

GUARDIAN AND CONSERVATOR

For a MINOR

3

**Part 4: Preparing for and Attending
the Court Hearing**

(Instructions Only)

SELF-SERVICE CENTER

GUARDIANSHIP and CONSERVATORSHIP

GET A PERMANENT APPOINTMENT FOR A MINOR

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

(Instructions Only)

This packet contains instructions and information to prepare for attending the court hearing regarding permanent (longer than 6 months) appointment of a guardian and conservator for a minor.

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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 Law Library at 928-817-4165.

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**" in this packet for additional information.

STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

A. ORDER TO GUARDIAN-CONSERVATOR(s): 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:

- 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,**
- **DECLARATION OF NOTICE PROVIDED,**(from packet 2, "Service of Notice") and
- **WAIVER OF NOTICE, (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 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**
- **ORDER TO GUARDIAN-CONSERVATOR and ACKNOWLEDGMENT (**
- **LETTERS OF APPOINTMENT and ACCEPTANCE OF LETTERS**
- **(DECLARATION (or “Certificate”) OF COMPLETION OF TRAINING**
- **ACKNOWLEDGMENT OF CONSERVATOR and LAWYER’S UNDERTAKING and OBLIGATION*** (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: If 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.

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.

GUARDIAN AND CONSERVATOR

For a MINOR

3

**Get a Permanent
Appointment for a Minor**

Part 3: Preparing for and Attending the Court Hearing

(Forms)

SELF-SERVICE CENTER

**PERMANENT APPOINTMENT OF A
GUARDIAN AND CONSERVATOR FOR A MINOR**

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

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.

SELF-SERVICE CENTER

APPOINTMENT OF A PERMANENT GUARDIAN AND/OR CONSERVATOR FOR A MINOR

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

This packet contains court forms to prepare for attending the court hearing for the permanent (longer than 6 months) appointment of a guardian and conservator for a minor.

Order	Title	# pages
1	Checklist: <i>You may use these forms if . . .</i>	1
2	Index (this page)	1
3	<i>"Declaration of Completion of Training"</i> (also included in the separate "Training" packet)	1
4	<i>"Acknowledgment of Conservator and Lawyers Undertaking"</i> (Used only if conservator represented by attorney)	2
5	<i>"Order to Guardian and Conservator and Acknowledgment"</i>	4
6	<i>"Order of Appointment of Permanent Guardian and Conservator For a Minor"</i>	4
7	<i>"Letters of Appointment" and "Acceptance Letters"</i>	2

*used only if conservator is represented by an attorney

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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 YUMA 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.)

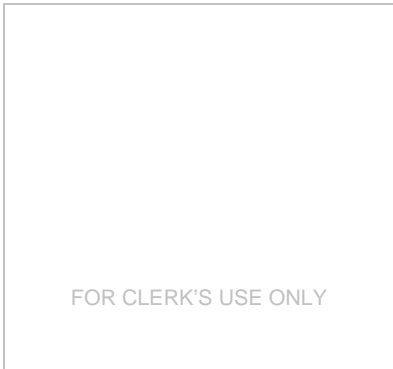
- | | |
|--|-----------------------|
| <input type="checkbox"/> Unlicensed Fiduciary | Date completed: _____ |
| <input type="checkbox"/> Conservatorship | Date completed: _____ |
| <input type="checkbox"/> Personal Representative | Date completed: _____ |
| <input type="checkbox"/> Guardianship | Date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

SUPERIOR COURT OF ARIZONA IN YUMA 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 Yuma 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 Yuma 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 YUMA COUNTY

In the Matter of the Conservatorship of _____

Case Number: _____

ORDER TO GUARDIAN and CONSERVATOR OF A MINOR AND ACKNOWLEDGMENT and INFORMATION TO INTERESTED PERSONS

Name of Protected Minor(s)

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 minor named above 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 assist you in the performance of your duties. You must be guided by it and comply with its provisions as relates to your duties as guardian and conservator.

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. You may arrange for medical care, including mental health care, to be provided even if your ward does not wish to have it, however, you are to use the least restrictive means and environment available that meets your ward's needs.

5. 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 moneys you receive for your ward's current support, care, and education needs, and conserve any excess funds for your ward's 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; and
 - f. Not purchase, lease, borrow, or use your ward's property or money for your benefit or for the benefit of anyone else's, without prior Court approval.
6. 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.
7. You will need to obtain a certified copy of the **Letters** which 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 it 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.
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 your 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.
10. If your ward dies, is adopted, marries, turns 18 or is otherwise legally emancipated, you shall notify the Court in writing within ten (10) days of learning of the death or other listed event. If the minor does not have a conservator at the time of death or other of these events, the guardian shall provide the court (and if living, the former minor ward) with a list of any known assets owned by the former ward.
11. You must be conscious at all times of the needs and best interest 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 (for example: the minor turned 18 or died), you will **not** be discharged from your responsibilities until you have obtained an order from this Court discharging you.

CONSERVATORS:

1. The conservatorship property is not your property. It does not belong to you. It is the minor's property and you must hold it for the benefit of the minor until the minor turns eighteen (18).
2. Unless the court orders otherwise, you must place the minor's property in a restricted, interest-bearing account at a federally insured institution authorized to do business in the state of Arizona or in a restricted interest-bearing account with the _____ County Clerk of the Superior Court, titled "THE ESTATE OF (the minor's name), MINOR" with no withdrawals of principal or interest permitted therefrom without order of this court.
3. You may not withdraw funds from the restricted account without a court order. If the financial institution allows you to withdraw the fund without a court order YOU will be personally liable for whatever amount was withdrawn from the account. In addition, you may be removed as conservator, found in contempt of court and/or sanctioned for your failure to follow the court's order.
4. Once the minor attains the age of eighteen (18), you MUST file a Petition with the court to terminate the conservatorship. Once a petition is filed, the court will hold a hearing in order to terminate the conservatorship and disburse the conservatorship property to the former minor.
5. 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 minor, or another interested person files a petition requesting that the conservatorship be terminated. The petition should be filed after the minor becomes 18 years of age, after the conservatorship estate has been exhausted, or after the death of the minor, whichever occurs first. In the case of the minor's death, unless you comply with A.R.S. § 14-5419(F) or are otherwise ordered by the court, 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.
6. If you move and/or change your address, you must notify the Court within **10** days of the change. You will be responsible for any costs incurred as a result of your failure to notify the Court of any change of address.
7. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships before taking any action.
8. If you are not a licensed fiduciary and are not related by blood or marriage to the minor, you are not entitled to compensation for your services as the minor's conservator. See A.R.S. § 14-5651(K)(1).
9. Within thirty (30) days after your letters of *conservator* are issued, you must mail a copy of this "**Order And Acknowledgment And Information To Interested Persons**" to the following:
 - (a) The Minor, if the minor is at least 14 years of age;
 - (b) The Minor's attorney (if the minor has an attorney) and parents;
 - (c) The minor's guardian, if one has been appointed for the minor; and
 - (d) Any person who has filed a demand for notice in connection with this matter.

GUARDIANS AND CONSERVATORS:

1. You must notify the court within ten (10) days of learning of the death of the protected person or ward.
2. 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, the undersigned, acknowledge receiving a copy of this order and agree to be bound by its provisions, whether or not I read it before signing, as long as I am guardian or conservator.

Guardian and Conservator's Signature

Date

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 YUMA COUNTY

In the Matter of the
Guardianship and Conservatorship of

Case Number: _____

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

Name of Minor(s)

Warning: 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.

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**.

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)
- 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)

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 YUMA 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. (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).

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 SUPERIOR COURT

SEAL

By: _____
Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

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