

CONSERVATOR

For a MINOR

Do not copy
or file this page

3

Part 3: Preparing for and Attending the Court Hearing

(Forms Packet)

SELF-SERVICE CENTER

APPOINTMENT OF CONSERVATOR FOR A MINOR

**PART 3: PREPARING FOR AND
ATTENDING THE COURT HEARING**

CHECKLIST

You may use these forms and instructions if . . .

- ✓ You filed papers to request permanent (longer than 6 months) appointment of a conservator for a minor, to be effective until he or she reaches the age of 18, unless terminated earlier by court order;
- ✓ 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.

SELF-SERVICE CENTER

CONSERVATORSHIP

TO GET PERMANENT APPOINTMENT FOR A MINOR

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

(Forms Only)

This packet contains court forms to prepare for attending the court hearing for the permanent (more than 6 months) appointment of a conservator for a minor. 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	PBCM8k	Checklist: <i>You may use this packet if . . .</i>	1
2	PBCM8ft	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 “Lawyers Undertaking” (For use by Attorney representing Conservator) (if any)	2
5	PBCM80f	“Order to Conservator(s) for a Minor and Acknowledgement”	4
6	PBCM81f	“Order of Appointment of a Permanent Conservator for a Minor”	3
7	PBC82f	“Letters of Appointment as Permanent Conservator” and “Acceptance of Letters of Appointment”	2

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: _____



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.)

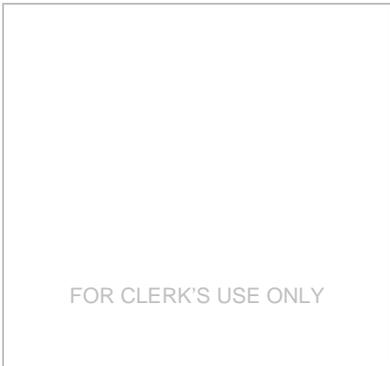
- | | |
|--|-----------------------|
| <input type="checkbox"/> Unlicensed Fiduciary | Date completed: _____ |
| <input type="checkbox"/> Conservatorship | Date completed: _____ |
| <input type="checkbox"/> Personal Representative | Date completed: _____ |
| <input type="checkbox"/> Guardianship | Date 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

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 _____



SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

In the Matter of the Conservatorship of

Case Number: _____

Protected Minor's Name

ORDER TO CONSERVATOR OF
A MINOR

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 the protected minor named above. While you serve as the minor's conservator, you will be under this court's authority and supervision, and the court will continue to monitor the minor's best interests.

This Order generally explains your duties to the minor 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.

1. Ownership of Conservatorship Assets. The conservatorship assets are the minor's property. The assets do not belong to you. You must hold and manage the assets for the minor's benefit.

2. **Use of Minor's Assets.** If you are a parent of the minor, you may not use conservatorship assets to fulfill your legal obligation to support your child. That is, you may not use the conservatorship funds to pay for things that parents normally would pay for to support their own children, such as food, clothing, shelter, education expenses, etc., unless the court enters an order that expressly allows you to do so.
3. **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 minor. 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.
4. **Titling of Accounts.** Any financial account that belongs to the minor should be titled "The Estate of (the minor's name), Minor" by (your name), Conservator.
5. **Restricted Assets.** If the court has entered an order restricting an account, you must file Form 10, Proof of Restricted Account from Financial Institution, within 30 days after the court's order, or as otherwise ordered by the court. Form 10 must be signed by an authorized representative of the financial institution. Ariz. R. Prob. P. 36(b)(2). You may not withdraw funds (principal or interest) from the restricted account without a court order. If the financial institution allows you to withdraw the funds without a court order, you may be personally liable for the funds withdrawn from the account. The court may also remove you as conservator, find you in contempt of court, and sanction you for your failure to follow the court order.
6. **Compliance with Probate Rule 45.** If the court has not waived these requirements, you will need to comply with A.R.S. §§ 14-5418 and 14-5419 and Rule 45 of the Arizona Rules of Probate Procedure regarding the filing of an inventory, a consumer credit report, accounts, and budgets.
7. **Termination of the Conservatorship.** The conservatorship terminates only when the court enters an order terminating the conservatorship. Before the court can enter such an order, you, the minor, or another interested person must file a petition asking the court to terminate the conservatorship and to allow the conservatorship property to be disbursed to the former minor. The petition should be filed when the minor turns 18, after the funds in the conservatorship estate have been depleted, or the minor's death, whichever occurs first. You may need to file a final account with the court before you can be discharged of liability in connection with the conservatorship and before any bond is exonerated.
8. **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 days after such a change occurs. Ariz. R. Prob. P. 13(c)(1)(A).

9. **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.
10. **Compensation for Services as Conservator.** If you are a licensed fiduciary or are related by blood or marriage to the minor, you may be entitled to compensation for your services as conservator. *See* A.R.S. §§ 14-5414(A) and 14-5651(K)(1). If you wish to be compensated for your services, 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.
11. **Mail Copy of this Order.** Within 10 court days after the court issues this Order to Conservator of a Minor, you must mail a copy of the Order to the following:
 - (a) The minor, if the minor is at least 14 years of age;
 - (b) The minor's attorney (if the minor has an attorney) and parents;
 - (c) The minor's guardian, if one has been appointed for the minor; and
 - (d) Any person who has filed a demand for notice in connection with this matter.
12. **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.
13. **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 FOR A MINOR A.R.S. §14-5401

Name(s) of Protected Minor(s)

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 a 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. § 14-5404(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. **CONSERVATORSHIP:**

- 1. The above-named person or persons to be protected are unmarried minors whose full name(s) and date(s) of birth are as follows:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

- 2. Appointment of a conservator is necessary because the minor (whether one or more) owns money or property that requires management or protection which cannot otherwise be provided, may have business affairs which may be jeopardized or prevented by his or her minority, needs funds for his or her education, and protection is necessary or desirable to obtain or provide funds.
- 3. The person named below is eligible to serve as conservator under Arizona law.

IT IS ORDERED: (check the boxes that apply)

1. **The Court appoints:** _____
as permanent conservator for the minor(s) to be protected named above.
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. **TRAINING REQUIREMENTS:**

The Conservator shall complete the training for non-licensed fiduciaries specified by the Supreme Court of this state before Letters of Appointment are issued, OR

 The training requirements for non-licensed fiduciaries are waived.
4. **ISSUANCE OF LETTERS:**
Upon filing of any required bond and declaration of completion of any required training, ***“Letters of Conservatorship for a Minor”*** shall be issued by the Clerk of the Court, Probate Registrar.
5. **FUNDS:** The minor's funds in the amount of \$ _____ are to be deposited in an interest bearing, federally insured, restricted account in a financial institution in this jurisdiction in the name of ***“The Estate of (name of minor), a Minor, by (name of conservator), Conservator.”***
(For example: “The Estate of Joan Doe, a Minor, by John Smith, Conservator”.)
6. **RESTRICTED ACCOUNT:** No withdrawals of principal or interest may be made without a certified copy of an order of this Court authorizing the withdrawal.
7. **REINVESTMENT:** 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**).
8. **PROOF OF RESTRICTED ACCOUNT:** 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.
9. **FILING PROOF OF RESTRICTED ACCOUNT:** The conservator, the attorney for the conservator, attorney for the protected minor(s), 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.
10. **ESTABLISHING AN ANNUITY CONTRACT:** The conservator and/or counsel shall file with the Court proof of purchase of the annuity in the form of a copy of the annuity contract and proof of the carrier's agreement to abide by the terms of this Order within **thirty (30) days** of the issuance of this order.

11. **ACCEPTANCE OF LETTERS:** The conservator shall sign the Acceptance of the Letters under oath or affirmation, and file the Acceptance with the Clerk of the Court, Probate Registrar.

12. **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 if obtainable, **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.

13. **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 as required by A.R.S. §14-5319.

OR

Annual Accounting **is waived** and is not required to be filed with the court.

14. **CHANGE OF ADDRESS:** The guardian and/or conservator shall immediately notify the court in writing of any change in his or her own address or that of any protected minor.

15. **OTHER DUTIES UNDER THE LAW:** The duties of the guardian and/or conservator required by Arizona law and as set forth in this Order and the Order of Instruction shall continue until the guardian and/or conservator is discharged from these duties by order of this court.

DONE IN OPEN COURT: _____

Signature of Judicial Officer

Printed Name

NOTICE: If the conservatorship needs to continue after the minor reaches the age of 18, in accord with Arizona law, A.R.S. § 14-5401 (B), a petition may be filed after the minor’s 17th birthday and before any court order for the termination of the present conservatorship, to continue the conservatorship for the now-adult protected person.

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