



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-seventh Legislature  
First Regular Session

House: GOV DPA 7-0-0-0 | 3<sup>rd</sup> Read: 56-3-1-0

Senate: JUDE DP 7-0-0-0 | 3<sup>rd</sup> Read: 28-1-0-0

Chapter: 95

## **HB 2079: guardianship; minors; appointment; notice**

**Sponsor: Representative Blackman, LD 7**

**Signed by the Governor**

### **Overview**

Expands procedures for guardianship appointments for minors and notice requirements for petitioners.

### **History**

The court is authorized to appoint a guardian to unmarried minors in cases where all parental rights of custody have been terminated or suspended by circumstances or prior court order. A person interested in the welfare of a minor may petition the court for appointment of a guardian. If the court then finds that the necessary notices have been given and requirements met and the requested appointment serves the best interests of the minor, the court must make the appointment and issue letters on the acceptance of the proposed guardian. In certain circumstances, the court may appoint a temporary guardian to a minor for a period of no longer than six months (A.R.S. §§ [14-5204](#), [14-5207](#)).

### **Provisions**

1. Allows the court to appoint a guardian for a minor if the appointment is in the best interest of the minor and:
  - a) each living parent of the minor, after being fully informed of the nature of guardianship appointment, consents to the appointment of a guardian;
  - b) the living parents' parental rights of the minor have been terminated; or
  - c) the minor is at least 16, does not have an open dependency case and the court finds, based on a preponderance of the evidence, no parent of the minor is willing or able to exercise the powers and duties granted by the court to a guardian. (Sec. 1)
2. Requires a person petitioning for appointment of guardianship to include in their notice to the minor and person who has had principal care of the minor, both:
  - a) a statement of the right to object to the proposed guardianship appointment; and
  - b) a description of the nature, purpose and consequences of the powers and duties assumed by a guardian. (Sec. 2)
3. Clarifies that notice is not required to be given to the living parent of the minor if both:
  - a) The minor is at least 16 years old and does not have an open dependency case; and
  - b) A parent cannot be located and served after a due diligence search. (Sec. 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

4. Instructs the court to make a determination of whether the petitioner exercised due diligence when searching for a living parent, if a notice of the hearing was not served to a living parent. (Sec. 2)
5. Authorizes the court to extend the authority of a temporary guardian if the court determines such an extension is in the best interests of the minor. (Sec. 2)
6. Makes technical and conforming changes. (Sec. 1, 2)