

## PROCEDURES: PREPARING FOR AND ATTENDING THE COURT HEARING for CONSERVATOR for an ADULT

or a person at least 17.5 to become effective at 18

### STEP 1 DOCUMENTS TO PREPARE BEFORE THE COURT HEARING:

**A. HEALTH PROFESSIONAL'S REPORT: IF** a physician, registered nurse, or psychologist was appointed to examine the proposed protected person, the examiner should have received the "**GUIDELINES FOR HEALTH PROFESSIONAL'S REPORT**" (PBGCA15f) and prepared a report on the findings either on the form supplied with the Guidelines, or in any other format that conveys the necessary information.

After the Petitioner receives the examination report\*, he or she must:

- Make at least **4 copies** of this report (keep one copy for his/her records), and
- **Mail** a copy of the written report at least **10** business days before the hearing, or hand-deliver a copy at least **5** business days before the hearing, to:
  - 1) The Judge/Commissioner who will hold the hearing;
  - 2) The attorney for the person you say needs the conservator; **AND**
  - 3) The court investigator.

\* **Due to concerns about federal patient privacy regulations** some medical professionals may not be willing to turn the report over to you since your appointment as conservator or guardian is not yet final. **If this is the case, the physician or other evaluator may file the report in person or mail it to the Court** (even though the guidelines on the Report form say "Please do not file your report with the Clerk of Court").

**B. ORDER TO CONSERVATOR (PBCA80f):** The person who is to serve as Conservator must **READ AND SIGN** the document called **ORDER TO CONSERVATOR**.

**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*. The proposed conservator should *keep* one copy.

**C. ORDER OF APPOINTMENT OF PERMANENT CONSERVATOR (PBCA81f):**

- 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 it (the Order) if he or she agrees that a conservator should be appointed.

**NOTE: Write the case number on all documents to be presented to the court!**

**D. 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, the ward, need an interpreter or a court reporter (someone **you** may hire 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 printed or online 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** (PBCA81f)
- **ORDER TO CONSERVATOR and ACKNOWLEDGMENT** (PBC80f)
- **LETTERS OF APPOINTMENT and ACCEPTANCE OF LETTERS** (PBC82f).
- **DECLARATION** (or “**Certificate**”) **OF COMPLETION OF TRAINING** (PBT80f)

#### **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 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)*

Ask the Clerk to issue the **LETTERS OF APPOINTMENT**. The Clerk will stamp and file the appropriate originals and return copies back to you 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 (9<sup>th</sup>) 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.