

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)

SELF-SERVICE CENTER

**APPOINTMENT OF CONSERVATOR FOR AN ADULT
(or person at least 17.5 years of age)**

**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 conservator for an incapacitated adult, **or** for a person who is at least 17 and a half years of age who will need a 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 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. If you need to consult a Lawyer, the Pima County Bar Association offers a Lawyer Referral Service that provides half-hour consultations for a low cost.
<http://www.pimacountybar.org/>
The Clerk's office cannot provide legal advice. Employees may be able to offer instruction about how and where to file appropriate paperwork, but will not provide help on issues of law

SELF-SERVICE CENTER

CONSERVATORSHIP

TO GET PERMANENT APPOINTMENT FOR AN ADULT
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)

This packet contains court forms and instructions to prepare for attending the court hearing regarding appointment of a permanent conservator for an adult or for a person at least 17.5 years of age to become effective at age 18. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File No.	Title	# pages
1		Checklist: <i>You may use this packet if . . .</i>	1
2		Table of Contents (this page)	1
3		“Declaration of Completion of Training” (also included in separate “Training” packet)	1
4		“Order to Conservator(s) for an Adult and Acknowledgement”	4
5		“Order of Appointment of a Permanent Conservator for an Adult”	3
6		“Letters of Appointment as Permanent Conservator” and “Acceptance of Letters of Appointment”	2

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Your Name: _____
Your Address: _____
Your City, Zip Code: _____
Your Telephone No. _____
Represents Self OR Attorney for: _____
State Bar Number (if applicable): _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN PIMA 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.

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: _____

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

In the Matter of the Conservatorship of

Case Number: _____

Protected Person's Name

ORDER TO CONSERVATOR AND ACKNOWLEDGEMENT AND INFORMATION TO INTERESTED PERSONS

[] a Minor
[] an Adult

Assigned to:

(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 protected person") are matters of great concern to this Court. By accepting appointment as 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, as it relates to your duties as conservator of your protected person as follows:

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 question 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’s Office 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. Pursuant to Arizona Rules of Probate Procedure 33(A), you shall give written notice of the basis of any compensation as required by Arizona Revised Statutes § 14-5109. Keep detailed records of the time you are spending in identifying, managing, and protecting 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 that you file, you also must submit a bank statement or financial account statement that supports the ending balances of each bank or financial account shown on the conservator account filed with the Court.

10. **NEVER** use any of the protected person's money or property for any reason other than for 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. If you are not a licensed fiduciary and are not related by blood or marriage to the protected person, you are not entitled to compensation for your services as the protected person's conservator. *See* A.R.S. § 14-5651(K)(1).
15. Within **thirty (30) days** after your **Letters of Appointment** as conservator are issued, you must mail a copy of this **Order to Conservator and Acknowledgement and Information to Interested Persons** to the following:
 - (a) Your protected person if your protected person is at least 14 years of age;
 - (b) Your protected person's attorney, spouse, parents, and adult children;
 - (c) Your protected person's guardian if one has been appointed for your protected person; and
 - (d) Any person who has filed a demand for notice in connection with this matter.

This is an outline of only **some** of your duties as 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.

Case Number: _____

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)

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 conservator.

Conservator's Signature

Date

Conservator's Name (Type or Print Name)

Co-Conservator's Signature (if any)

Date

Co-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: _____

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

In the Matter of the Conservatorship of:

Case Number: _____

ORDER OF APPOINTMENT OF A PERMANENT CONSERVATOR OF AN ADULT

(Name of Protected Person)

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 Conservatorship*" 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.14-5404(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 by health professional or court investigator have been considered by the Court;
- E. **Appointment of a conservator is necessary** because 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 dissipated unless proper management is provided or because funds are needed for the support, care and welfare of the person or those entitled to be supported by the person, and that protection is necessary or desirable to obtain or provide funds.
- F. The person named below is eligible for appointment under A.R.S. §14-5410.

IT IS ORDERED:

1. **The Court appoints:** _____
as permanent conservator for the person to be protected named above.

The person to be protected is a MINOR, and the appointment is effective upon the minor's 18th birthday on this date: _____
(Month, Date, Year of Protected Person's 18th Birthday)

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

OR **Bond is not required.**

3. **ISSUANCE OF LETTERS:**

Upon filing of any required bond, "**Letters of Conservatorship of an Adult**" shall be issued by the Clerk of the Court, Probate Registrar,

SUBJECT TO THE FOLLOWING RESTRICTIONS:

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.

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:

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

4. **ACCEPTANCE OF LETTERS:** The 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.

5. **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.

6. **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.**

7. **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.**

8. **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 of the **Letters of Appointment** as conservator), in accord with **A.R.S. § 14-5419.**

OR

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

9. **CHANGE OF ADDRESS:** The Conservator shall immediately notify the Court in writing of any change in address of either protected person or conservator.

10. **OTHER DUTIES UNDER LAW:** The duties of the Conservator as required by Arizona law and as set forth in this Order and the Order to Conservator shall continue until the Conservator is discharged from these duties by order of this court.

11. **DISCHARGE OF ATTORNEY:**

The court-appointed attorney is discharged from further duties in this matter, or

The Court having found that the best interests of the protected or incapacitated person require continuing representation, the court-appointed attorney **is not discharged** from further duties in this matter,

DONE IN OPEN COURT: _____

Signature of Judicial Officer

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 PIMA COUNTY

In the Matter of Conservatorship for

Case Number: _____

LETTERS OF APPOINTMENT AS PERMANENT CONSERVATOR and ACCEPTANCE OF LETTERS

Name of Protected Adult Minor

ISSUANCE OF LETTERS:

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

- Restrictions above affect the conservator's 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.

(Court Seal)

Date

Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

State of Arizona)
Maricopa County) ss.

I accept the duties as permanent conservator of _____
(Name of Protected Person)

and

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

Signature of Conservator

Printed Name of Conservator

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public