

CONSERVATOR

For a Minor

3

**Part 3: Preparing for and
Attending the Court Hearing**

Instructions

CONSERVATORSHIP

TO GET PERMANENT APPOINTMENT FOR A MINOR

PART 3: Preparing for and Attending the Court Hearing

(Instructions Only)

This packet contains instructions to file the court papers for preparing and attending the court hearing for the permanent (longer 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!

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IMPORTANT NOTICE

TRAINING REQUIREMENTS

Effective September 1, 2012

The Arizona Supreme Court requires that any person who is not a state-licensed fiduciary (or a financial institution) must complete a training program approved by the Supreme Court **before** Letters of Appointment to serve as a guardian, conservator, or personal representative can be issued by the Clerk of the Court, or within 30 days of a temporary or emergency appointment.

TRAINING SHOULD BE COMPLETED BEFORE THE COURT HEARING
Additional time may be granted for good reason.

You may access and complete the training FREE online at:
www.azcourts.gov/probate/Training.aspx

Go to the section for “**Non-licensed Fiduciaries**” and click on the link to access a narrated slide-show presentation of the materials applicable to your situation.

You may also pick up a printout of the training materials in English *or Spanish* from the Self-Service Center. AFTER reviewing the materials, you will need to inform the Court that you have completed the training by filing either the Certificate available at the end of the online training, or the Declaration of Completion form available from the Self-Service Center. If you have questions about the training, contact the Probate Clerk at 602-506-3668.

PROCEDURES: PREPARING FOR AND ATTENDING THE COURT HEARING for CONSERVATORSHIP for a MINOR

STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

- A. ORDER TO CONSERVATOR(s)** (PBCM80f): The person who is to serve as Conservator must **READ AND SIGN** this document.

READ CAREFULLY! SIGNING THIS DOCUMENT INDICATES THAT YOU UNDERSTAND AND AGREE TO ACCEPT LEGAL RESPONSIBILITY FOR OBEYING THE TERMS OF THIS ORDER.

- The proposed conservator must sign this Order in the **acknowledgement** section to indicate his/her understanding and agreement with the terms of the Order, *and then make 2 copies: one to keep, and one to deliver to the court.*
- B. ORDER OF APPOINTMENT OF PERMANENT CONSERVATOR:** (PBCM81f)
- Complete the caption of the **Order**, which includes the name of the protected person (the Ward) and the case number.
 - The Judge/Commissioner will fill in the rest of the Order at the hearing and sign the Order if he or she agrees that a conservator should be appointed.
 - **Be sure to write the case number on all documents to be presented to the court!**
- C. OTHER DOCUMENTS FOR THE JUDGE BEFORE THE HEARING:** In addition to the **3 documents** listed above, you **also** need to **mail or hand-deliver** the following:
- **NOTICE OF HEARING** (PBGC18f),
 - **DECLARATION OF NOTICE PROVIDED** (PBGC29f), (from packet 2, “Service of Notice”) and
 - **WAIVER OF NOTICE** (PBGC19f), (*if applicable*)

Mail or hand-deliver the original *and one copy* of the documents listed in A, B, C, and D above to the Judicial Officer who will conduct the hearing. **If mailing**, it is recommended that you post them **10** full days before the hearing. If delivering in person, do so at least **5 business days** before the hearing.

- STEP 2** (Optional) **REQUEST A COURT REPORTER AND/OR INTERPRETER:** If you or the person to be protected need the court to provide an interpreter, or you need to hire a court reporter (at your expense) to make a written record of every word of the hearing, you must inform the staff of the judicial officer who will conduct the hearing, **preferably at least 10** days before the hearing **but no later than 2** days before the hearing.

NOTICE: Effective September 1, 2012, The Arizona Supreme Court requires that every person who is to serve as a conservator, guardian, or personal representative [executor] of an estate who is not a state-licensed, professional fiduciary must complete a training program approved by the Supreme Court **before Letters of Appointment** can be issued by the Clerk of the Court.

Training should be completed *and a statement that the training has been completed* should be brought to (or filed before) the hearing, though additional time to complete the training may be requested for good reason.

If you completed the (English-only) *online* training, you may either print the "**Certificate**" that appears at the end of each online program **or** submit the "**Declaration of Completion**" form included in this packet, and which is also included with the Self-Service Center's training materials, which are available in both English and Spanish.

See the "**Notice Regarding Training Requirements**" (PBT10i) in this packet for additional information.

STEP 3 BRING THESE DOCUMENTS TO THE COURT HEARING:

These documents will be filed if the Judicial Officer (Judge or Commissioner) grants the conservatorship. Make at least **2 copies** to bring with you to the hearing.

- **ORDER OF APPOINTMENT** (PBCM81f)
- **ORDER TO CONSERVATOR and ACKNOWLEDGMENT*** (PBC80f)
- **LETTERS OF APPOINTMENT and ACCEPTANCE OF LETTERS** (PBC82f).
- **DECLARATION** (or "**Certificate**") **OF COMPLETION OF TRAINING** (PBT80f)
- **ACKNOWLEDGMENT OF CONSERVATOR and LAWYER'S UNDERTAKING and OBLIGATION*** (Only if Conservator represented by lawyer.* See **NOTE** below*) (PBC83F)

AT THE HEARING:

- Be prepared to testify about why you think conservatorship is needed.
- Bring any witnesses you think will help to testify as well.
- Bring a copy of **everything you already filed** with the Court in this matter.

STEP 4. AFTER THE HEARING:

- A. IMMEDIATELY** after the Judge/Commissioner signs the conservatorship papers, take the following original documents (and the extra copy) to the Probate Filing Counter.
- **Order of Appointment,**
 - **Order to Conservator and Acknowledgment, ***
 - **Letters of Appointment,** and the
 - **Declaration** (or "**Certificate**") **of Completion of Training** (*if not previously filed*)

***Please Note: If Conservator is represented by an attorney, the attorney would file the "Acknowledgement of Conservator" and "Lawyer's Undertaking" instead of the "Order to Conservator".**

Ask the Clerk to issue the **LETTERS OF APPOINTMENT**. The Clerk will stamp and file the appropriate originals and return the copies for you to keep for your records.

B. WITHIN 90 DAYS: The conservator must file a:

- **Proof of Restricted Account** (if ordered by the Court),
and, unless you were specifically ordered to NOT do so by the court, an
- **Inventory,**
- **Budget,** and
- **Sustainability Statement.**

See the Arizona Supreme Court's web page for forms and instructions at <http://www.azcourts.gov/probate/ProbateForms.aspx> **or**

Forms and instructions are **or will be** available from the Superior Court Self-Service Center in both English and Spanish. Check with the Self-Service Center in person or online to determine if the forms and instructions are yet available.

C. WITHIN 1 YEAR: The conservator must file the first "Conservator's Account."

The first account will report on the protected person's finances from the date of issuance of the **Letters** through the last day of the ninth (**9th**) month after. **Annual Accountings** covering each 12 month period after the period covered by the first must be filed each year on or before the anniversary date of the issuance of the **Letters**, until the conservatorship is terminated by court order.

Forms for the first Conservator's Account, and the annual accountings to follow, including self-calculating spreadsheets, are available in English on the state Supreme Court's web page at: <http://www.azcourts.gov/probate/ProbateForms.aspx> , **OR**

You may (or *will be able to*) obtain printed forms and instructions from all Superior Court Self-Service Center locations or from online.

Check at the Self-Service Center in-person or online at the web address above to determine if the forms and instructions are yet available.