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## SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the  
Guardianship and Conservatorship of:

Case Number PB: \_\_\_\_\_

\_\_\_\_\_  
(An Incapacitated and Protected Adult)

### ORDER OF APPOINTMENT OF A PERMANENT GUARDIAN AND CONSERVATOR OF AN ADULT

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 Guardian and 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. §§14-5303(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. Any reports of the physician (or other health professional authorized under A.R.S. § 14-5312) and the court investigator have been considered by the Court.

### E. REGARDING GUARDIANSHIP:

1. The above-captioned person is an incapacitated person and in need of the continuing care and supervision of a GUARDIAN.
2. The appointment of a guardian is necessary to provide for the demonstrated needs of the incapacitated person.
3. The needs of the incapacitated person cannot be met by less restrictive means, including technological assistance.

4. The person appointed below is competent to serve as Guardian.
5. The person appointed has priority for appointment under A.R.S. § 14-5311, or is otherwise appointed for good cause in accord with A.R.S. § 14-5311(D).
6. **TYPE OF GUARDIANSHIP:** Less restrictive alternatives having been considered:
- A GENERAL GUARDIANSHIP** is warranted; A limited guardianship is not appropriate or in the best interests of the incapacitated person.
- (OR)**
- A LIMITED GUARDIANSHIP**, carrying only such authority as specified on the pages that follow, is appropriate and adequate to protect the best interests and well-being of the ward.
7. **REGARDING MENTAL HEALTH:**
- By clear and convincing evidence the ward requires inpatient mental health care and treatment.
8. **REGARDING DRIVING PRIVILEGES:**
- There is sufficient medical or other evidence to establish the ward's incapacity does **not** prevent or interfere with the safe operation of a motor vehicle.
- The ward's incapacity **does** prevent or interfere with the safe operation of a motor vehicle.
9. **REGARDING VOTING RIGHTS:**
- By clear and convincing evidence the ward has sufficient capacity and understanding to exercise the right to vote.
- The ward does **not** have sufficient capacity and understanding to exercise the right to vote.

**F. APPOINTMENT OF A CONSERVATOR IS NECESSARY:** 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 used up unless proper management is provided or because funds are needed for the support, care and welfare of the person to be protected or those entitled to receive support from the protected person, and that protection is necessary or desirable to obtain or provide funds.

**IT IS ORDERED:**

1. **The Court appoints:** \_\_\_\_\_  
as permanent guardian and conservator for the incapacitated person named above.

The incapacitated person is a MINOR, and the appointment is effective as of  
**the minor's 18<sup>th</sup> birthday on this date:** \_\_\_\_\_

(Month, Date, Year of the ward's 18<sup>th</sup> Birthday)

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

**OR**  **Bond is not required and is waived.**

3. **ISSUANCE OF LETTERS:** Upon filing the bond, "**Letters of Guardianship and Conservatorship of an Adult**" shall be issued by the Clerk of the Court, Probate Registrar, subject to the following restrictions, if any:

**A. GUARDIANSHIP:**

1.  **A LIMITED GUARDIANSHIP** is ordered. The Guardian's authority is limited to:

**a. Mental Health Care Powers** (under Limited Guardianship): (Check all that apply)

Guardian is granted authority to consent to **outpatient** mental health treatment.

Guardian is granted authority to place the ward in an Inpatient Psychiatric Facility for **inpatient** mental health care and treatment.

This authority expires on \_\_\_\_\_ (date). Requests to renew or extend authority for **inpatient** mental health treatment must be submitted every year.

**b. (and/or) The following specific powers indicated:**

Consent to Medical Treatment       Consent to Marriage

Arrange Education or Training       Consent to Make Living Arrangements

Apply for Public Assistance or Social Services

**c. Other Limited Powers:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(OR)**

2.  **A** (“general”, “non limited”) **GUARDIANSHIP is ordered**, *subject to the following restrictions: (if any)* \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**3. MENTAL HEALTH POWERS OF GUARDIAN:**

- The Guardian is granted authority to place the ward in an Inpatient Psychiatric Facility for **inpatient** mental health care and treatment.

This authority expires on this date: \_\_\_\_\_. Requests to renew or extend authority to place the ward in an Inpatient Psychiatric Facility must be submitted every year.

**4. PRIVILEGES and RIGHTS of the WARD:**

**A. 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.**

**B. VOTING RIGHTS:**

- The Ward’s right to vote is **suspended**
- The Ward’s right to vote is **NOT suspended**.

**B. CONSERVATORSHIP:**

1.  **A CONSERVATORSHIP** is ordered for the following limited or specific purpose(s): (if any): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**(OR)**

2.  **A** (“general”) **CONSERVATORSHIP** over the entire estate of the protected person is ordered, subject to the following restrictions, if any:

**a.  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:

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**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.

- b.  **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:

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**The conservator is responsible for filing proof of recorded restriction with the Court within 30 days of this Order.**

**4. ACCEPTANCE OF LETTERS:** The Guardian and Conservator shall sign the **“Acceptance of the Letters”** under oath, and file the **Acceptance** with the Clerk of the Court, Probate Registrar.

**5. ADDITIONAL REQUIREMENTS OF CONSERVATOR:**

**A. 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.

**B. 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.

**C. 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.

**D. 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

**6. 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

**7. CHANGE OF ADDRESS:** The Guardian and Conservator shall immediately notify the Court in writing of any change in the address of him or herself or of the protected person/incapacitated person.

**8. 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 the Guardian and Conservator is discharged from these duties by order of this court.

**9. 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)