

GUARDIAN AND 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 GUARDIAN and CONSERVATOR
FOR AN ADULT**

(or person at least 17.5 years of age to become effective at 18)

**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 guardian and conservator for an incapacitated adult, **or** a person who is at least 17 and a half years of age who will need a guardian and 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 guardian and 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.

Guardianship and Conservatorship

Get a 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 file to get permanent appointment for an adult. 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	PBGCA8k	Checklist: <i>You may use this packet if . . .</i>	1
2	PBGCA8ft	Table of Contents (this page)	1
3	PBT80f	Declaration of Completion of Training (also included in separate “Training” packet)	1
4	PBC83f	Acknowledgment of Conservator and “Lawyer’s Undertaking (Used only if conservator represented by attorney)	2
5	PBGCA80f	Order to Guardian and Conservator and Acknowledgement	7
6	PBGCA81f	Order of Appointment of a Permanent Guardian and Conservator for an Adult	6
7	PBGC82f	Letters of Appointment as Permanent Guardian and Conservator and Acceptance of Letters of Appointment	3
8	PBGA83f	Supplemental Order to Guardian with inpatient psychiatric treatment authority and acknowledgment	3

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

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 Estate of: _____

Case Number PB: _____

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.)

- ☐ Unlicensed Fiduciary
- ☐ Conservatorship
- ☐ Personal Representative
- ☐ Guardianship

Date completed: _____

Date completed: _____

Date completed: _____

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

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 Guardianship and
Conservatorship of

Case Number: _____

ORDER TO GUARDIAN AND
CONSERVATOR OF AN ADULT

Ward and Protected Person's Name

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 guardian of your "ward" and the conservator for your "protected person," referred to in this order as the "subject person." While you serve as the guardian and 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 GUARDIAN:

- 1G. General Powers and Duties. You have powers and responsibilities like those of a parent of a minor child. A.R.S. § 14-5312(A). However, you are not legally obligated to contribute your own funds to support the subject person. Your responsibilities include, but are not limited to, making appropriate arrangements for the subject person's basic needs, such as food, clothing, and housing. A.R.S. § 14-5312(A)(1)-(2). You are responsible for making decisions concerning the subject person's educational, and social activities. A.R.S. § 14-5312(A)(2). You must consider the subject person's preferences to the extent they are known to you or that you can determine with a reasonable inquiry. A.R.S. § 14-5312(A)(11).
- 2G. Contact Between Subject Person and Others. You must encourage and allow contact between the subject person and other persons who have a significant relationship with the subject person. A.R.S. § 14-5316(A). In exercising this duty, you must consider the subject person's wishes and whether the subject person has sufficient mental capacity to make the decision in question. A.R.S. § 14-5316(C). However, unless the court orders otherwise, you may limit, restrict, or prohibit contact between the subject person and another person if you reasonably believe that the contact will be detrimental to the subject person's health, safety, or welfare. A.R.S. § 14-5316(B).
- 3G. Health Care Decisions for Subject Person. You are responsible for making decisions concerning the subject person's medical needs. A.R.S. § 14-5312(A)(3) and (9). Such decisions include, but are not limited to, choosing doctors, nurses, or other professionals to provide for the subject person's health care needs, and placing the subject person in a health care facility, including a residential care facility. However, you must use the least restrictive residential care setting that is available for meeting the subject person's needs. A.R.S. § 14-5312(A)(8). You may arrange for medical care for the subject person even if the subject person does not wish to have it.
- 4G. Psychiatric and Psychological Treatment for Subject Person. You may give consent to outpatient psychiatric and psychological treatment, including the administration of psychotropic medication. However, you may not place the subject person in an inpatient psychiatric facility without the subject person's consent, unless the court has specifically authorized you to do so. A.R.S. § 14-5312.01(A) and (B).
- 5G. Notify Family Members of Subject Person's Hospitalization. You must notify the subject person's family members as soon as practicable if the subject person is admitted to a hospital for more than 3 days, or if the subject person dies. A.R.S. § 14-5317(A).
- 6G. Do Not Accept "Kickbacks." You must not accept any compensation for placing the subject person in a particular nursing home or other care facility, using a certain doctor, or using a certain attorney. "Compensation" includes, but is not limited to, direct or indirect payment of money, "kickbacks," gifts, favors, or other items of value.

- 7G. File Annual Reports. You are required to file a written report with the court annually concerning the subject person's residence, physical and mental health, and whether the guardianship should be continued. A.R.S. § 14-5315(A). Your report is due each year no later than 60 days after the anniversary date of the issuance of your letters of permanent appointment, or on a date established by the court. Ariz. R. Prob. P. 46(a).
- 8G. Change of Subject Person's Contact Information. If the subject person's contact information changes, you must file Form 14, Notice of Change of Ward's Contact Information, within 3 court days after learning of such change. Ariz. R. Prob. P. 13(c)(1)(B). If the subject person dies, you must notify the court in writing no later than 14 calendar days after learning of the death. Ariz. R. Prob. P. 40(c).
- 9G. Termination of Subject Person's Incapacity. You must always be mindful of the subject person's needs and best interests. If the circumstances that made a guardianship necessary should end, you are responsible for petitioning the court to terminate the guardianship and obtaining your discharge as guardian. A.R.S. § 14-5312(A)(7). Even if the guardianship terminates, you will not be discharged from your responsibilities until you have obtained a court order discharging you. A.R.S. § 14-5306.

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 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 Guardian and 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 guardian and conservator. A.R.S. §§ 14-5314(A), 14-5414(A), and 14-5651. If you wish to be compensated for your services as guardian and 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 guardian and conservator services.
4. **Mail Notice of this Order.** Within 10 court days after entry of this Order to Guardian and Conservator of an Adult, you must mail a copy of this order to every party in this 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 Guardian and 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 guardian and 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 guardians and conservators may result in your removal as guardian and 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 guardian and conservator.

Date

Guardian/Conservator Signature

Guardian/Conservator Name (Type or Print Name)

Date

Co-Guardian/Conservator Signature

Co-Guardian/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
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 18th birthday on this date:** _____(Month, Date, Year of the ward's 18th 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:

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:

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)

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
Guardianship and Conservatorship for

Case Number: _____

LETTERS OF APPOINTMENT AS PERMANENT GUARDIAN and CONSERVATOR and ACCEPTANCE OF LETTERS

Name of Protected ☐ Adult ☐ Minor

ISSUANCE OF LETTERS:

1. (Guardian/Conservator's Name:) _____
is appointed as guardian and conservator for the above named adult or minor.
2. **Reason for appointment:** The person named in the caption above has been declared a protected and incapacitated person.
3. **Length of appointment:** until further order of this court,
or: _____
4. **Restrictions** that apply to this permanent appointment, by order of the court:

☐ **Restrictions above affect 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.

5. MENTAL HEALTH CARE:

- ☐ **OUTPATIENT MENTAL HEALTH CARE.** The Guardian has the authority to consent for the Ward/Incapacitated Person to receive outpatient mental health care and treatment.
- ☐ **INPATIENT MENTAL HEALTH CARE.** The Guardian has the authority to place the ward in an Inpatient Psychiatric Facility for inpatient mental health care and treatment. This authority expires on _____ (date).

6. 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.

WITNESS: _____

CLERK OF SUPERIOR COURT

SEAL

By: _____
Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

I accept the duties as permanent guardian and conservator of:

(Name of Protected and Incapacitated Person)

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 _____

For Clerk's Use Only

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the Matter of the Guardianship of:

Case Number: _____

Ward's Name, an Adult.

SUPPLEMENTAL ORDER TO GUARDIAN
WITH INPATIENT PSYCHIATRIC
TREATMENT AUTHORITY AND
ACKNOWLEDGMENT

Warning: This appointment is not effective until the Letters of Appointment have been issued by the Clerk of Superior Court.

The welfare and best interest of the person named above ("your ward") are matters of great concern to this Court. This document addresses only your powers and duties relating to inpatient psychiatric treatment for your ward. Thus, the orders made in this document are in addition to, and supplement, the orders made in the Order to Guardian and Acknowledgment and Information to Interested Persons or the Order to Guardian and Conservator and Acknowledgment and Information to Interested Persons that you and the Court have signed.

Notwithstanding paragraph 6 of the Order to Guardian and Acknowledgment and Information to Interested Persons or the Order to Guardian and Conservator and Acknowledgment and Information to Interested Persons, you may place your ward in an inpatient psychiatric facility against your ward's will. However, you must comply with A.R.S. § 14-5312.01, including but not limited to the following requirements:

- A. Within forty-eight hours after placing your ward in an inpatient psychiatric facility, you must notify your ward's attorney of the placement.
- B. When your ward is admitted to an inpatient psychiatric facility, you must provide that facility with the name, address, and telephone number of your ward's attorney.
- C. You must sign any documents necessary to allow your ward's attorney access to all of your ward's medical, psychiatric, psychological, and other treatment records.
- D. You must place your ward in the least restrictive treatment alternative within five calendar days after the medical director of the inpatient psychiatric facility notifies you that your ward no longer needs inpatient care.
- E. You must file with the annual report of the guardian required pursuant to [A.R.S. § 14-5315](#) an evaluation report by a psychiatrist or a psychologist. The evaluation report must indicate whether your ward will likely need inpatient mental health care and treatment within the next 12 months. If you do not file the evaluation report, or if the report that is filed indicates that your ward will not likely need inpatient mental health care and treatment, your authority to consent to placement in an inpatient psychiatric facility will cease on the date specified in the prior court order. If the report supports the continuation of your authority to consent to inpatient treatment, the court may extend your authority to consent to this placement in an inpatient psychiatric facility. However, at least 30 days before that authority expires, you must file a motion requesting that the Court extend that authority.
- F. At any court hearing regarding the placement of your ward in an inpatient psychiatric facility, you will have the burden of proving by clear and convincing evidence that your ward is likely to be in need of inpatient mental health care and treatment within the period of the authority granted.

This order is only an outline of some of your duties as a guardian who has been granted the authority to place your ward in an inpatient psychiatric facility. 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.

Case Number: _____

Warning: Failure to obey the orders of this court and the statutory provisions relating to guardians 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, a fine, or both.



Presiding Judge, Probate and Mental Health Department

ACKNOWLEDGEMENT

I (We), the undersigned acknowledges receiving a copy of this Order and agree(s) to be bound by its provisions, whether or not read before signing, as long as serving as guardian.

Date

Guardian's Signature

Guardian's Name (Type or Print Name)

Date

Co-Guardian's Signature (if any)

Co-Guardian's Name (Type or Print Name)