

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. 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.

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	PBCA8k	Checklist: <i>You may use this packet if . . .</i>	1
2	PBCA8ft	Table of Contents (this page)	2
3	PBT80f	Declaration of Completion of Training (also included in separate “Training” packet)	2
4	PBC83f	Acknowledgment of Conservator and Lawyer’s Undertaking (Used only if Conservator is represented by an attorney)	2
5	PBCA80f	Order to Conservator(s) for an Adult and Acknowledgement	5
6	PBCA81f	Order of Appointment of a Permanent Conservator for an Adult	3
7	PBC82f	Letters of Appointment as Permanent Conservator and Acceptance of Letters of Appointment	2

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Do not copy
or file this page

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 _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the Matter of the Estate of:

Case Number: _____

DECLARATION OF COMPLETION OF
TRAINING FOR NON-LICENSED
FIDUCIARIES

A ☐ Deceased or ☐ Subject Person

A person to be appointed guardian and/or conservator, or personal representative of an estate, (and not a state-licensed fiduciary or a corporation) must complete a training program approved by the Arizona Supreme Court before permanent Letters of Appointment are issued, or within 30 days of a temporary or emergency appointment.

I state to the Court that in accord with 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.)

- ☐ Unlicensed Fiduciary (Mandatory. Everyone must complete this training.)
Date completed: _____
- ☐ Guardianship (Required if applying to be a guardian.)
Date completed: _____
- ☐ Conservatorship (Required if applying to be a conservator.)
Date completed: _____
- ☐ Personal Representative (Required if applying to be a personal representative.)
Date completed: _____

Case Number: _____

This signature page belongs to the form titled “DECLARATION OF COMPLETION OF TRAINING FOR NON-LICENSED FIDUCIARIES” and cannot be used with any other documents.

I declare under penalty of perjury that the information in this form is true and correct.

Date: _____

Signature

Printed Name

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

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Conservatorship of:

Case No. PB _____

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 Maricopa 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 Maricopa 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: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the Matter of the Conservatorship for

Case Number: _____

Protected Person's Name

ORDER TO CONSERVATOR OF
AN ADULT

Warning: Your appointment is not effective until the Clerk of Superior Court has issued your Letters of Appointment.

You have asked the court to appoint you as the conservator for your "protected person," referred to in this order as the "subject person." While you serve as the conservator, you will be under this court's authority and supervision, and the court will continue to monitor the subject person's welfare and best interests.

This order generally explains your duties to the subject person and to this court. You may have additional duties imposed by statutes, rules, or the court. By separate order, the court may modify or excuse you from performing a specific duty described below.

YOUR POWERS AND DUTIES AS CONSERVATOR:

- 1C. General Duty to Gather and Manage Subject Person's Assets. You must immediately locate, identify, secure, and inventory all of the subject person's assets, and make reasonable arrangements to protect those assets. *See* A.R.S. § 14-5417 (stating that a conservator must act as a fiduciary and observe the standard of care applicable to trustees).

- 2C. Titling of Subject Person's Assets. You must immediately change the title of any financial accounts, vehicles, and other titled assets owned by the subject person. The property should be titled in the name of the conservatorship: "(Your name), as Conservator(s) of the estate of (subject person's name)" or "(subject person's name), by (your name), Conservator." You should consider consulting with an attorney or petitioning the court for instructions if the subject person owns the property with another person, or if the subject person arranged for payment or transfer of benefits or interest in the property to another person at the subject person's death, such as a TOD, POD, or joint tenancy designation. *See* A.R.S. § 14-5417 (stating that a conservator must act as a fiduciary and observe the standard of care applicable to trustees); A.R.S. § 14-5427 (requiring conservator to take into account the protected person's estate plan).
- 3C. Restricted Assets. If the court has entered an order restricting an account, you must file Form 10, Proof of Restricted Account from Financial Institution, no later than 30 days after the court's order, or as otherwise ordered by the court. Ariz. R. Prob. P. 36(b)(2). Form 10 must be signed by an authorized representative of the financial institution.
- 4C. Recording of Letters of Appointment. No later than 10 court days after issuance of your letters of appointment, you must record a certified copy of those letters with the county recorder in every county of any state where the subject person owns real property. No later than 45 calendar days after a county recorder has recorded those letters, you must file a copy of the recorded letters with the court. Ariz. R. Prob. P. 39(g).
- 5C. Inventory, Consumer Credit Report, and Initial Budget. No later than 90 days after the date your temporary or permanent letters of appointment were first issued, you must file an inventory, a consumer credit report for the subject person, and an initial budget. A.R.S. § 14-5418(A); Ariz. R. Prob. P. 45(c)(1), (c)(3), and (d)(1). No specific form is required for the inventory; however, the inventory must list, with reasonable detail, all the property owned by the subject person on the date your letters were first issued and state the fair market value of each asset as of that date. A.R.S. § 14-5418(A); Ariz. R. Prob. P. 45(c)(2). You must use Form 5 for the initial budget. Ariz. R. Prob. P. 45(d)(2).
- 6C. Pay Valid Claims and Expenses; Maintain Records. You must pay the subject person's debts when they become due. Keep detailed records of all money you receive for the subject person and all expenses you pay on the subject person's behalf, including bills and invoices, payment receipts, bank statements, tax returns, bills of sale, promissory notes, etc. Do not deposit the subject person's funds into your own account, and do not pay the subject person's bills from your account. Instead, maintain the subject person's funds in one or more separate accounts that are distinct from your own and that are titled either "[your name], Conservator for [subject person's name]" or "[subject person's name], by [your name], Conservator." Avoid dealing in cash and do not write checks to "cash." *See* A.R.S. § 14-5417 (stating that a conservator must act as a fiduciary and observe the standard of care applicable to trustees); A.R.S. § 14-5428 (setting forth conservator's duty to pay all just claims against the protected person's estate).

- 7C. Annual Accounts and Budgets. You must file annual accounts with the court as follows:
- (a) using Form 6, you must file your first account and an annual budget as conservator on or before the first anniversary date of the issuance of your letters of appointment as permanent conservator;
 - (b) on or before all subsequent anniversary dates of the issuance of your letters of appointment as permanent conservator, you must file your account and annual budget as conservator using Form 7; and
 - (c) no later than 90 days after your appointment as conservator ends, you must file a final account using Form 8.
- A.R.S. § 14-5419(A); Ariz. R. Prob. P. 45(d), (e).
- 8C. Amended Budgets. You must file an amended budget no later than 30 days after reasonably projecting that the expenditure for any specific category in your most recently filed budget will exceed the threshold stated in Form 5. Ariz. R. Prob. P. 45(d)(3).
- 9C. Investment of Subject Person's Assets. You must properly invest the subject person's assets. You may hire accountants, attorneys, and other advisors to help you carry out your duties as the size and the complexity of the conservatorship estate may require. *See* A.R.S. § 14-5417 (stating that a conservator must act as a fiduciary and observe the standard of care applicable to trustees).
- 10C. Duty of Undivided Loyalty. You have a duty of undivided loyalty to the subject person. You must use the subject person's money and property only for the subject person's benefit. Neither you, your friends, nor any other family members may profit by dealing in the assets of the conservatorship estate. You must be prudent in investing and managing the subject person's assets. *See* A.R.S. § 14-5417 (stating that a conservator must act as a fiduciary and observe the standard of care applicable to trustees).
- 11C. Use of Subject Person's Assets. You must make reasonable efforts to determine the subject person's preferences, both past and current, regarding all decisions you are empowered to make as conservator. Do not purchase merchandise or services that the subject person would have considered extravagant or inappropriate before your appointment. *See* A.R.S. § 14-5425(A)(2)(b). Use the assets to maintain the safety, health, and comfort of the subject person, bearing in mind the totality of the subject person's income and assets. A.R.S. § 14-5425(A)(2)(a). When investing and managing the subject person's property, you must consider the subject person's estate plan, if any, and petition the court for instructions if you have any questions regarding this obligation. A.R.S. § 14-5427.
- 12C. Termination of the Conservatorship. The conservatorship terminates only upon the entry of a court order terminating the conservatorship. The court will enter such an order only after either you or the subject person, or another interested person, files a petition requesting that the conservatorship be terminated. The petition should be filed if the subject

person no longer needs a conservator (because the subject person's disability has ceased or because the conservatorship estate has been exhausted) or after the subject person dies. A.R.S. § 14-5430. Unless otherwise ordered by the court or unless, in the case of the subject 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, if any, is exonerated. A.R.S. § 14-5419(A).

GENERAL INFORMATION:

1. **Certified Copy of Letters of Appointment.** You will need to obtain a certified copy of the Letters of Appointment that the Clerk of Superior Court will issue to you. The certified copy is proof of your authority to act on behalf of the subject person. You may need to obtain additional (or updated) certified copies from time to time for delivery to, or inspection by, the people with whom you are dealing.
2. **Change of Your Contact Information.** If your contact information changes during your appointment, you must file Form 13, Notice of Change of Fiduciary's Contact Information, within 10 court days after such a change occurs. Ariz. R. Prob. P. 13(c)(1)(A).
3. **Compensation for Services as Conservator.** If you are a licensed fiduciary or are related by blood or marriage to the subject person, you may be entitled to compensation for your services as the subject person's conservator. A.R.S. §§ 14-5414(A) and 14-5651. If you wish to be compensated for your services as conservator, you must file with the court a statement that explains how you will be compensated, including any hourly rate you intend to charge, and you must file an updated statement at least 30 days before you change the basis for your compensation, including your hourly rate. A.R.S. § 14-5109(A) and (B). In addition, you should keep detailed records of the time you spend performing your duties. The time records should include the date you perform each task, a description of the task, the amount of time you spent on the task, and the hourly rate you are charging for that task. Read Rule 33, Arizona Rules of Probate Procedure, and Arizona Code of Judicial Administration § 3-303 for more information about compensation for conservator services.
4. **Mail Notice of this Order.** Within 10 court days after entry of this Order to Conservator of an Adult, you must mail a copy of this order to every party in the case (or if a party is represented, that party's attorney) and to any person who has filed a demand for notice.
5. **Inability to Serve as Conservator.** If you become unable to continue with your duties for any reason, you (or your own guardian or conservator, if you have one) must petition the court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must inform the court of your death and petition for the appointment of a successor.
6. **Legal Advice.** You are responsible for obtaining proper legal advice about your duties. Failure to do so may result in personal financial liability for any losses. If you have any

questions about the meaning of this order or the duties that the court's orders, statutes, and rules impose upon you by reason of your appointment as conservator, you should consult an attorney or petition the court for instructions.

7. Forms. The forms referred to in this order are available at <https://www.azcourts.gov/probate>.

Warning: Failure to obey this order, the other orders of this court, or the statutory provisions or rules relating to conservators may result in your removal as conservator 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. Ariz. R. Prob. P. 48.



Presiding Judge, Probate and Mental Health Department

ACKNOWLEDGEMENT

I (We), the undersigned, agree to be bound by the provisions of this order, as long as I (we) continue to serve as conservator.

Date

Conservator Signature

Conservator Name (Type or Print Name)

Date

Co-Conservator Signature

Co-Conservator 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 MARICOPA COUNTY

In the Matter of the Conservatorship of:

Case Number PB: _____

ORDER OF APPOINTMENT OF A PERMANENT CONSERVATOR OF AN ADULT

☐ for A MINOR AGED 17.5 OR OLDER to
become effective at age 18

(Name of Protected Person)

**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: _____

Representing ☐ Self, without a Lawyer OR ☐ Attorney for _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA 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 SUPERIOR COURT

SEAL

By: _____
Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

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