

Attorney's Name: _____
Computer Number: _____
Party Name: _____
Street Address: _____
City, State, and Zip: _____
Telephone Number: _____

ARIZONA SUPERIOR COURT IN PIMA COUNTY

IN THE MATTER OF:

Name: (from birth certificate)

Date of birth:

A MINOR

Case Number:

GENERAL ORDER TO CONSERVATOR FOR A MINOR CHILD

The welfare and best interest of minor children are matters of great concern to this court. Accepting appointment as conservator for a minor child subjects you to the power and supervision of this court. This order is entered to help you avoid problems and to assist you in the performance of your duties as conservator. You are required by law to comply with its provisions.

If you have any questions about the meaning of this order, or your legal duties as conservator, you should consult an attorney or petition the court for instructions.

1. Inventory

You will be required to file an inventory no later than 90 days after your appointment as conservator. An inventory is a list of all assets in the conservatorship estate. Assets include real and personal property, bank accounts, business interests, and claims or causes of action that the minor may have. The inventory must be filed on the required inventory form.

Upon appointment as conservator you must immediately locate, identify, and inventory all of the assets of the minor. You must make appropriate arrangements to protect these

assets, such as renting a safe deposit box for important documents. You must also title the minor's property in the name of the conservatorship. Conservatorship property should be titled as follows:

*The conservatorship of (name of minor),
by (your name) as conservator.*

2. Use of the minor's assets

The conservatorship funds do not replace a parent's obligation to support their minor child. The conservatorship assets cannot be used to pay for the minor's housing, food, clothing, education expenses, or entertainment without a prior order from the court. *Conservatorship funds may be used to pay for medical insurance for the minor, but you must have prior court approval. If the minor does not have health insurance, you must obtain health insurance and then petition the court to approve the expenditure.*

At all times you must keep detailed records of all income received and expenditures made on behalf of the minor, including original bills, receipts, bank statements, tax returns, bills of sale, and promissory notes. If you receive Social Security payments for the minor as a representative payee, you must comply with the Social Security Administration's rules and regulations concerning use of those funds. If there are excess funds you are required to keep those funds separately. More information about social security can be found online at www.ssa.gov.

You have a legal duty of undivided loyalty to the minor. Never use any of the minor's money or property for any reason other than for the minor's direct benefit. You may not profit in any way from access to the minor's assets. Neither you, your friends, nor other family members may profit by dealing in the assets of the conservatorship estate.

3. Accountings

You will be required to file an annual accounting of all income and expenditures from the estate, unless the court specifically orders otherwise. *If all the assets in the estate are restricted, and the court finds that no bond is required, then the court may waive the requirement to file an annual accounting.* A final accounting will be required, however, when the conservatorship is terminated.

The court will set a an accounting year-end date on one of four possible dates: March 31, June 30, September 30, or December 31. The court will also set a date when the court will have a hearing to review the annual accounting. You must file the accounting no less than 21 days before the hearing.

After your initial appointment you will receive notification of the above dates from the court. *You must keep detailed and accurate financial records throughout the year. On the annual accounting year-end you should transfer that information to the required*

accounting form. You will have about 70 days to complete the accounting. You must petition the court to approve the accounting by filing the appropriate petition with the court. You must provide notice of the hearing to all interested parties. You must also prepare an Order Approving Annual Accounting, take it to the probate clerk, and ask the clerk to lodge the order in the court file.

The court will also set a final accounting hearing date for the final accounting. It will be set approximately 90 days after the end of the month in which the minor turns 18. The minor may waive the final accounting after the minor turns 18, but the minor must still file a receipt for all of the assets of the conservatorship. See Section 9 below.

4. Restricted Accounts

If the court has ordered you to place funds in a restricted account, you must immediately file a Proof of Restricted Account form from the bank or financial institution. The form must show that you have deposited the money in an account which the bank has restricted in accordance with the court order. The Proof of Restricted Account should include the name and address of the financial institution, the type of account, the account number, and the amount deposited. It should be signed by a representative of the financial institution and should be notarized.

If you wish to use or spend conservatorship assets prior to the age of majority, you must first petition the court for approval. Not all petitions will be granted. The court will take into account the best interests of the minor, including any special needs the minor may have due to a disability, the available funds in the conservatorship, and whether the conservator can offer some form of assurance that the funds will be replaced should the court so require.

If the order appointing you permits, you are allowed to change the account type as circumstances require. For example if funds are placed in a restricted certificate of deposit type account, you may change the account type to a regular deposit account, but only if such account is a restricted, court-controlled account. You may wish to do this, for instance, if rolling over the CD would result in a maturity date that is after the date the minor reaches majority.

If the bank or financial institution where the funds are placed changes name, merges with another company, or is acquired by another company, you must file a new Proof of Restricted Account with the court.

5. Investing Conservatorship Assets

You may hire accountants, attorneys, and other advisors to help you carry out your duties as conservator if the size and the complexity of the conservatorship estate so require.

As conservator you have a duty to observe the standard in dealing with the assets of another that would be observed by a prudent person dealing with the assets of another. If

the conservator has special skills, or is named as conservator on the basis of representations of special skills or expertise, he or she is under a duty to use those skills. *If real estate or vehicles are owned by the conservatorship, they must be insured.*

6. Address Changes.

You must immediately advise the court in writing of any change of address within 30 days of moving. If you move out of state with the minor, you must file a new conservatorship petition in that state. After your appointment in the new state, you must petition to terminate the Arizona conservatorship. If you move to a different county in Arizona, you can file a motion to change venue in the Superior Court in Pima County to change the venue to the new county. You must inform the court when your address or that of the minor changes. Mail a Notice of Change of Address to the Clerk of Court at the address below.

Clerk of Court
Arizona Superior Court in Pima County
110 W. Congress St.
Tucson, AZ 85701

7. Conservator's Fees

Reasonable conservator's fees are a legitimate conservatorship expense, and may be charged against the minor's estate. You must petition the court for approval of conservator's fees. Your petition must include a detailed record of time expended in performing these duties, including, in detail, the duties performed. If you are not related to the minor, you must be a certified fiduciary to charge conservator's fees. Information about becoming a certified fiduciary may be obtained from the Arizona Supreme Court Certification and Licensing department at <http://www.supreme.state.az.us/fiduc/>

8. Personal Injury Settlements

If you seek to become conservator for a minor in order to pursue or settle a personal injury action on behalf of the minor, you should keep in mind the following points.

- A parent does not have authority to settle a minor's claim until they are appointed conservator and obtain authorization from court to settle the claim on behalf of the minor.
- You should consult with an attorney if you have any doubts regarding the reasonableness of the settlement. For example, will the proposed settlement be sufficient to cover existing or future medical expenses that may occur because of the injury?
- If the settlement involves a substantial amount of money, you should consider the advice of a financial advisor.

- When dealing with an insurance company's attorney, remember that the insurance company's attorney does not represent you, though he or she may have petitioned the court for your appointment as conservator.
- *If multiple persons were injured, then the proceeds of the settlement may be divided among the injured persons. The portion of the settlement allocated to the minor will need to be approved by the court. The court may appoint an attorney for the minor to advise the court of the reasonableness of the portion allocated to the minor.*

9. Terminating the Conservatorship

You must petition the court to terminate the conservatorship within 90 days of the minor reaching the age of majority. You must set the petition to terminate on the court's calendar and provide notice to the former minor. Notice and an accounting may be waived by the former minor.

If assets were held in a restricted account you must file a Petition for Termination of Conservatorship, Release of Restricted Funds, and Discharge of Conservator, set it for hearing, and provide proper notice. You must also file a Final Accounting, and a Petition to Approve Final Accounting, set it for hearing and provide proper notice. Notice and an accounting may be waived by the former minor. If the minor waives a final accounting and consents to the final discharge of conservator, file the minor's waiver and consent form to avoid the necessity of a hearing. When the former minor receives the conservatorship funds, you must file a notarized receipt containing the former minor's acknowledgement that he or she has received all the assets to which he or she is entitled.

If the conservatorship assets were not held in restricted accounts, you must file a Decree of Settlement and Distribution of Estate, set it for hearing, and provide proper notice. After the court approves your final accounting as conservator, you must then file a Petition for Final Discharge of Conservator for a Minor, set it for hearing and provide proper notice. If the minor waives a final accounting and consents to the final discharge of conservator, file the minor's waiver and consent form to avoid the necessity of a hearing. Upon filing a Receipt of Restricted Funds by Former Minor, the court will sign an Order of Final Discharge of Conservator.

10. Publications and forms available from the Arizona Superior Court in Pima County

- Representing Yourself in Court as Guardian or Conservator for a Minor
- Petition for Approval of Annual Account
- Proof of Restricted Account from Depository
- Petition to Withdraw Funds
- Order Authorizing Withdrawal of Funds of Minor
- Financial Affidavit of Parent and Conservator Requesting Withdrawal of Funds

- Petition to Terminate Conservatorship and Release Funds to the Former Minor Without Further Notice
- Order to Terminate Conservatorship and Release Funds to Former Minor
- Receipt of Restricted Funds by Former Minor
- General Order to Guardian and Conservator
- Account Information Sheet

These publications and forms are available in the courthouse and on the court’s website www.sc.pima.gov

11. THIS IS ONLY AN OUTLINE OF **SOME** OF YOUR DUTIES AS CONSERVATOR FOR A MINOR CHILD. 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 THAT APPLY TO 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, FINE, OR BOTH.

ACKNOWLEDGMENT: I ACKNOWLEDGE RECEIVING A COPY OF THIS ORDER AND I AGREE TO BE BOUND BY ITS PROVISIONS, WHETHER OR NOT I HAVE READ IT BEFORE SIGNING, AS LONG AS I AM GUARDIAN OF AND CONSERVATOR FOR THE PERSON NAMED ABOVE.

Signature of Conservator

Date Signed

Signature of Judicial Officer

Date Signed