GUARDIAN AND CONSERVATOR

For a MINOR

3

Get a Permanent Appointment for a Minor

Part 3: Preparing for and Attending the Court Hearing

(Forms)

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PBGCM8f – 5250 - 051514

IMPORTANT NOTICE

TRAINING REQUIREMENTS

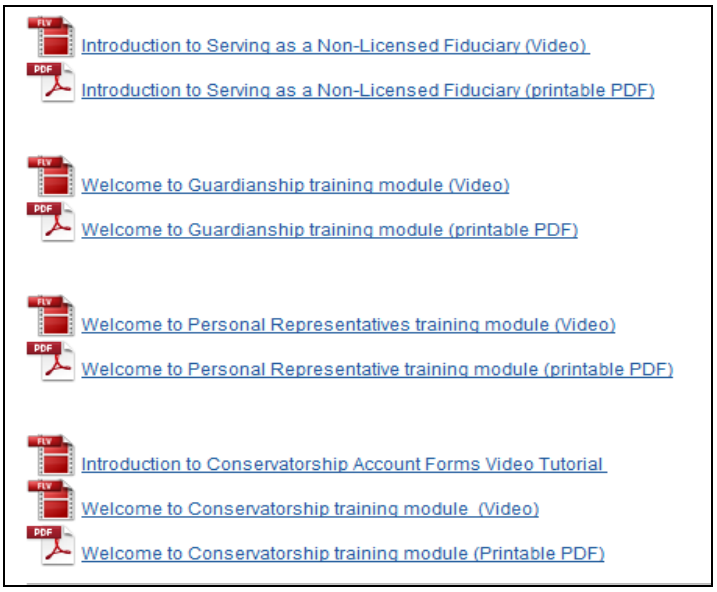
Effective September 1, 2012

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.

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SELF-SERVICE CENTER

PROCEDURES: PREPARING FOR AND ATTENDING THE COURT HEARING for GUARDIANSHIP AND CONSERVATORSHIP for a MINOR

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 training materials, which are available in both English and Spanish.

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

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STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

A. ORDER TO GUARDIAN-CONSERVATOR(s) (PBGCM80f)**:** The person who is to serve as Guardian-Conservator must ***READ AND SIGN*** this document.

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-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:*** **one to keep, and one to deliver to the court.**

B. ORDER OF APPOINTMENT OF PERMANENT CONSERVATOR: (**PBGCM81f**)

- 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 the Order if he or she agrees that a conservator should be appointed.
- **Be sure to write the case number on all documents to be presented to the court!**

C. 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*)

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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 need the court to provide an interpreter, or you need to hire a court reporter (at your expense) 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.

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** (PBGCM81f)
- **ORDER TO GUARDIAN-CONSERVATOR and ACKNOWLEDGMENT** (PBGCM80f)
- **LETTERS OF APPOINTMENT** and **ACCEPTANCE OF LETTERS** (PBGCM82f)
- **DECLARATION** (or **"Certificate"**) **OF COMPLETION OF TRAINING** (PBT80f)
- **ACKNOWLEDGMENT OF CONSERVATOR and LAWYER'S UNDER-TAKING and OBLIGATION*** (PBC83F) (Used Only if Conservator represented by lawyer.* See **NOTE** below*)

AT THE HEARING:

- Be prepared to testify about why guardianship and conservatorship 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 papers, take the following original documents (and the extra copy) 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)*

***Please Note: <u>If</u> Conservator is represented by an attorney, the attorney would file the "Acknowledgement of Conservator" and "Lawyer's Undertaking" *instead of* the "Order to Conservator".**

Ask the Clerk to issue the **LETTERS OF APPOINTMENT.** The Clerk will stamp and file the appropriate originals and return the copies for you to keep for your records.

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B. WITHIN 90 DAYS: The conservator 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 the Arizona Supreme Court's web page for forms and instructions at *http://www.azcourts.gov/probate/ProbateForms.aspx* ***OR***

Forms and instructions are ***or will be*** available from the Superior Court Self-Service Center in both English and Spanish. 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 conservator must file the first "Conservator's Account."
The first account will report on the protected person's finances from the date of issuance of the **Letters** through the last day of the ninth (**9th**) month after. **Annual Accountings** covering each 12 month period after the period covered by the first must be filed each year on or before the anniversary date of the issuance of the **Letters**, until the conservatorship 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 (or *will* be able to) obtain printed forms and instructions from all Superior Court Self-Service Center locations or online.
Check at the Self-Service Center in-person or online at the web address above to determine if the forms and instructions are yet available.

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SELF-SERVICE CENTER

PERMANENT APPOINTMENT OF A GUARDIAN AND CONSERVATOR FOR A MINOR

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

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CHECKLIST

You may use these forms and instructions if . . .

- ✓ You filed papers to request permanent (longer than 6 months) appointment of a guardian and conservator for a minor;
- ✓ You gave or will give notice of the court filing to all interested parties;
- ✓ A court hearing is scheduled;
- ✓ The person who is to serve as guardian-conservator completed or will complete any court-required training before the hearing;***** AND
- ✓ You need the paperwork to prepare for and to take to the court hearing.

*See "**Notice Regarding Training Requirements**" 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.

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

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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:

_____

A ☐ Deceased or ☐ Protected Person

Case Number: _____

DECLARATION OF COMPLETION OF TRAINING for NON-LICENSED FIDUCIARIES

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.)

☐ Unlicensed Fiduciary Date completed: _____

☐ Conservatorship Date completed: _____

☐ Personal Representative Date completed: _____

☐ 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.

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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**

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of:

_____
Name of the Protected ☐ Adult or ☐ Minor

Case No. _____

ACKNOWLEDGEMENT OF CONSERVATOR and **LAWYER'S UNDERTAKING AND OBLIGATION**

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

the Superior Court of Arizona in Graham 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 Graham 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

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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)

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Name of Person Filing Document: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Attorney Bar Number (if applicable): _____

Licensed Fiduciary Number (if applicable): _____

Representing [ ] Self or [ ] Attorney for: _____

FOR CLERK'S USE ONLY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF GRAHAM

In the Matter of the Guardianship of
and Conservatorship for

_____
Ward's (and Protected Person's) Name,

☐ a Minor
☐ an Adult

Case Number: _____

ORDER TO GUARDIAN AND CONSERVATOR AND ACKNOWLEDGEMENT AND INFORMATION TO INTERESTED PERSONS

_____
(Assigned Judicial Officer)

Warning: This 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 ward" and "protected person") 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. Therefore, to assist you in the performance of your duties, this Order is entered. You are required to be guided by it and comply with its provisions because it relates to your duties as guardian of your ward and conservator of your protected person, as follows:

GUARDIAN(S)

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 encouraging and allowing contact between your ward and other persons who have a significant relationship with your ward, unless there is reason to believe that contact would be detrimental to the ward's health, safety, or welfare.

5. 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.

6. 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 an inpatient psychiatric facility against your ward's will unless the Court specifically has authorized you to consent to such placement.**

7. You are required to notify your ward's family members as soon as practicable if your ward is admitted to a hospital for more than 3 days or if your ward dies.

8. You may handle small amounts of money or property belonging to your ward without being appointed conservator. As a general rule, "small amount" means that the ward does not receive income (from all sources) exceeding $10,000 per year, does not accumulate excess funds exceeding that amount, and does not own real property. If more than these amounts come into your possession, or are accumulated by you, you are required to petition the Court for the appointment of a conservator.

9. 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 effects;

b. Apply any monies you receive for your ward's current support, care, and education needs;

c. Conserve any excess funds not so spent for your ward's future needs;

d. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;

e. Maintain records of all of the ward's property received and expended during the period of the guardianship;

f. Account to your ward or your ward's successors at the termination of the guardianship; and

g. Not purchase, lease, borrow, or use your ward's property or money for your benefit or anyone else's, without prior Court approval.

10. You shall not accept any compensation of any kind for placing your ward in a particular nursing home or other care facility, using a certain doctor, or 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.

11. You will need to obtain a certified copy of the **Letters of Appointment** that are issued to you by the Clerk of the Superior Court. Your certified copy is proof of your authority to act as guardian of your ward, and you should have the document available when acting on behalf of your ward. You may need to obtain additional (or updated) copies from time to time for delivery to, or inspection by, the people with whom you are dealing.

12. 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 issuance of your **Letters of Appointmen**t as permanent guardian.

13. 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.

14. 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 the Court 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.

15. If you have any questions about the meaning of this Order or the duties that 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.

16. If you are not a licensed 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).

CONSERVATOR(S)

1. Immediately locate, identify, secure 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 the protected person has one) unless the Court orders you to do otherwise. If you have any questions as to how you should title an asset (including whether you should maintain an existing, 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 that 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** as conservator with the County Recorder in each county in Arizona 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 that state in which the property is located as well.

5. File your formal inventory with the Court **no more than 90 days** after your **Letters of Appointment** as conservator, 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 otherwise ordered 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.

9. File annual accounts with the Court.

a. Unless otherwise ordered by the Court, your first account 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 and must be filed with the Court on or before the first anniversary date of the issuance of your **Letters of Appointment** as permanent conservator.

b. Unless otherwise ordered by the Court, all subsequent accounts shall reflect **all** activity relating to

the conservatorship estate from the ending date of the most recent previously filed account 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 permanent conservator.

c. **Each account must list all conservatorship property** at the beginning of the account reporting period and the conservatorship property at the end of the account reporting period, and must describe **all** money and property received or disbursed by you during the account reporting period. As to money and property received, you must provide the date of each receipt, the source of the receipt, the purpose of the receipt, and the amount of the receipt. As to money and property disbursed, you must provide the date of each disbursement, the payee/distributee, the purpose of the disbursement, and the amount of the disbursement. With each account, you also must submit a bank statement or financial account statement that supports the ending balances of each account shown on the account.

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, 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, both past or current, regarding all decisions the fiduciary is empowered to make. You must not make speculative investments. Do not purchase merchandise or services that 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 that the conservatorship be terminated. The petition should be filed if the protected person no longer needs a conservator (either because the protected person's disability has ceased or because the conservatorship estate has been exhausted) or after the protected person dies. Unless otherwise ordered by the Court or unless, in the case of the protected person's death, you comply with A.R.S. § 14-5419(F), you will need to file a final account with the Court before you can be discharged of liability in connection with the conservatorship and before your bond is exonerated.

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 Appointment** as guardian and conservator are issued, you must mail a copy of this **Order to Guardian and Conservator and Acknowledgement and Information to Interested Persons** to the following:

a. your ward/protected person if your ward/protected person is at least 14 years of age;

b. your ward/protected person’s attorney, spouse, parents, and adult children; and

c. any person who has filed a demand for notice in connection with this matter.

GUARDIAN(S) AND CONSERVATOR(S):

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.

This Order shall be effective on _____, [ ] the minor's eighteenth (18th) birthday.

DATED this _____ day of _____, 20___.

_____
Judicial Officer's Signature

_____
Judicial Officer's Name (Type or Print Name)

_____
Judge/Commissioner - Judge Pro Tem

Superior Court of Arizona in _____ County

Case Number: _____

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 and conservator.

_____ _____
Guardian/Conservator's Signature Date

_____
Guardian/Conservator's Name -- (Type or Print Name)

_____ _____
Co-Guardian/Conservator's Signature (if any) Date

_____
Co-Guardian/Conservator's Name -- (Type or Print Name)

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

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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

_____
Name of Minor(s)

Case Number: _____

ORDER OF APPOINTMENT OF A PERMANENT GUARDIAN AND CONSERVATOR for a MINOR

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 a Guardian and Conservator for A Minor"** 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. GUARDIANSHIP AND CONSERVATORSHIP:

1. The above-captioned minor is an unmarried person born on _____

2. All parental rights of custody have been terminated or suspended by prior court order, written consent of the parent or other circumstances. No guardian of the minor has been appointed by Will or any order of any court, and no other proceedings for the appointment of a guardian are pending in any other court. The welfare and best interests of the minor require the appointment of a guardian. A fingerprint report has been reviewed and the Court has concluded that it contains nothing to prevent the appointment or no fingerprint report was required.

3. Appointment of a conservator is necessary because the minor owns money or property that requires management or protection which cannot otherwise be provided or has or may have business affairs which may be jeopardized or prevented by his minority, or the minor needs funds for his or her education and protection is necessary or desirable to obtain or provide funds.

4. (Name) _____ is qualified to serve as guardian and conservator for the minor.

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IT IS ORDERED: (check the boxes that apply)

1. APPOINTMENT OF GUARDIAN AND CONSERVATOR: The Court appoints:

_____

(Name) as Guardian and Conservator for the Minor named in the caption above.

2. BOND: ☐ The Guardian and Conservator **must file a bond** in the amount of **$**_____ with the Clerk of the Court, Probate Registrar before issuance of the letters.

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

3. ISSUANCE OF LETTERS: Upon filing the bond, "**Letters of Guardianship and Conservatorship of a Minor"** shall be issued by the Clerk of the Court, Probate Registrar,

SUBJECT TO THE FOLLOWING RESTRICTIONS:

4. ☐ **RESTRICTED ACCOUNT: Funds shall be deposited into an interest bearing, federally insured restricted account** at a financial institution engaged in business in Arizona. The account should be titled: "**The Estate of** (name of minor), **a Minor**, **by** (name of conservator)**, Conservator**."

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, (**A.R.P.P.**) 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:

_____

_____

_____

_____

a. THE PERSON RESPONSIBLE for establishing the restricted account(s) and filing the proof required within 30 days of this order is:

☐ the Conservator ☐ the Attorney for Conservator

☐ the Attorney for the minor ☐ the Attorney for the insurance company

b. ☐ **ESTABLISHING AN ANNUITY CONTRACT:** The conservator and/or counsel shall file with the Court proof of purchase of the annuity in the form of a copy of the annuity contract and proof of the carrier's agreement to abide by the terms of this Order within **thirty (30) days**.

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5. ☐ **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:

_____

_____

_____

PROOF OF RECORDED RESTRICTION: The Conservator is responsible for filing proof of recorded restriction with the Court within 30 days of this Order.

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

7. **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.

8. **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. (A.R.P.P. Rule 30.3)

9. **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. (A.R.P.P. Rule 30.2)

10. **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

11. **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)

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12. NOTIFY THE COURT: The Guardian-Conservator shall notify the Court in writing:

a. within **10 days** of a change of his or her own address;

b. within **3 days** of a change of a change of address of a protected minor;

c. within **10 days** of learning of the death of a protected minor.

13. 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 discharged from these duties by order of this court.

14. 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)

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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

_____
Name of Protected ☐ Adult ☐ Minor

Case Number: _____

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

ISSUANCE OF LETTERS:

1. (**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:**

☐ **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).

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Case No._____

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:_____ **CLERK OF THE SUPERIOR COURT**

SEAL By:_____
Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

State of Arizona
Maricopa County

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: _____

Darlee Maylen, Clerk of Superior Court OR

_____
Notary

My commission expires: _____ By: _____
(or Seal below) Deputy Clerk of Court

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