

## PROCEDURES: WHEN and HOW to FILE PETITION for APPROVAL of FORM 6 – FIRST CONSERVATOR’S ACCOUNT

### I. WHEN TO FILE THE PETITION FOR APPROVAL OF FORM 6 Packet

#### A. FORM 6 First Conservator’s Account packet is **DUE** on the first anniversary of the date the Letters of Conservator were issued (unless otherwise ordered by the court).

- **PREPARE:** The requirement to deliver the Form 6 packet one year after the court first issued your Letters of Appointment means you must **PREPARE** these forms **BEFORE your one-year due date**.
- **DELIVER:** One year after the court first issued your Letters of Appointment, you must **DELIVER** your COMPLETED Form 6 Account packet to the Probate Court Clerk.
- **SOONER RATHER THAN LATER:** It is most helpful to capture the financial information *throughout the account reporting period* rather than waiting to compile all the information just before completing and filing the account forms. Also, keep in mind the specific dates of the account reporting periods so that you start and end recording the financial transactions during the correct reporting period.

### II. HOW TO FILE THE PETITION FOR APPROVAL OF FORM 6 Packet

**STEP 1: COMPLETE THE FORM 6 PACKET:** The Forms 6 packet contains at least 3 mandatory forms: the Form 6 Coversheet, the Form 6 First Conservator’s Account Form, and the Transaction Log. Complete these forms, as well as the Court Order form, and any other forms in the packet that apply to your situation. If you are claiming fees, you must also complete the Fee Statement.

**STEP 2: MAKE COPIES** of all completed original forms and documents: one set of copies for you, one set for the Court Accountant, and one set for **each** of the interested parties.

- You must attach **FINANCIAL STATEMENT COPIES** that **RECONCILE THE ENDING BANK ACCOUNT BALANCES** to the copy of the accounting that will be given to the **COURT ACCOUNTANT**. **These copies are confidential, so place them in an envelope marked “Confidential – for Court Accountant.”**
- **DO NOT ATTACH OR FILE ANY FINANCIAL STATEMENTS WITH THE ORIGINAL ACCOUNTING FILED WITH THE PROBATE CLERK.**

**STEP 3: TAKE THE DOCUMENTS (original plus copies)** to the PROBATE COURT CLERK. Go to the same court location where your case is pending (Phoenix or Mesa).

- The Probate Clerk of Court will date-stamp the top sheet of the original and copies.
- The Probate Clerk of Court will keep the **original account form set**, and deliver a copy to Court Accountant.

- The Probate Clerk will return to you the copies for you and the other interested parties.
- If you cannot or do not want to file the copies in person, you can also mail the documents to the Probate Clerk at the same location where your case is pending. Include a self-addressed stamped envelope so that the Clerk can return your conformed copies to you.

**STEP 4: PAY your FEES:** There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. A list of current fees is available from the Self Service Center and from the Clerk of Court's website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a **deferral** (payment plan) when you file your papers with the Clerk of the Court. **Deferral Applications** are available at **no charge** from the Self-Service Center.

**STEP 5: COURT will CONTACT YOU.** After the Court Accountant completes a review of your case, you will receive a written notice from the Court. You will receive one of two possible notices:

**Notice 1:** You will be asked to file a **Response to the Court Accountant Report** if the Court Accountant has concerns about the report.

If you are required to file a Response to the Court Accountant Report, you must send a copy of the "Response to Court Accountant Report" to the same people entitled to receive the NOTICE OF HEARING (notice is explained below). Bring the **original plus at least three (3) copies** to the Probate Clerk of the Court for filing and distribution of copies in the same manner explained above.

**OR**

**Notice 2:** If the Court Accountant does not have concerns and recommends approval of your Account as is, the Court will set a non-appearance hearing and will notify you by mail of the date, time, place, and the Judge/Commissioner assigned to your case for the non-appearance hearing. In some cases, the Court may set a hearing and require you to file a **Response to Court Accountant Report**.

**STEP 5A:** If the Court sets a non-appearance hearing, you must **GIVE NOTICE OF THE "NON-APPEARANCE" HEARING TO EVERYONE ENTITLED TO NOTICE:** After you receive the information about the date, time, and place of the "non-appearance" hearing, you must send a NOTICE OF HEARING and a copy of the Accounting by mail or delivery to all interested persons. Be sure that you do this at least **14 days** before the hearing.

For more information about notice, see the Self-Service Center packet about Giving Notice to the Parties in Probate cases. If mailing the Notice, first class postage-prepaid mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you wanted to have notice actually did get the notice.)

The people you should give notice to are:

- All (protected person(s) or ward(s). This includes a minor if he or she is 14 years or older.
- The guardian, if the person has one, **unless** it is the same person as the conservator;
- If there is no guardian or if the guardian is also the conservator, then to the spouse.
- If the spouse is the conservator or is incapacitated, then to a parent or adult child who is not serving as conservator;
- The guardian ad litem if one was appointed by the court;
- The court-appointed attorney.

**STEP 6: Complete and file other court papers:** Complete the PROOF OF NOTICE stating how and when you gave notice to interested persons. Make **2 extra copies** of each of the following documents. Then file the originals with the Probate Clerk of Court, and get the conformed copies back from the Clerk.

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|---|---------------|---------------------------|
| • Notice of Hearing                                     | File original | Get back 2 stamped copies |
| • Declaration/Proof of Notice                           | File original | Get back 2 stamped copies |
| • Waiver of Notice<br>(if signed by interested parties) | File original | Get back 2 stamped copies |

**STEP 7: Give copies of everything to the Judge/Commissioner:** At least **10 days** before your non-appearance hearing, **mail or hand-deliver** the following documents to the Judge/Commissioner who is hearing your case. All the copies must be the ones that you had conformed by the Clerk of Court when you filed the original:

- **Copy** of NOTICE OF HEARING
- **Copy** of Declaration/PROOF OF NOTICE
- **Original and 2 copies** of the ORDER REGARDING PETITION FOR APPROVAL OF ACCOUNTING, **AND**
- **Copy** of the PETITION FOR APPROVAL OF ANNUAL ACCOUNTING.

**NOTE:** **You do not need to come to the “non-appearance” hearing.** The purpose of a “non appearance” hearing is to give persons who object to the paperwork the opportunity to let the Judge/Commissioner know they have an objection. So, if someone shows up at the scheduled “non appearance hearing”, the Court will reset the hearing for a new date, time and place. You will get notice of the new hearing date in the mail from the Court. If you receive a new hearing date, you must go to the hearing.

**Court approval of the Annual Accounting and fees is required.** At or after the “non-appearance” hearing date, the Judge/Commissioner will decide whether to approve the petition, or ask you to give additional information. If the petition is not approved, **be sure to follow the instructions on the court order** you receive from the Judge/Commissioner.

**OTHER HELP:** If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “attorneys”. Also, the Self-Service Center has a list of lawyers who will help you help yourself.