

## 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 (**9<sup>th</sup>**) 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.