

PROCEDURES: WHEN AND HOW TO FILE THE CONSERVATOR'S FINAL ACCOUNT

I. WHEN TO FILE THE CONSERVATOR'S FINAL ACCOUNT

- A. Final Conservator's Account:** This form (Form 8 and associated documents) covers the period from the end of the most recently filed previous account to the end of the conservatorship (or the end of *your service* as conservator if a successor (replacement) conservator has been appointed). **It is *DUE* within 90 days after the conservatorship, or your term of service as conservator, ends** (unless otherwise ordered by the court).
- **STAY UP TO DATE IN YOUR RECORD KEEPING:** It is helpful to record the financial information *throughout the account reporting period* rather than waiting to compile all the information just before completing and filing the account forms.
 - **PREPARE** these forms immediately after either the death of the protected person or other cause that ends the conservatorship (or after your appointment as conservator is terminated by court order).
 - **KEEP IN MIND** the specific dates of the account reporting periods so that you start and end recording the financial transactions during the correct reporting period.
 - **DELIVER** the COMPLETED Final Account packet to the Probate Court Clerk within the 90 day period.

II. HOW TO FILE THE FINAL ACCOUNT

STEP 1: COMPLETE THE FINAL ACCOUNT PACKET: The Final Account packet contains at least four (4) mandatory forms: the **Petition for Approval**, the **Final Conservator's Account** (Form 8), the **Transaction Log** (though you may use another format as long as it provides same information), and if the protected person has died, the **Statement of Asset Distribution**. Complete these forms, as well as the Court Order and any other forms in the packet that apply to your situation. If you are claiming fees, you must also complete the Fee Statement.

STEP 2: MAKE COPIES of all completed original forms and documents: one set of copies for you, one set for the Court Accountant, and one set for **each** interested party entitled to notice.

- You must include ***copies of financial statements that reconcile the ending bank account balances*** to the copy of the Final Account that will be given to the ***court accountant. These copies are confidential, so place them in an envelope marked "Confidential – for Court Accountant."***
- **DO NOT ATTACH OR FILE ANY FINANCIAL STATEMENTS WITH THE ORIGINAL FORM 8 FILED WITH THE PROBATE CLERK.**

STEP 3: TAKE THE DOCUMENTS (original plus copies) to the PROBATE COURT CLERK.

- The Probate Clerk of Court will date-stamp the top sheet of the original and copies.
- The Probate Clerk of Court will keep the **original account form set**, and deliver a copy to Court Accountant.
- The Probate Clerk will return to you the copies for you and the other interested parties.
- If you cannot or do not want to file the copies in person, you can also **mail** the documents to: **Probate Filing Counter, 125 W. Washington Street, Phoenix, AZ 85003**. Include a self-addressed stamped envelope so that the Clerk can return your court-stamped (“conformed”) copies to you.

STEP 4: PAY your FEES: There are fees for filing petitions, responses, requests, motions, objections, and various forms with the Court. Cash, AMEX/VISA/MasterCard debit or credit cards, money order, or check made payable to the “Clerk of Superior Court” are acceptable forms of payment.

A list of current fees is available from the Self Service Center website or from the Clerk of Court’s website.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff or by publication, you may request a deferral (payment plan) when you file your papers with the Clerk of the Court. Deferral Applications are available at no charge from the Self-Service Center.

STEP 5: COURT will CONTACT YOU. After the Court Accountant completes a review of your case, you will receive a written notice from the Court. You will receive one of two possible notices:

Notice 1: You will be asked to file a **Response to the Court Accountant Report** if the Court Accountant has concerns about the report.

STEP 5A: If you are required to file a Response to the Court Accountant Report, you must send a copy of the “Response to Court Accountant Report” to the same people entitled to receive the NOTICE OF HEARING (notice is explained below). Bring the **original plus at least three (3) copies** to the Probate Clerk of the Court for filing and distribution of copies in the same manner explained above.

OR

Notice 2: If the Court Accountant does not have concerns and recommends approval of your Account as is, the Court will set a non-appearance hearing and will notify you by mail of the date, time, place, and the Judge/Commissioner assigned to your case for the non-appearance hearing. In some cases, the Court may set a hearing and require you to file a **Response to Court Accountant Report**.

STEP 5B: If the Court sets a non-appearance hearing, you must **GIVE NOTICE OF THE “NON-APPEARANCE” HEARING TO EVERYONE ENTITLED TO NOTICE:** After you receive the information about the date, time, and place of the “non-appearance” hearing, you must send a NOTICE OF HEARING and a copy of the Simplified Account by mail or delivery to all interested persons. Be sure that you do this at least **14 days** before the hearing.

For more information about notice, see the Self-Service Center packet about Giving Notice to the Parties in Probate cases. If mailing the Notice, first class postage-prepaid mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you wanted to have notice actually did get the notice.)

The people you should give notice to are:

- All (protected person(s) or ward(s). This includes a minor if he or she is 14 years or older.
- The guardian, if the person has one, **unless** it is the same person as the conservator;
- If there is no guardian or if the guardian is also the conservator, then to the spouse.
- If the spouse is the conservator or is incapacitated, then to a parent or adult child who is not serving as conservator;
- The guardian ad litem if one was appointed by the court;
- The court-appointed attorney.

STEP 6: Complete and file other court papers: Complete the **DECLARATION/PROOF OF NOTICE** stating how and when you gave notice to interested persons. Make **2 extra copies** of each of the following documents. Then file the originals with the Probate Clerk of Court, and get the stamped copies back from the Clerk.

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| • Notice of Hearing | File original | Get back 2 stamped copies |
| • Declaration/Proof of Notice | File original | Get back 2 stamped copies |
| • Waiver of Notice* | File original | Get back 2 stamped copies |
- *if signed by interested parties

STEP 7: Give copies of everything to the Judicial Officer: At least **10 days** before your non-appearance hearing, **mail or hand-deliver** the following documents to the Judicial Officer (Judge or Commissioner) who is hearing your case. All the copies must be the ones that were stamped by the Clerk of Court when you filed the original:

- **Copy** of NOTICE OF HEARING
- **Copy** of Declaration/PROOF OF NOTICE
- **Copy** of the PETITION FOR APPROVAL OF FINAL ACCOUNT, AND
- **Original and 2 copies** of the ORDER REGARDING PETITION FOR APPROVAL OF FINAL ACCOUNT.

NOTE: **You do not need to come to the “non-appearance” hearing.** The purpose of a “non-appearance” hearing is to give persons who object to the paperwork the opportunity to let the Court know they have an objection. If someone shows up at the scheduled “non-appearance hearing”, the Court will reset the hearing for a new date, time and place, and you will get notice of the new hearing date in the mail from the Court. If you receive a new hearing date, you must attend the hearing.

Court approval of the Final Account and payment of fees requested on the Fee Statement is required. At or after the “non-appearance” hearing date, the Judicial Officer will decide whether to approve the account or ask you to provide additional information. If the petition is not approved, **be sure to follow the instructions on the order** you receive from the court.

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the commercial pages of the printed telephone directory or online under “attorneys”. Also, the Self-Service Center web site has a list of lawyers you can hire to help you on a task by task basis for a fee, or to advise you on how to handle these matters yourself.