) AFTER A DUE DILIGENCE SEARCH, EACH PARENT CANNOT BE LOCATED AND
4 SERVED.

5 (b) THE PARENT HAS WAIVED THE RIGHT TO NOTICE IN A WRITTEN
6 INSTRUMENT.

7 D. IF THE PETITIONER IS UNABLE TO SERVE THE NOTICE PRESCRIBED BY
8 SUBSECTIONS A AND B OF THIS SECTION ON ANY LIVING PARENT OF THE MINOR OR
9 ALLEGES THAT A LIVING PARENT OF THE MINOR WAIVED THE RIGHT TO NOTICE IN A
10 WRITTEN INSTRUMENT, THE COURT SHALL APPOINT A GUARDIAN AD LITEM WHO SHALL:

11 1. INTERVIEW THE PETITIONER AND THE MINOR.

12 2. ASCERTAIN WHETHER A LIVING PARENT OF THE MINOR CANNOT BE LOCATED
13 AFTER A DUE DILIGENCE SEARCH.

14 3. AT THE DIRECTION OF THE COURT, INVESTIGATE ANY OTHER MATTER
15 RELATING TO THE PETITION.

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

24 ~~C.~~ F. If necessary, the court may appoint a temporary guardian,
25 with the status of an ordinary guardian of a minor, but the authority of a
26 temporary guardian shall not last longer than six months. THE COURT MAY
27 EXTEND THE AUTHORITY OF A TEMPORARY GUARDIAN IF THE COURT DETERMINES A
28 LONGER TEMPORARY GUARDIANSHIP APPOINTMENT IS IN THE BEST INTERESTS OF THE
29 MINOR.

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