# CONSERVATOR

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)

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#### 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 courtordered 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: You may use this packet if	1
2	PBCA8ft	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 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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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 A	ttorney for Petitioner OR Respondent
	OURT OF ARIZONA COPA COUNTY
In the Matter of the Estate of:	Case Number PB:
	DECLARATION OF COMPLETION
	OF TRAINING for
A ☐ Deceased or ☐ Protected Person	NON-LICENSED FIDUCIARIES
conservator, or personal representative of a corporation, complete a training program appro	ocedure requires that a person to be appointed guardian, n estate, who is neither a state-licensed fiduciary nor a eved by the Supreme Court of this state before permanent in 30 days of a temporary or emergency appointment.
UNDER PENALTY OF PERJURY	
	le 27.1 of the Arizona Rules of Probate Procedure, for non-licensed, non-corporate fiduciaries, as provide applicable information.)
Unlicensed Fiduciary	Date completed:
Conservatorship	Date completed:
<ul><li>Personal Representative</li></ul>	Date completed:
☐ 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:	FOR CLERK'S USE ONLY
Lawyer's Bar Number:	
Representing Self, without a Lawyer or	Attorney for Petitioner OR Respondent
SUPERIOR CO	OURT OF ARIZONA
IN MARIC	COPA 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	_ OBLIGATION
1	having been appointed by
(Conservator's Name)	, having been appointed by
the Superior Court of Arizona in Maricopa named above, hereby authorize	County as Conservator for the protected person to
	(Attorney's Name)
deposit all of the net conservatorship asse	ets, in the amount of \$
The assets will be deposited in a restricted	d account in my name as the Conservator for:
(Name of the Protected Adult or Minor	or)
This shall be a restricted account.	
<ul> <li>No withdrawals of principal or interest Superior Court of Arizona in Maricopa</li> </ul>	t will be permitted except by certified order of the County.
<ul> <li>Reinvestments may be made without remains restricted and at the same final</li> </ul>	t an order of the Court as long as each account ancial institution.
Date	Conservator's Signature
Signed or Affirmed before me: (Date)	byPrinted Name
My Commission Expires/: Seal below:	Deputy Clerk or Notary Public

LAWYER'S UNDERTAKING AND OBLIGATION	DN
, as an officer of this Court and as the attorney for _	
	(Conservator's Name)
n this person's capacity as the conservator for	
	(Protected Person's Name)
nereby assume and undertake personal responsibilit	y to the protected person and to the Court
to make the above designated restricted deposit and	I to deliver to the Court a completed <i>Proof</i>
of Restricted Account form evidencing the restricted	ed 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:	
(Attor	ney's Signature)

(Attorney's Printed Name)

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

Person Filing:	
Address (if not protected):	
City, State, Zip Code:	
Telephone:	For Clerk's Use Only
Email Address:	
Lawyer's Bar Number:	
Licensed Fiduciary Number:	
Representing Self, without a Lawyer OR Atto	orney for
SUPERIOR COURT O IN MARICOPA C	
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).

Case Number:	
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- 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).

Case Number:	

- 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

Case Number:
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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 <a href="https://www.azcourts.gov/probate">https://www.azcourts.gov/probate</a>.

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 continue to serve as conservator	to be bound by the provisions of this order, as long as I (we).
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:		FOR CLERK'S USE ONLY
Licensed Fiduciary Number:		TON OLLINO GOL GIVET
Representing Self, without a Lawyer or Attorney for Petitic	oner OR 🔲	Respondent
SUPERIOR COURT OF AR IN MARICOPA COUN		

In the Matter of the Conservatorship of:

Case Number PB:

ORDER OF APPOINTMENT OF A PERMANENT CONSERVATOR OF AN ADULT

become effective at age 18

for A MINOR AGED 17.5 OR OLDER to

(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.

TIC OF	DEDE	·n.
T IS OF		
		urt appoints:
i	as perm	anent conservator for the person to be protected named above.
		person to be protected is a MINOR, and the appointment is effective
	upon th	e minor's 18 <sup>th</sup> birthday on this date:
		(Month, Date, Year of Protected Person's <b>18</b> <sup>th</sup> Birthday)
2.	BOND:	The Conservator must file a bond in the amount of \$
<b></b>		with the Clerk of the Court, Probate Registrar by (date):
	OR	Bond is not required.
	CLIAN	OF OF LETTERS.
U	lpon filin	CE OF LETTERS:  Ing of any required bond, "Letters of Conservatorship of an Adult" shall be issued by the che Court, Probate Registrar,
	SUB	JECT TO THE FOLLOWING RESTRICTIONS:
		<b>RESTRICTED ACCOUNT:</b> 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 or 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.

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

4.		<b>EPTANCE OF LETTERS:</b> The Conservator shall sign the "Acceptance of the Letters" under by affirmation, and file the Acceptance with the Clerk of the Court, Probate Registrar.		
5.	INVENTORY and CREDIT REPORT:			
	OR	Within <b>90</b> calendar days of this date, the Conservator must prepare and file with the Clerk of the Court <b>a detailed inventory</b> of the protected person's assets indicating fair market value, as required by A.R.S. § 14-5418, and <b>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,</b>		
		"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 fiduciar services. Rule 30.2, A.R.P.P.			
8.	ANNI OR	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.		
		Annual Accounting is waived and is not required to be filed with the court.		
9.	<b>CHANGE OF ADDRESS:</b> The Conservator shall immediately notify the Court in writing of any change in address of either protected person or conservator.			
10.	<b>OTHER DUTIES UNDER LAW:</b> 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:			
	□ T	he court-appointed attorney is discharged from further duties in this matter, or		
	CC	ne Court having found that the best interests of the protected or incapacitated person require ontinuing representation, the court-appointed attorney <b>is not discharged</b> from further duties in is matter,		
DONE	IN OPEN	N COURT:		
		Signature of Judicial Officer		
		Printed Name		

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

Persor	n Filing:		
Addres	ss (if not protected):		
City, S	tate, Zip Code:		
Teleph	one:		
Email A	Address:		FOR CLERK'S USE ONLY
Lawye	r's Bar Number:		
Licens	ed Fiduciary Number:		
Repres	senting Self, without a Lawyer OR Atto	orney for	
		URT OF ARIZONA OPA COUNTY	
In the I	e Matter of Conservatorship for Case Number:		
		LETTERS OF APPOINT PERMANENT CONSERVANDE OF I	/ATOR
Name	of Protected Adult Minor		
ISSU	JANCE OF LETTERS:		
1.	(Conservator's Name:)		
	is appointed as conservator for the abo	ve named adult or minor.	
2.	Reason for appointment: The adult or mi	nor named in the caption above	e is a protected person.
3.	Length of appointment: until further orde	r of this court.	
4.	Restrictions that apply to this permanent	appointment, by order of the co	urt:
	Restrictions above affect the conservator therefore, in accord with Rule 22 (C) (2) Funds shall be deposited into an interest-be institution engaged in business in Arizona without certified order of the Superior Cour may be made without further court order institution at this branch.	<ul> <li>Arizona Rules of Probate Prearing, federally insured restricted.</li> <li>No withdrawals of principal of the principal of the</li></ul>	ocedure: ed account at a financial r interest may be made the court, reinvestment
WITNE	ESS:	CLERK OF SUPERIOR COUR	т
SEAL		By: Deputy Clerk	

Case No.		

### **ACCEPTANCE OF LETTERS OF APPOINTMENT**

accept the duties as permanent conservator	r of
•	(Name of Protected Person)
and	
swear or affirm that I will perform these dut	ties according to law.
	Signature of Conservator
	Printed Name of Conservator