

# CONSERVATORSHIP

# 1

**Partial Release of Restricted Funds  
for Minor or Adult  
(Instructions and Forms Packet)**

## Law Library Resource Center

### Partial Release of Restricted Funds During Conservatorship

#### Checklist

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You have been appointed the conservator for a protected person, or are otherwise entitled to act on their behalf, AND,
- ✓ The protected person's funds are in a restricted account in a bank or financial institution, AND,
- ✓ You want permission from the Court to release money for the benefit of the protected person, AND,
- ✓ You are not seeking to terminate the conservatorship at this time. (For a minor conservatorship, there is a separate packet to terminate the conservatorship and release all funds.)

**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 can be found on the Law Library Resource Center website.

Law Library Resource Center

Petition for release of restricted funds -- minor or adult

This packet contains court forms and instructions to file a petition for release of restricted funds. 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!

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2	PBGCR1t	Table of Contents (this page)	1
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5	PBGCR81f	<b>Order Releasing Restricted Funds</b>	2
6	PBGCR91f	<b>Proof of Use of Funds Released From Restricted Account</b>	3

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## Procedures: How to file a Petition for Release of Restricted Funds

### A. Information about a Petition for Release of Restricted Funds:

Often the Court will order that some or all of the funds of a protected adult or minor must be placed in a restricted account. This means that the funds cannot be used for anything until released by order of the Court. If the conservator wants to use the funds to buy something for the protected adult or the minor, the conservator must ask the Court in a petition for permission to use the funds.

Usually, the Court will say what the funds can be used for, and how much money can be spent. The Court will rarely allow a parent to use the minor's money for the necessities/costs of daily living, such as clothing, food, or housing, since parents have a legal obligation to provide these things for the minor.

### B. Instructions:

1. Complete and then file a Petition for Release of Restricted Funds and state exactly what you want to buy and how much you reasonably think it would cost. Type and use black ink. Then file the original at any Clerk of Superior Court filing counter or efile the documents.

Downtown Phoenix: Old Courthouse Filing Counter 125 W. Washington, 1st floor Phoenix, AZ 85003	Downtown Phoenix: Central Court Building 201 West Jefferson, 1st floor Phoenix, AZ 85003
Northeast Phoenix: Northeast Regional Court Facility 18380 North 40th Street Phoenix, AZ 85032	Surprise: Northwest Regional Court Facility 14264 West Tierra Buena Lane Surprise, AZ 85374
Mesa: Southeast Court Facility 222 East Javelina Avenue, 1st floor Mesa, AZ 85210	

Make copies of the Petition for the Clerk to conform (date-stamp) for you. You need to keep one copy, keep another copy for the Judicial Officer who will hear your case, and the other copies are to give notice to all interested parties (see below).

### 2. Get a Hearing Date

To request a hearing, you must either:

- submit a copy of your petition to Probate Court Administration located at the Old Courthouse (OCH), 1st Floor, 125 W. Washington St., Phoenix, AZ 85003,
- OR
- wait four days from filing, then call Probate Court Administration at (602) 506-5510.

Once the Court sets an initial hearing date, it will send you a Notice of Hearing using the email provided in your Petition. (If you did not provide an email, it will be mailed.) This Notice of Hearing is important. It is required to complete Step 3.

3. Give Notice as required in Packet 2: Service and Notice in Probate Cases. Once you have given Notice to all interested persons, move to Step 4, below.
4. Mail or deliver a copy of the Petition and your proposed Order Releasing Funds to the Judicial Officer.
5. Attend the hearing. Be ready to explain what you want to spend the money on, how much you think it will cost, and why this is in the best interests of the minor or protected adult.
6. Court Order. If the Court grants your Petition, the order will tell you how much money you are authorized to spend, and what you can spend it on. The order may list other restrictions or require you to perform other tasks. You need to go back to the Clerk of Superior Court and get a certified copy of the Order at any of the locations listed above. The Court fees can be found at <http://clerkofcourt.maricopa.gov/fees.asp>. You will need to present the certified copy of the order to the bank or financial institution before it will release the funds.
7. Release of funds. When the bank or institution releases the funds to you, you may only spend the money exactly as the Court authorized.
8. Complete all tasks ordered by the Court. The order may require you to file a Proof of Expenditure within a certain amount of time. This is to prove to the Court what you bought, what it was for, and how much you paid. The Court may have ordered other tasks to verify how the money was spent. You may file all necessary documents at any Clerk of the Superior Court location.

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: (check one or both)

Guardianship  Conservatorship of

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

PETITION FOR RELEASE OF  
FUNDS FROM RESTRICTED  
ACCOUNT

\_\_\_\_\_  
 a Minor or  an Adult

1. APPOINTMENT: The following person as appointed (name) \_\_\_\_\_  
and accepted appointment as (check one box):

Guardian and conservator on (date) \_\_\_\_\_;

Guardian (date) \_\_\_\_\_

Conservator (date) \_\_\_\_\_.

2. BIRTH DATE. The  minor or  adult was born on (date) \_\_\_\_\_

3. RESTRICTED FUNDS: The minor/adult has exactly \$ \_\_\_\_\_ in a restricted account,  
(account number) # \_\_\_\_\_ deposited with (name of bank or financial  
institution) \_\_\_\_\_

4. NO PREVIOUS WITHDRAWALS.

No previous withdrawals have been made from the account without a written order of this Court. (If this statement is true, check the box. If the statement is not true, see a lawyer for help.)

5. REASON THE FUNDS ARE NEEDED.

The minor/adult needs funds from the restricted account for the following reasons and in the following amounts:

REASON/PURPOSE	AMOUNT
a. _____	\$ _____
b. _____	\$ _____
c. _____	\$ _____

6. NO OTHER SOURCE OF FUNDS.

There is no other source of funds to pay for these needs, and no parent or other person is under a legal obligation to satisfy this need. (If this statement is true, check the box. If the statement is not true, see a lawyer for help.)

REQUEST TO THE COURT

Petitioner asks that the Court do the following things after notice and hearing:

1. Direct the release of restricted funds in the amounts and for the purposes requested in this Petition;
2. Require proof to be filed with this Court within a reasonable period of time that the released funds have been used for the purposes described in this Petition;
3. Make any other orders the Court decides are in the best interests of the minor/adult.

This signature page belongs to the form titled "Petition for Release of Funds from Restricted Account" and cannot be used with other documents.

**OATH OR AFFIRMATION AND VERIFICATION**

I swear or affirm that the information on this document is true and correct under penalty of perjury.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to or affirmed before me this: \_\_\_\_\_

(date) by \_\_\_\_\_.

(Notary seal)

\_\_\_\_\_  
Deputy Clerk or Notary Public

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 (check one or both)  
 Guardianship or  Conservatorship of

Case No. \_\_\_\_\_

ORDER RELEASING FUNDS FROM  
A RESTRICTED ACCOUNT

\_\_\_\_\_  a Minor or  an Adult

This is an important court order that could affect your legal rights. Read it carefully.  
If you do not understand it, see a lawyer for help.

THE COURT FINDS:

1. PETITION FILED: A "PETITION FOR RELEASE OF FUNDS" from a restricted account was filed by \_\_\_\_\_ (name), the guardian and/or conservator.
2. NOTICE OF PETITION: Notice of the Petition was given as required by law or waived.
3. The Petition for Release of Funds from the Restricted Account has been reviewed by the Court. The Court finds that the protected person is in need of funds for the reasons set forth in the Petition. Therefore,

IT IS HEREBY ORDERED:

1. Directing (name of the financial institution) \_\_\_\_\_  
 to issue a check payable from account # \_\_\_\_\_  
 In the amount of: \_\_\_\_\_  
 Made payable to: \_\_\_\_\_

2. Directing the Guardian and/or Conservator to use the money for the following purposes, and to file receipts as proof that the funds have been used for the purposes within \_\_\_\_\_ days of this order.

PURPOSE	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____

3. Ordering that this case shall be reviewed by division staff on \_\_\_\_\_ (date) to determine compliance of the Guardian and/or Conservator with this order.

Done in open court: \_\_\_\_\_

\_\_\_\_\_  
 JUDICIAL OFFICER

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  
MARICOPA COUNTY

In the Matter of (check one or both)

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

Guardianship  Conservatorship of

PROOF OF USE OF FUNDS RELEASED  
FROM RESTRICTED ACCOUNT

\_\_\_\_\_  a Minor or  an Adult

1. RELEASE OF FUNDS: The Court ordered the release of funds from a restricted account on (date) \_\_\_\_\_ in the total amount of \$\_\_\_\_\_.
2. USE OF FUNDS. I spent the released money as follows: (The originals of the receipts are attached to this court document.) (Attach another sheet of paper if necessary.)

DESCRIPTION OF USE OF FUNDS	AMOUNT
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL	\$ _____

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

This page must be completed and attached  
to the last page of this form

I filed the ORIGINAL of the attached document(s) with the Clerk of the Superior Court in Maricopa County on: \_\_\_\_\_.  
Month Date Year

I mailed/delivered a COPY of the attached document(s) to the Judicial Officer assigned to my case, Judge (or Commissioner): \_\_\_\_\_, on \_\_\_\_\_.  
Month Date Year (Judicial Officer assigned to your case)

I mailed/delivered a COPY of the attached document(s) on this date:  
Month Date Year

LIST ALL INTERESTED PARTIES

(You must mail a copy of all documents to all interested persons or to their lawyers, if they are represented.)

Interested Person \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name of Interested Person's Lawyer \_\_\_\_\_  
Lawyer's Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

If there are more interested persons, please provide their information on the following page.

By signing below, I state to the Court, under penalty of law, that the information stated on these pages is true and correct to the best of my knowledge and belief.

I further state that I have filed/mailed the attached document(s) as shown above and on the following page.

\_\_\_\_\_  
Your signature

(Optional Page)

If there is more than one interested person, provide their information in the following section. Remember that every interested person needs to have a copy of your motion. If the interested person has an attorney, you will need to send the copy to their lawyer.

Interested Person \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name of Interested Person's Lawyer \_\_\_\_\_  
Lawyer's Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Interested Person \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name of Interested Person's Lawyer \_\_\_\_\_  
Lawyer's Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Interested Person \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name of Interested Person's Lawyer \_\_\_\_\_  
Lawyer's Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Interested Person \_\_\_\_\_  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Name of Interested Person's Lawyer \_\_\_\_\_  
Lawyer's Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_