

GUARDIAN AND CONSERVATOR

For an Adult

3

**OR a person at least 17.5 years old,
to *become effective* at age 18**

Part 3: Preparing for and Attending the Court Hearing
(Forms Only)

IMPORTANT NOTICE

TRAINING REQUIREMENTS

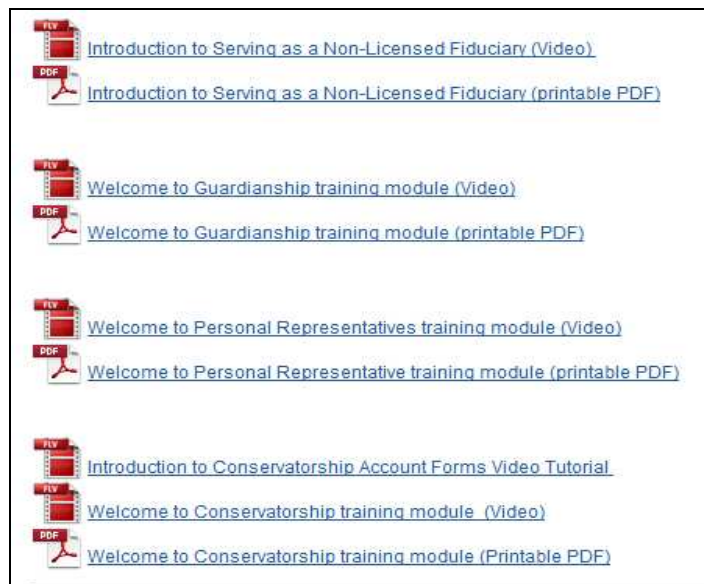
Effective September 1, 2012

The Arizona Supreme Court requires that any person who is not a state-licensed fiduciary (or a financial institution) must complete a training program approved by the Supreme Court **before** Letters of Appointment to serve as a guardian, conservator, or personal representative can be issued by the Clerk of the Court, or within 30 days of a temporary or emergency appointment.

TRAINING *SHOULD BE COMPLETED BEFORE* THE COURT HEARING
Additional time may be granted for good reason.

You may access and complete the training FREE online at:
www.azcourts.gov/probate/Training.aspx

Go to the section for “**Non-licensed Fiduciaries**” and click on the link to access a narrated slide-show presentation of the materials applicable to your situation.



You may also pick up a printout of the training materials in English or Spanish from the Self-Service Center. AFTER reviewing the materials, you will need to inform the Court that you have completed the training by filing either the Certificate available at the end of the online training, or the Declaration of Completion form available from the Self-Service Center. If you have questions about the training, contact the Probate Clerk at 928-428-3100.

SELF-SERVICE CENTER

**PROCEDURES: PREPARING FOR AND ATTENDING
THE COURT HEARING for GUARDIANSHIP and CONSERVATORSHIP
for an ADULT**

or a person at least 17.5 to become effective at 18

STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

- A. HEALTH PROFESSIONAL'S REPORT:** IF a physician, registered nurse, or psychologist was appointed to examine the proposed protected person, the examiner should have received the "GUIDELINES FOR HEALTH PROFESSIONAL'S REPORT" (PBGCA15f) and prepared a report on the findings either on the form supplied with the Guidelines, or in any other format that conveys the necessary information.

After the Petitioner receives the examination report*, he or she must:

- Make at least **4 copies** of this report (keep one copy for his/her records), and
- **Mail** a copy of the written report at least **10** business days before the hearing, or hand-deliver a copy at least **5** business days before the hearing, to:
 - 1) The Judge/Commissioner who will hold the hearing;
 - 2) The attorney for the person you say needs the conservator; **AND**
 - 3) The court investigator.

* ***Due to concerns about federal patient privacy regulations*** some medical professionals may not be willing to turn the report over to you since your appointment as guardian and conservator is not yet final. **If this is the case, the physician or other evaluator may file the report in person or mail it to the Court** (even though the guidelines on the Report form say "Please do not file your report with the Clerk of Court").

- B. ORDER TO GUARDIAN and CONSERVATOR (PBGCA80f):** The person who is to serve as guardian and conservator must **READ AND SIGN** the document called **ORDER TO GUARDIAN and CONSERVATOR (PBGCA80f)**.

READ CAREFULLY! SIGNING THIS DOCUMENT INDICATES THAT YOU UNDERSTAND AND AGREE TO ACCEPT LEGAL RESPONSIBILITY FOR OBEYING THE TERMS OF THIS ORDER.

- The proposed guardian and conservator must sign this Order in the **Acknowledgement** section to indicate his/her understanding and agreement with the terms of the Order, **and then make 2 copies**. The proposed guardian and conservator should **keep one copy**.

C. ORDER OF APPOINTMENT OF PERMANENT GUARDIAN and CONSERVATOR (PBGCA81f):

- Complete the caption of the **Order**, which includes the name of the protected person (the Ward) and the case number.
- The Judge/Commissioner will fill in the rest of the Order at the hearing and sign it (the Order) if he or she agrees that a guardian and conservator should be appointed.

NOTE: Write the case number on all documents to be presented to the court!

D. OTHER DOCUMENTS FOR THE JUDGE BEFORE THE HEARING: In addition to the 3 documents listed above, you *also* need to **mail or hand-deliver** the following:

- **NOTICE OF HEARING** (PBGC18f),
- **DECLARATION OF NOTICE PROVIDED** (PBGC29f); (from packet 2, “Service of Notice”) and
- **WAIVER OF NOTICE** (PBGC19f) (*if applicable*)

Mail or hand-deliver the original *and one copy* of the documents listed in A, B, C, and D above to the Judicial Officer who will conduct the hearing. **If mailing**, it is recommended that you post them **10** full days before the hearing. If delivering in person, do so at least **5 business days** before the hearing.

STEP 2 (Optional) **REQUEST A COURT REPORTER AND/OR INTERPRETER:** If you or the person to be protected, the ward, need an interpreter or a court reporter (someone **you** may hire to make a written record of every word of the hearing), you must inform the staff of the judicial officer who will conduct the hearing, preferably at least **10** days before the hearing but *no later than 2* days before the hearing.

NOTICE: Effective September 1, 2012, The Arizona Supreme Court requires that every person who is to serve as a conservator, guardian, or personal representative [executor] of an estate who is not a state-licensed, professional fiduciary must complete a training program approved by the Supreme Court **before Letters of Appointment** can be issued by the Clerk of the Court.

Training should be completed *and a statement that the training has been completed* should be brought to (or filed before) the hearing, though additional time to complete the training may be requested for good reason.

If you completed the (English-only) *online* training, you may either print the “**Certificate**” that appears at the end of each online program **or** submit the “**Declaration of Completion**” form included in this packet and which is also included with the Self-Service Center’s printed or online training materials, which are available in both English and Spanish.

See the “**Notice Regarding Training Requirements**” (PBT10i) in this packet for additional information.

STEP 3 BRING THESE DOCUMENTS TO THE COURT HEARING:

These documents will be filed if the Judicial Officer (Judge or Commissioner) grants the conservatorship. Make at least **2 copies** to bring with you to the hearing.

- **ORDER OF APPOINTMENT** (PBGCA81f)
- **ORDER TO GUARDIAN and CONSERVATOR and ACKNOWLEDGMENT** (PBGC80f)
- **LETTERS OF APPOINTMENT and ACCEPTANCE OF LETTERS** (PBGC82f).
- **DECLARATION (or “Certificate”) OF COMPLETION OF TRAINING** (PBT80f)

AT THE HEARING:

- Be prepared to testify about why you think a guardian and conservator is needed.
- Bring any witnesses you think will help to testify as well.
- Bring a copy of **everything you already filed** with the Court in this matter.

STEP 4 AFTER THE HEARING:

A. **IMMEDIATELY** after the Judge/Commissioner signs the court orders, take the following original documents to the Probate Filing Counter.

- **Order of Appointment,**
- **Order to Guardian and Conservator and Acknowledgment,**
- **Letters of Appointment,** and the
- **Declaration** (or "Certificate") **of Completion of Training** *(if not previously filed)*

Ask the Clerk to issue the **LETTERS OF APPOINTMENT**. The Clerk will stamp and file the appropriate originals and return copies back to you for your records. The appointment of the **FIDUCIARY**, the Guardian and Conservator, becomes effective when the Letters of Appointment are issued.

NOTE: The Guardian and Conservator may be referred to as "the **Fiduciary**" below.

B. **WITHIN 90 DAYS of the Letters being issued: The Fiduciary must file a:**

- **Proof of Restricted Account** (if ordered by the Court),
and, unless you were specifically ordered to NOT do so by the court, an
- **Inventory,**
- **Budget,** and
- **Sustainability Statement** (See Packet 4 for what to do **AFTER** the Hearing).

See the Arizona Supreme Court's web page for forms and instructions at <http://www.azcourts.gov/probate/ProbateForms.aspx> or check with the Self-Service Center in person or online to determine if the forms and instructions are yet available.

C. **WITHIN 1 YEAR, the Fiduciary must file:**

1. **the first "Conservator's Account,** and
2. **the first "Guardian's Report".**

The first **Account** will report on the protected person's finances from the date the Letters were issued through the last day of the ninth (9th) month after, and must be filed with the Court on or before the anniversary of the date the letters were issued. After the first year, an **Annual Accounting** covering each 12 month period after the one before must be filed on or before the anniversary date of the issuance of the **Letters**. This must be done each and every year until the *conservatorship* is terminated by court order.

The first **Guardian's Report, or "Annual Report of Guardian"** will report on the protected person's physical and mental condition from the date the **Letters** were issued through the last day of the ninth (9th) month after, and must be filed with the Court on or before the anniversary of the date the letters were issued. After the first year, an **Annual Report** covering each 12 month period after the preceding one must be filed on or before the anniversary date of the issuance of the **Letters** each and every year until the *guardianship* is terminated by court order.

D. TIMELINE: STARTING FROM THE DATE THE LETTERS OF APPOINTMENT ARE ISSUED:

1. Within 90 Days, file the:

- **Proof of Restricted Account** (if ordered by the Court), **and**, (*unless you were specifically ordered to NOT do so by the court, file an*)
- **Inventory**,
- **Budget**, and
- **Sustainability Statement**

2. After 9 months, start preparing the first Conservator's Account and Guardian's Report covering those first 9 months.

3. No later than 12 months after the Letters were issued, file the Conservator's Account and Guardian's Report with the Court.

4. The next Account and Report, the Annual Account and the Annual Report, will cover the next 12 full months after end of the first report period, and must be filed on or before the anniversary date of the issuance of the Letters.

5. Annual Accounts must be filed **every year** until the conservatorship is terminated by court order.

Annual Reports must be filed **every year** until the guardianship is terminated by court order.

Forms for the first Conservator's Account, and the annual accountings to follow, including self-calculating spreadsheets, are available in English on the state Supreme Court's web page at: <http://www.azcourts.gov/probate/ProbateForms.aspx>, OR you may obtain printed forms and instructions from any Superior Court Self-Service Center location or online as soon as they become available.

SELF-SERVICE CENTER

**APPOINTMENT OF GUARDIAN and CONSERVATOR
FOR AN ADULT**

(or person at least 17.5 years of age to become effective at 18)

**PART 3: PREPARING FOR AND
ATTENDING THE COURT HEARING**

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ You filed papers to request the court appoint a guardian and conservator for an incapacitated adult, **or** a person who is at least 17 and a half years of age who will need a guardian and conservator as an adult;
- ✓ You gave or will give notice of the court filing to all interested parties;
- ✓ A court hearing is scheduled;
- ✓ The person to serve as guardian and conservator completed or will complete any court-ordered training before the hearing;* AND
- ✓ You need the paperwork to prepare for and take to the court hearing.

* See **Notice Regarding Training Requirement** in this packet.

READ ME: Consulting a lawyer before filing documents with the court may help prevent unexpected results. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Estate of: _____

Case Number: _____

DECLARATION OF COMPLETION OF TRAINING for NON-LICENSED FIDUCIARIES

A ☐ Deceased or ☐ Protected Person

Rule 27.1 of the Arizona Rules of Probate Procedure requires that a person to be appointed guardian, conservator, or personal representative of an estate, who is neither a state-licensed fiduciary nor a corporation, complete a training program approved by the Supreme Court of this state before permanent **Letters of Appointment** are issued, or within 30 days of a temporary or emergency appointment.

UNDER PENALTY OF PERJURY

I state to the Court that in accord with Rule 27.1 of the Arizona Rules of Probate Procedure, I have completed the required training for non-licensed, non-corporate fiduciaries, as indicated below: (Check all that apply and provide applicable information.)

<input type="checkbox"/> Unlicensed Fiduciary	Date completed: _____
<input type="checkbox"/> Conservatorship	Date completed: _____
<input type="checkbox"/> Personal Representative	Date completed: _____
<input type="checkbox"/> Guardianship	Date completed: _____

Date: _____

Signature _____

Printed Name _____

INSTRUCTIONS: Fill out this Declaration completely and provide accurate information. Make at least one copy. You will need to file the original with the Clerk of Court and provide a copy to the Probate Registrar before receiving any *permanent* letters of appointment.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of:

Case No. _____

ACKNOWLEDGEMENT OF CONSERVATOR and LAWYER'S UNDERTAKING AND OBLIGATION

Name of the Protected ☐ Adult or ☐ Minor

I, _____, having been appointed by
(Conservator's Name)

the Superior Court of Arizona in Maricopa County as Conservator for the protected person
named above, hereby authorize _____ to
(Attorney's Name)

deposit all of the net conservatorship assets, in the amount of \$ _____

The assets will be deposited in a restricted account in my name _____ as the Conservator for:

(Name of the Protected Adult or Minor)

- This shall be a restricted account.
- No withdrawals of principal or interest will be permitted except by certified order of the Superior Court of Arizona in Maricopa County.
- Reinvestments may be made without an order of the Court as long as each account remains restricted and at the same financial institution.

Date

Conservator's Signature

Signed or Affirmed before me: _____ by _____
(Date)

Printed Name

My Commission Expires/: _____
Seal below:

Deputy Clerk or Notary Public

Case No. _____

LAWYER'S UNDERTAKING AND OBLIGATION

I, as an officer of this Court and as the attorney for _____
(Conservator's Name)

in this person's capacity as the conservator for _____
(Protected Person's Name)

hereby assume and undertake personal responsibility to the protected person and to the Court to make the above designated restricted deposit and to deliver to the Court a completed *Proof of Restricted Account* form evidencing the restricted deposit and the amount thereof within thirty (30) days from this date or to refund all of the funds to the Court immediately upon demand.

Date: _____

(Attorney's Signature)

(Attorney's Printed Name)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of

Case Number: _____

ORDER TO GUARDIAN and CONSERVATOR FOR AN ADULT AND ACKNOWLEDGMENT and INFORMATION TO INTERESTED PERSONS

Name of Protected Person (and Ward)

Warning: Appointment is not effective until the *Letters of Appointment* have been issued by the Clerk of the Superior Court.

The welfare and best interest of the person named above ("your protected person" and "your ward") are matters of great concern to this Court. By accepting appointment as guardian and conservator you have subjected yourself to the power and supervision of the Court. This order is entered to help avoid problems and to assist you in the performance of your duties. You are required to be guided by it and comply with its provisions as relates to your duties as guardian of your ward and conservator of the estate of your protected person, as follows:

GUARDIANS:

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. 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 property;
 - b. Apply any money received toward your ward's current support, care, and education needs, and conserve any excess funds not spent for your ward's current support, care, and education for future needs;
 - c. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;
 - d. Maintain records of all of the ward's property received and expended during the period of the guardianship;
 - e. Account to your ward or your ward's successors at the termination of the guardianship, if requested; and,
 - f. Not purchase, lease, borrow, or use your ward's property or money for your benefit or anyone else's, without prior Court approval.
7. You shall not accept any compensation of any kind for placing your ward in a particular nursing home or other care facility, for using a certain doctor, or for using a certain lawyer. "Compensation" includes, but is not necessarily limited to, direct or indirect payments of money, "kickbacks", gifts, favors, and other kinds of personal benefits.
8. 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 your ward's financial situation. Your report is due each year on the anniversary date of the **Letters of Appointment**.
9. If your ward's physical address changes, you shall notify the Court by updating the **Probate Information Form** within three (3) 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 (10) days of learning that the ward has died.
10. 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 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.
12. If you should be 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.
13. If you have any questions about the meaning of this order or the duties which 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.
14. 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 and conservator. See-A.R.S. §14-5651(K)(1).

CONSERVATORS:

1. Immediately locate, identify and inventory all of the assets of the protected person and make proper arrangements for their protection, such as changing the locks on the house, renting a safe deposit box for important documents, etc.
2. Immediately begin to take title to all of the protected person's property. The property should be titled in the name of the conservatorship: "(Your name) as Conservator(s) of the estate of (Protected Person's Name), or (Protected Person's name by your name), Conservator."

In titling the protected person's property, you should take into account the protected person's existing estate plan (if any) unless the court orders you to do otherwise. If you have any question as to how you should title an asset (including whether you should maintain an existing account, or establish a new account that has a POD (payable on death) beneficiary designation or a trust account), you should consult with a qualified attorney or request instructions from the court.

3. If the Court has ordered you to place funds in a restricted account, you must immediately file a receipt from the bank or financial institution showing that you have deposited the money in an account which the bank has restricted in accordance with the Court order. The receipt should include the name and address of the financial institution, the type of account, the account number and the amount deposited.
4. Record certified copies of your **Letters of Appointment** with the County Recorder in each county where the protected person owns property in order to protect title to those properties. If the protected person owns property in another state, record the **Letters** in the county in the state where the property is located as well.
5. File your formal inventory with the Court **no more than 90 days** after your **Letters of Appointment**, whether temporary or permanent, were first issued. If you are filing it without an attorney, be sure to put the case name and number on all papers you file with the Court.
6. Keep detailed records of all receipts and expenditures you make on behalf of the protected person, including bills, receipts, bank statements, tax returns, bills of sale, promissory notes, etc. Open a separate conservatorship checking account for deposit of your protected person's income and other receipts, and payment of all bills and expenses. Avoid dealing in cash and do not write checks to "cash".
7. Unless ordered otherwise by the court, you must establish and file a budget, pay the protected person's debts when they become due, and properly invest the protected person's assets. You may hire accountants, attorneys and other advisors to help you carry out your duties as the size and the extent of the conservatorship estate may dictate.
8. Keep detailed records of the time you are spending in identifying, managing and protecting the conservatorship estate in case you later decide to ask the Court to be paid for your time from the conservatorship estate. Rule 33 (A) of the Arizona Rules of Probate Procedure and Arizona Revised Statutes § 14-5109 require that you provide written notice of the basis for any claim for compensation.
9. **File annual accountings** with the Court.
 - A. Unless otherwise ordered by the Court, your first accounting must reflect all activity relating to the conservatorship from the date your letters of appointment as conservator, whether temporary or permanent, were first issued through and including the last day of the ninth month after the date your letters of appointment as permanent conservator were issued. The accounting must be filed with the court on or before the first anniversary date of the issuance of your letters of permanent appointment as conservator.

- B. Unless otherwise ordered by the Court, all subsequent accountings shall reflect all activity relating to the conservatorship estate from the ending date of the most recent previously filed accounting through and including the last date of the twelfth month thereafter, and must be filed with the court on or before the anniversary date of the issuance of your letters of appointment as conservator.
- C. **Each accounting must list** all conservatorship property at the beginning of the accounting period and the conservatorship property at the end of the accounting period. It must describe all money and property received or paid out by you during the accounting period. As to money and property received, the accounting must state the date received, the source (who or where it came from), for what purpose, and the amount or value received. As to money and property disbursed (paid out), you must provide the date of each disbursement, who the money or property went to, for what purpose, and the amount or value of the disbursement. With each accounting, you also must submit a bank statement or financial account statement that supports the ending balances of each account shown on the accounting.
10. **NEVER** use any of the protected person's money or property for any reason other than the protected person's direct benefit. You may not profit in any way from access to the protected person's assets. You have a legal duty of fairness and impartiality to the protected person. Neither you or your friends, nor other family members may profit by dealing in the assets of the conservatorship estate. You must be cautious and prudent in investing the protected person's assets.
11. You must make reasonable efforts to determine the preferences of the protected person regarding all decisions the fiduciary is empowered to make. You must not make speculative investments. Do not purchase merchandise or services which the protected person would have considered extravagant or inappropriate for his/her lifestyle prior to your appointment. Use the assets to maintain the safety, health and comfort of the protected person, bearing in mind that the protected person may have no additional sources of income for the remainder of his/her life.
12. The conservatorship terminates only upon the entry of a court order terminating the conservatorship. The court will enter such an order only after you, the protected person, or another interested person files a petition requesting the conservatorship be terminated. The petition should be filed if the protected person no longer needs a conservator because his or her disability has ceased, the estate has been exhausted, or the protected person has died. If the protected person is a minor who is not in need of protection as an adult, the petition should be filed when the minor reaches the age of 18. Unless otherwise ordered by the court, before you can be discharged of liability in connection with the conservatorship and before your bond, if any, is released, you will need to either **file a final accounting** with the court, *or if the protected person has died*, and unless prohibited by order of the court, you may choose to instead **file a verified** (notarized) **statement**, that meets all the requirements of Arizona law, A.R.S. § 14-5419.
13. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships **before** taking any action.
14. WITHIN THIRTY (30) DAYS AFTER YOUR LETTERS OF CONSERVATOR ARE ISSUED, YOU MUST MAIL A COPY OF **THIS ORDER** TO THE FOLLOWING:
- A. YOUR PROTECTED PERSON;
 - B. YOUR PROTECTED PERSON'S ATTORNEY, SPOUSE, PARENTS, AND ADULT CHILDREN;
 - C. YOUR PROTECTED PERSON'S GUARDIAN IF ONE HAS BEEN APPOINTED; AND
 - D. ANY PERSON WHO HAS FILED A DEMAND FOR NOTICE IN THIS MATTER.

GUARDIANS AND CONSERVATORS:

If you should be 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.

This is an outline of only some of your duties as guardian and conservator. 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 AND CONSERVATORS 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: _____

Signature of Judicial Officer or ☐ Judge Pro Tem

Printed Name of Judicial Officer/Judge Pro Tem

ACKNOWLEDGEMENT

I (We), the undersigned, acknowledge receiving a copy of this order and agree to be bound by its provisions, whether or not read before signing, as long as serving as guardian or conservator.

Guardian - Conservator's Signature

Date

Co-Guardian - Conservator (if any)

Date

Printed Name

Printed Name

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of:

Case No. _____

ACKNOWLEDGEMENT OF CONSERVATOR and LAWYER'S UNDERTAKING AND OBLIGATION

Name of the Protected ☐ Adult or ☐ Minor

I, _____, having been appointed by
(Conservator's Name)

the Superior Court of Arizona in Maricopa County as Conservator for the protected person
named above, hereby authorize _____ to
(Attorney's Name)

deposit all of the net conservatorship assets, in the amount of \$ _____

The assets will be deposited in a restricted account in my name _____ as the Conservator for:

(Name of the Protected Adult or Minor)

- This shall be a restricted account.
- No withdrawals of principal or interest will be permitted except by certified order of the Superior Court of Arizona in Maricopa County.
- Reinvestments may be made without an order of the Court as long as each account remains restricted and at the same financial institution.

Date

Conservator's Signature

Signed or Affirmed before me: _____ by _____
(Date)

Printed Name

My Commission Expires/: _____
Seal below:

Deputy Clerk or Notary Public

Case No. _____

LAWYER'S UNDERTAKING AND OBLIGATION

I, as an officer of this Court and as the attorney for _____
(Conservator's Name)

in this person's capacity as the conservator for _____
(Protected Person's Name)

hereby assume and undertake personal responsibility to the protected person and to the Court to make the above designated restricted deposit and to deliver to the Court a completed *Proof of Restricted Account* form evidencing the restricted deposit and the amount thereof within thirty (30) days from this date or to refund all of the funds to the Court immediately upon demand.

Date: _____

(Attorney's Signature)

(Attorney's Printed Name)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the
Guardianship and Conservatorship of:

Case Number: _____

(An Incapacitated and Protected Adult)

ORDER OF APPOINTMENT OF A PERMANENT GUARDIAN AND CONSERVATOR OF AN ADULT

☐ for A MINOR AGED 17.5 OR OLDER to
become effective at age 18

**Warning: This appointment is not effective until the *Letters of Appointment*
have been issued by the Clerk of the Superior Court.**

The Court has read the sworn "***Petition for Appointment of Guardian and Conservator***" and held a hearing to determine whether the court should enter the Order requested in the Petition.

THE COURT FINDS:

- A. Petitioner is entitled to file the Petition under Arizona law, A.R.S. §§14-5303(A) and 14-5404(A);
- B. Petitioner has given Notice of Hearing as required by law or Notice of Hearing was waived by all interested parties;
- C. Venue in this county is proper;
- D. Any reports of the physician (or other health professional authorized under A.R.S. § 14-5312) and the court investigator have been considered by the Court.
- E. **REGARDING GUARDIANSHIP:**
 - 1. The above-captioned person is an incapacitated person and in need of the continuing care and supervision of a GUARDIAN.
 - 2. The appointment of a guardian is necessary to provide for the demonstrated needs of the incapacitated person.
 - 3. The needs of the incapacitated person cannot be met by less restrictive means, including technological assistance.

4. The person appointed below is competent to serve as Guardian.
5. The person appointed has priority for appointment under A.R.S. § 14-5311, or is otherwise appointed for good cause in accord with A.R.S. § 14-5311(D).
6. **TYPE OF GUARDIANSHIP:** Less restrictive alternatives having been considered:
- ☐ **A GENERAL GUARDIANSHIP** is warranted; A limited guardianship is not appropriate or in the best interests of the incapacitated person.
- (OR)**
- ☐ **A LIMITED GUARDIANSHIP**, carrying only such authority as specified on the pages that follow, is appropriate and adequate to protect the best interests and well-being of the ward.
7. **REGARDING MENTAL HEALTH:**
- ☐ By clear and convincing evidence the ward requires inpatient mental health care and treatment.
8. **REGARDING DRIVING PRIVILEGES:**
- ☐ There is sufficient medical or other evidence to establish the ward's incapacity does **not** prevent or interfere with the safe operation of a motor vehicle.
- ☐ The ward's incapacity **does** prevent or interfere with the safe operation of a motor vehicle.
9. **REGARDING VOTING RIGHTS:**
- ☐ By clear and convincing evidence the ward has sufficient capacity and understanding to exercise the right to vote.
- ☐ The ward does **not** have sufficient capacity and understanding to exercise the right to vote.

F. APPOINTMENT OF A CONSERVATOR IS NECESSARY: In accord with A.R.S. §14-5401:

1. The proposed protected person is unable to manage his or her property and affairs effectively due to mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, or disappearance; and
2. The person has property that will be wasted or used up unless proper management is provided or because funds are needed for the support, care and welfare of the person to be protected or those entitled to receive support from the protected person, and that protection is necessary or desirable to obtain or provide funds.

IT IS ORDERED:

1. **The Court appoints:** _____
as permanent guardian and conservator for the incapacitated person named above.

☐ The incapacitated person is a MINOR, and the appointment is effective as of
the minor's 18th birthday on this date: _____

(Month, Date, Year of the ward's 18th Birthday)

2. **BOND:** ☐ The Guardian must file a bond in the amount of \$ _____
with the Clerk of the Court, Probate Registrar by (date): _____

OR ☐ **Bond is not required and is waived.**

3. **ISSUANCE OF LETTERS:** Upon filing the bond, "**Letters of Guardianship and Conservatorship of an Adult**" shall be issued by the Clerk of the Court, Probate Registrar, subject to the following restrictions, if any:

A. GUARDIANSHIP:

1. ☐ **A LIMITED GUARDIANSHIP** is ordered. The Guardian's authority is limited to:

a. Mental Health Care Powers (under Limited Guardianship): (Check all that apply)

☐ Guardian is granted authority to consent to **outpatient** mental health treatment.

☐ Guardian is granted authority to place the ward in a level one behavioral health facility for **inpatient** mental health care and treatment.

This authority expires on _____ (date). Requests to renew or extend authority for **inpatient** mental health treatment must be submitted every year.

b. (and/or) The following specific powers indicated:

☐ Consent to Medical Treatment ☐ Consent to Marriage

☐ Arrange Education or Training ☐ Consent to Make Living Arrangements

☐ Apply for Public Assistance or Social Services

c. Other Limited Powers: _____

(OR)

2. ☐ **A** ("general", "non limited") **GUARDIANSHIP** is ordered, *subject to the following restrictions:* (if any) _____

3. MENTAL HEALTH POWERS OF GUARDIAN:

- ☐ The Guardian is granted authority to place the ward in a level one behavioral health facility for **inpatient** mental health care and treatment.

This authority expires on this date: _____. Requests to renew or extend authority to place the ward in an inpatient mental health facility must be submitted every year.

4. PRIVILEGES and RIGHTS of the WARD:

A. DRIVING PRIVILEGES.

- ☐ The Ward/Incapacitated Person's right to obtain or retain a driver's license is suspended. **OR**
- ☐ The Ward/Incapacitated Person's right to obtain or retain a driver's license is not suspended.

B. VOTING RIGHTS:

- ☐ The Ward's right to vote is **suspended**
- ☐ The Ward's right to vote is **NOT suspended**.

B. CONSERVATORSHIP:

1. ☐ **A CONSERVATORSHIP** is ordered for the following limited or specific purpose(s): (if any): _____

(OR)

2. ☐ **A** ("general") **CONSERVATORSHIP** over the entire estate of the protected person is ordered, subject to the following restrictions, if any:

a. ☐ Restricted Account:

- Funds shall be deposited into an interest bearing, federally insured restricted account at a financial institution engaged in business in Arizona.
- No withdrawals of principal or interest may be made without certified order of the superior court. Unless otherwise ordered by the court, reinvestment may be made without further court order so long as funds remain insured and restricted in this institution at this branch. (Arizona Rules of Probate Procedure, Rule 22 (C) 2).

- The Conservator may only hold funds in a depository which agrees to be bound by the terms of this Order and to make written proof of its agreement to be bound, including such proof of the account, the account number, the amount of the deposit, the notarized signature of the depository branch manager, and the agreement not to permit any withdrawal unless it is first provided with a certified copy of this Court's order permitting the withdrawal.

The following funds/accounts shall be restricted:

FILING PROOF OF RESTRICTED ACCOUNT: The ☐ conservator, the ☐ attorney for the conservator, the ☐ attorney for the protected person, or the ☐ attorney for the insurance company, is responsible for establishing the restricted account and filing proof with the Court within **30** days of this Order.

- b. ☐ **RESTRICTED REAL PROPERTY** (real estate/land): **No restricted realty** shall be leased for a period of more than one year, sold, encumbered or conveyed without prior court order.

The following property or properties shall be restricted:

The conservator is responsible for filing proof of recorded restriction with the Court within 30 days of this Order.

4. **ACCEPTANCE OF LETTERS:** The Guardian and Conservator shall sign the ***"Acceptance of the Letters"*** under oath, and file the **Acceptance** with the Clerk of the Court, Probate Registrar.

5. **ADDITIONAL REQUIREMENTS OF CONSERVATOR:**

A. INVENTORY and CREDIT REPORT:

- ☐ Within **90** calendar days of this date, the Conservator must prepare and file with the Clerk of the Court **a detailed inventory** of the protected person's assets indicating fair market value, as required by A.R.S. § 14-5418, and **attach to the inventory a copy of the protected person's credit report that is dated within ninety days before the filing of the inventory.**

OR

- ☐ ***"Inventory"* and Credit Report** are **waived** and are **not** required to be filed with the court.

B. ESTATE BUDGET:

Within **90** calendar days of the appointment date, the Conservator must prepare and file with the Clerk of the Court a detailed budget for the current year. A new budget must be prepared and filed with the Annual Accounting for each year thereafter. Rule 30.3, A.R.P.P.

C. STATEMENT OF SUSTAINABILITY:

Within **90** calendar days of the appointment date, the Conservator must provide the court with an estimate as to whether the assets available to the Conservator are enough to meet the expenses of the protected person for the duration of time the protected person is expected to need care or fiduciary services. Rule 30.2, A.R.P.P.

D. ANNUAL ACCOUNTING OF CONSERVATOR:

☐ The Conservator shall report to the Court on the administration of the protected person's property by filing an annual accounting, and petitioning the court for approval of the accounting on or before the anniversary date of qualifying as conservator (the date the Letters of Appointment were issued). A.R.S. § 14-5419. **OR**

☐ **Annual Accounting is waived** and is not required to be filed with the court

6. **ANNUAL REPORT OF GUARDIAN:** The Guardian shall report to the Court on the status of the incapacitated person and the need to continue the guardianship at least annually on the anniversary date of the appointment, by filing the required form with the Clerk of the Court. A.R.S. § 14-5315
7. **CHANGE OF ADDRESS:** The Guardian and Conservator shall immediately notify the Court in writing of any change in the address of him or herself or of the protected person/incapacitated person.
8. **OTHER DUTIES UNDER LAW:** The duties of the Guardian and Conservator as required by Arizona law and as set forth in this Order and the Order of Instructions shall continue until the Guardian and Conservator is discharged from these duties by order of this court.
9. **DISCHARGE OF ATTORNEY:** The court-appointed attorney ☐ is discharged or ☐ is not discharged from further duties in this matter, the Court having found that the best interests of the protected person/incapacitated person require continuing representation by an attorney.

DONE IN OPEN COURT: _____

JUDGE/COMMISSIONER ☐ Pro Tem

JUDGE/COMMISSIONER (Printed Name)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the
Guardianship and Conservatorship for

Case Number: _____

LETTERS OF APPOINTMENT AS PERMANENT GUARDIAN and CONSERVATOR and ACCEPTANCE OF LETTERS

Name of Protected ☐ Adult ☐ Minor _____

ISSUANCE OF LETTERS:

1. (Guardian/Conservator's Name:) _____
is appointed as guardian and conservator for the above named adult or minor.
2. **Reason for appointment:** The person named in the caption above has been declared a protected and incapacitated person.
3. **Length of appointment:** until further order of this court, or: _____
4. **Restrictions** that apply to this permanent appointment, by order of the court:

☐ **Restrictions above affect ability to manage monetary assets of the estate; therefore, in accord with Rule 22 (C) (2), Arizona Rules of Probate Procedure:**

Funds shall be deposited into an interest-bearing, federally insured restricted account at a financial institution engaged in business in Arizona. No withdrawals of principal or interest may be made without certified order of the Superior Court. Unless otherwise ordered by the court, reinvestment may be made without further court order so long as funds remain insured and restricted in this institution at this branch.

5. MENTAL HEALTH CARE:

- ☐ **OUTPATIENT MENTAL HEALTH CARE.** The Guardian has the authority to consent for the Ward/Incapacitated Person to receive outpatient mental health care and treatment.
- ☐ **INPATIENT MENTAL HEALTH CARE.** The Guardian has the authority to place the ward in a level one behavioral health facility for inpatient mental health care and treatment. This authority expires on _____ (date).

6. DRIVING PRIVILEGES.

- ☐ The Ward/Incapacitated Person's right to obtain or retain a driver's license **is** suspended.
- OR**
- ☐ The Ward/Incapacitated Person's right to obtain or retain a driver's license **is not** suspended.

WITNESS: _____

SEAL

CLERK OF THE SUPERIOR COURT

By: _____
Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

State of Arizona)
Maricopa County) ss.

I accept the duties as permanent guardian and conservator of:

(Name of Protected and Incapacitated Person)

I swear or affirm that I will perform these duties according to law.

Date

Signature of Guardian/Conservator

Printed Name

Sworn to or affirmed before me this date: _____

Darlee Maylen, Clerk of Superior Court OR

Notary

My commission expires: _____
(or Seal below)

By: _____
Deputy Clerk of Court