

CONSERVATOR

For a MINOR

3

Part 3: Preparing for and Attending the Court Hearing

(Forms Packet)

IMPORTANT NOTICE

TRAINING REQUIREMENTS

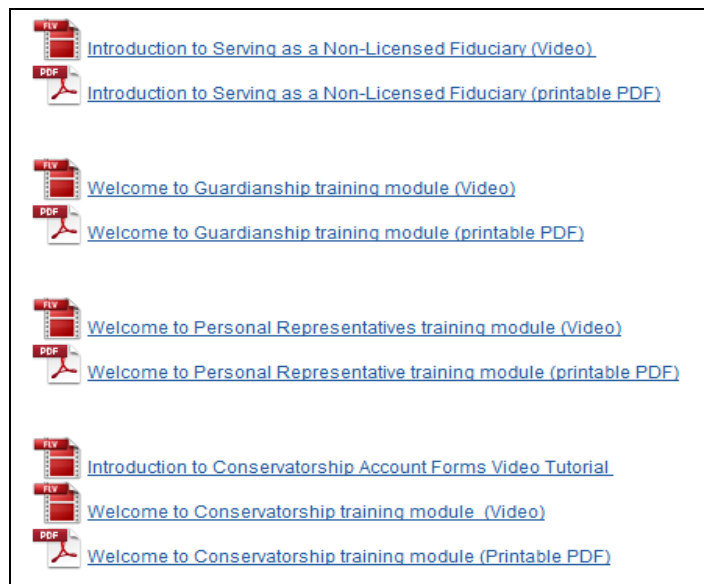
Effective September 1, 2012

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.

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

STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

- A. ORDER TO CONSERVATOR(s)** (PBCM80f): The person who is to serve as 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 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:** (PBCM81f)
- 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*)

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.

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.

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** (PBCM81f)
- **ORDER TO CONSERVATOR and ACKNOWLEDGMENT*** (PBC80f)
- **LETTERS OF APPOINTMENT and ACCEPTANCE OF LETTERS** (PBC82f).
- **DECLARATION** (or "**Certificate**") **OF COMPLETION OF TRAINING** (PBT80f)
- **ACKNOWLEDGMENT OF CONSERVATOR and LAWYER'S UNDERTAKING and OBLIGATION*** (Only if Conservator represented by lawyer.* See **NOTE** below*) (PBC83F)

AT THE HEARING:

- Be prepared to testify about why you think 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 conservatorship papers, take the following original documents (and the extra copy) to the Probate Filing Counter.
- **Order of Appointment,**
 - **Order to 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 from 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.

SELF-SERVICE CENTER

APPOINTMENT OF 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 conservator for a minor, to be effective until he or she reaches the age of 18, unless terminated earlier by court order;
- ✓ 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. A list of lawyers you may hire to advise you on handling your own case or to perform specific tasks, as well as a list of court-approved mediators can be found on the Self-Service Center website.

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Estate of: _____

Case Number: _____

DECLARATION OF COMPLETION OF TRAINING for NON-LICENSED FIDUCIARIES

A Deceased or Protected Person

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

UNDER PENALTY OF PERJURY

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

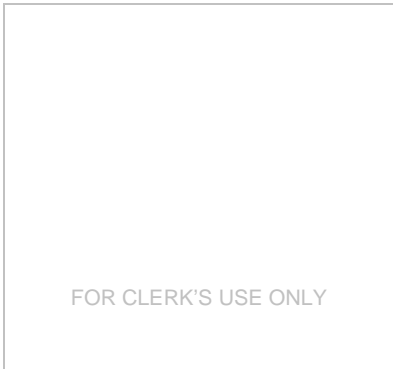
- | | |
|--|-----------------------|
| <input type="checkbox"/> Unlicensed Fiduciary | Date completed: _____ |
| <input type="checkbox"/> Conservatorship | Date completed: _____ |
| <input type="checkbox"/> Personal Representative | Date completed: _____ |
| <input type="checkbox"/> Guardianship | Date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

Date: _____

Signature _____

Printed Name _____

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



Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

Lawyer's Bar Number: _____

Licensed Fiduciary Number: _____

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of:

Case No. _____

ACKNOWLEDGEMENT OF CONSERVATOR and LAWYER'S UNDERTAKING AND OBLIGATION

Name of the Protected Adult or Minor

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

the Superior Court of Arizona in 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

Case No. _____

LAWYER'S UNDERTAKING AND OBLIGATION

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

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

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

Date: _____

(Attorney's Signature)

(Attorney's Printed Name)

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of:

Case Number _____

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

Name of Protected Minor(s)

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 ("the minor") 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 must be guided by it and comply with its provisions, as it relates to your duties as a conservator of your protected person.

As conservator:

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. If you are a parent of the minor, you may not use conservatorship assets to fulfill your obligation to support your child. Thus, you may not use the conservatorship funds to pay for things that a parent normally would pay for to support the parent's child (e.g., food, clothing, shelter, education expenses, etc.) unless the court enters an order expressly authorizing you to do so.
3. 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 Superior Court titled "**THE ESTATE OF** (the minors name) **MINOR**" with no withdrawals of principal or interest permitted therefrom without order of this court.

4. You may not withdraw funds from the restricted account without a court order. If the financial institution allows you to withdraw the funds without a court order YOU will be personally liable for whatever amount 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.
5. 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.
6. 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 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.
7. **In the case of the minor's death:**
 - a. You must notify the court within ten (**10**) days of learning of the death of the protected minor, and
 - b. Unless you comply with A.R.S. §14-5419(F) or are ordered otherwise by the court, you will need to file a final accounting with the court before you can be discharged of liability in connection with the conservatorship and before your bond is exonerated.
8. If you move and/or change your address, you must notify the Court within 10 days of the change. You will responsible for any costs incurred as a result of your failure to notify the Court of any change of address.
9. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships **before** taking any action.
10. 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 ward's conservator.
See A.R.S. §14-5651(J) (1).
11. Within thirty (30) days after your letters of conservator are issued, you must mail a copy of this order the conservator and acknowledgment and information to interested person 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

THIS IS ONLY AN OUTLINE OF 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, FINE, OR BOTH.

Dated: _____

Signature of Judicial Officer or Judge Pro Tem

Printed Name of Judicial Officer/Judge Pro Tem

ACKNOWLEDGMENT: 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 CONSERVATOR.

Signature of Conservator

Date Signed

Signature of Co-Conservator (if applicable)

Date Signed

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

FOR CLERK'S USE ONLY

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

SUPERIOR COURT OF ARIZONA IN GRAHAM COUNTY

In the Matter of the Conservatorship of: _____

Case Number: _____

ORDER OF APPOINTMENT OF A PERMANENT CONSERVATOR FOR A MINOR A.R.S. §14-5401

Name(s) of Protected Minor(s)

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 Conservator*" and held a hearing to determine whether the Court should enter the Order requested in the Petition.

THE COURT FINDS:

- A. Petitioner is entitled to file the Petition under Arizona law A.R.S. § 14-5404(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. **CONSERVATORSHIP:**

1. The above-named person or persons to be protected are unmarried minors whose full name(s) and date(s) of birth are as follows:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

- 2. Appointment of a conservator is necessary because the minor (whether one or more) owns money or property that requires management or protection which cannot otherwise be provided, may have business affairs which may be jeopardized or prevented by his or her minority, needs funds for his or her education, and protection is necessary or desirable to obtain or provide funds.
- 3. The person named below is eligible to serve as conservator under Arizona law.

IT IS ORDERED: (check the boxes that apply)

1. **The Court appoints:** _____
as permanent conservator for the minor(s) to be protected named above.
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. **TRAINING REQUIREMENTS:**

The Conservator shall complete the training for non-licensed fiduciaries specified by the Supreme Court of this state before Letters of Appointment are issued, OR

 The training requirements for non-licensed fiduciaries are waived.
4. **ISSUANCE OF LETTERS:**
Upon filing of any required bond and declaration of completion of any required training, ***“Letters of Conservatorship for a Minor”*** shall be issued by the Clerk of the Court, Probate Registrar.
5. **FUNDS:** The minor's funds in the amount of \$ _____ are to be deposited in an interest bearing, federally insured, restricted account in a financial institution in this jurisdiction in the name of ***“The Estate of (name of minor), a Minor, by (name of conservator), Conservator.”***
(For example: “The Estate of Joan Doe, a Minor, by John Smith, Conservator”.)
6. **RESTRICTED ACCOUNT:** No withdrawals of principal or interest may be made without a certified copy of an order of this Court authorizing the withdrawal.
7. **REINVESTMENT:** 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).**
8. **PROOF OF RESTRICTED ACCOUNT:** 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.
9. **FILING PROOF OF RESTRICTED ACCOUNT:** The conservator, the attorney for the conservator, attorney for the protected minor(s), 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.
10. **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** of the issuance of this order.

11. **ACCEPTANCE OF LETTERS:** The conservator shall sign the Acceptance of the Letters under oath or affirmation, and file the Acceptance with the Clerk of the Court, Probate Registrar.

12. **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 if obtainable, **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.

13. **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 as required by A.R.S. §14-5319.

OR

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

14. **CHANGE OF ADDRESS:** The guardian and/or conservator shall immediately notify the court in writing of any change in his or her own address or that of any protected minor.

15. **OTHER DUTIES UNDER THE LAW:** The duties of the guardian and/or conservator required by Arizona law and as set forth in this Order and the Order of Instruction shall continue until the guardian and/or conservator is discharged from these duties by order of this court.

DONE IN OPEN COURT: _____

Signature of Judicial Officer

Printed Name

NOTICE: If the conservatorship needs to continue after the minor reaches the age of 18, in accord with Arizona law, A.R.S. § 14-5401 (B), a petition may be filed after the minor’s 17th birthday and before any court order for the termination of the present conservatorship, to continue the conservatorship for the now-adult protected person.

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 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.

WITNESS: _____

CLERK OF THE SUPERIOR COURT

SEAL: _____

By: _____
Deputy Clerk

Case No. _____

ACCEPTANCE OF LETTERS OF APPOINTMENT

State of Arizona)
Graham 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

Sworn to or affirmed before me this date: _____

HEIDI TORRIO, Clerk of Superior Court

Notary

OR

My commission expires: _____
(or Seal below)

By: _____
Deputy Clerk of Court