

CONSERVATOR

For a MINOR

3

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

(Forms Packet)

SELF-SERVICE CENTER
APPOINTMENT OF CONSERVATOR FOR A MINOR

**PART 3: PREPARING FOR AND
ATTENDING THE COURT HEARING**

CHECKLIST

You may use these forms and instructions if . . .

- ✓ You filed papers to request permanent (longer than 6 months) appointment of a conservator for a minor, to be effective until he or she reaches the age of 18, unless terminated earlier by court order;
- ✓ 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 court-ordered 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 at www.superiorcourt.maricopa.gov/SSC

SELF-SERVICE CENTER
CONSERVATORSHIP

TO GET PERMANENT APPOINTMENT FOR A MINOR

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

(Forms Only)

This packet contains court forms to prepare for attending the court hearing for the permanent (more than 6 months) appointment of a conservator for a minor. Items appearing in **BOLD** are forms to be filled out and filed with the Court. Do **NOT** copy or file non-bold items.

Order	File No.	Title	# pages
1	PBCM8k	Checklist: <i>You may use this packet if . . .</i>	1
2	PBCM8ft	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 “Lawyers Undertaking” (For use by Attorney representing Conservator) (if any)	2
5	PBCM80f	“Order to Conservator(s) for a Minor and Acknowledgement”	3
6	PBCM81f	“Order of Appointment of a Permanent Conservator for a Minor”	3
7	PBC82f	“Letters of Appointment as Permanent Conservator” and “Acceptance of Letters of Appointment”	2

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

Your Name: _____
Your Address: _____
Your City, Zip Code: _____
Your Telephone No. _____
Represents Self OR Attorney for: _____
State Bar Number (if applicable): _____



SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Estate of _____

Case Number PB: _____

DECLARATION OF COMPLETION OF TRAINING for NON-LICENSED FIDUCIARIES

A Deceased or Protected Person

Rule 27.1 of the Arizona Rules of Probate Procedure requires that a person to be appointed guardian, conservator, or personal representative of an estate, who is neither a state-licensed fiduciary nor a corporation, complete a training program approved by the Supreme Court of this state before permanent **Letters of Appointment** are issued.

UNDER PENALTY OF PERJURY

I state to the Court that in accord with Rule 27.1 of the Arizona Rules of Probate Procedure, I have completed the required training for non-licensed, non-corporate fiduciaries, as indicated below: (Check all that apply and provide applicable information.)

- | | |
|--------------------------------------------------|-----------------------|
| <input type="checkbox"/> Unlicensed Fiduciary | Date completed: _____ |
| <input type="checkbox"/> Conservatorship | Date completed: _____ |
| <input type="checkbox"/> Personal Representative | Date completed: _____ |
| <input type="checkbox"/> 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.

Your Name: _____
 Your Address: _____
 Your City, Zip Code: _____
 Your Telephone No. _____
 Represents Self OR Attorney for: _____
 State Bar Number (if applicable): _____
 Licensed Fiduciary No. (if applicable): _____

FOR CLERK'S USE ONLY

**SUPERIOR COURT OF ARIZONA
 IN MARICOPA 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

I, _____, having been appointed by
 (Conservator's Name)

the Superior Court of Arizona in Maricopa County as Conservator for the protected person
 named above, hereby authorize _____ to
 (Attorney's Name)

deposit all of the net conservatorship assets, in the amount of \$ _____

The assets will be deposited in a restricted account in my name _____ as the Conservator for:

 (Name of the Protected Adult or Minor)

- This shall be a restricted account.
- No withdrawals of principal or interest will be permitted except by certified order of the Superior Court of Arizona in Maricopa County.
- Reinvestments may be made without an order of the Court as long as each account remains restricted and at the same financial institution.

 Date

 Conservator's Signature

Signed or Affirmed before me: _____
 (Date)

by _____
 Printed Name

My Commission Expires/: _____
 Seal below:

 Deputy Clerk or Notary Public

Case No. _____

LAWYER'S UNDERTAKING AND OBLIGATION

I, as an officer of this Court and as the attorney for _____
(Conservator's Name)

in this person's capacity as the conservator for _____
(Protected Person's Name)

hereby assume and undertake personal responsibility to the protected person and to the Court to make the above designated restricted deposit and to deliver to the Court a completed *Proof of Restricted Account* form evidencing the restricted 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: _____

(Attorney's Signature)

(Attorney's Printed Name)

Your Name: _____
 Your Address: _____
 Your City, Zip Code: _____
 Your Telephone No. _____
 Represents Self OR Attorney for: _____
 State Bar Number (if applicable): _____
 Licensed Fiduciary No. (if applicable): _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Conservatorship of _____

Case Number: PB _____

ORDER TO CONSERVATOR OF MINOR AND ACKNOWLEDGMENT and INFORMATION TO INTERESTED PERSONS

Name of Protected Minor(s)

Warning: This appointment is not effective until the *Letters of Appointment* have been issued by the Clerk of the Superior Court.

The welfare and best interest of the person named above ("the minor") are matters of great concern to this Court. By accepting appointment as conservator you have subjected yourself to the power and supervision of the Court. Therefore, to assist you in the performance of your duties, this order is entered. You must be guided by it and comply with its provisions, as it relates to your duties as a conservator of your protected person.

As conservator:

1. The conservatorship property is not your property. It does not belong to you. It is the minor's property and you must hold it for the benefit of the minor until the minor turns eighteen (18).
2. If you are a parent of the minor, you may not use conservatorship assets to fulfill your obligation to support your child. Thus, you may not use the conservatorship funds to pay for things that a parent normally would pay for to support the parent's child (e.g., food, clothing, shelter, education expenses, etc.) unless the court enters an order expressly authorizing you to do so.
3. Unless the court orders otherwise, you must place the minor's property in a restricted interest-bearing account at a federally insured institution authorized to do business in the State of Arizona or in a restricted, interest-bearing account with the _____ County Clerk of Superior Court titled "**THE ESTATE OF** (the minors name) **MINOR**" with no withdrawals of principal or interest permitted therefrom without order of this court.
4. You may not withdraw funds from the restricted account without a court order. If the financial institution allows you to withdraw the funds without a court order YOU will be personally liable for whatever amount withdrawn from the account. In addition, you may be removed as conservator, found in contempt of court and/or sanctioned for your failure to follow the court's order.

5. Once the minor attains the age of eighteen (18), you MUST file a petition with the court to terminate the conservatorship. Once a petition is filed, the court will hold a hearing in order to terminate the conservatorship and disburse the conservatorship property to the former minor.
6. The conservatorship terminates **only upon the entry of a court order** terminating the conservatorship. The court will enter such an order only after you, the minor, or another interested person files a petition requesting the conservatorship be terminated. The petition should be filed after the minor becomes 18 years of age, after the conservatorship estate has been exhausted, or after the death of the minor, whichever occurs first.
7. **In the case of the minor's death:**
 - a. You must notify the court within ten (10) days of learning of the death of the protected minor, and
 - b. Unless you comply with A.R.S. §14-5419(F) or are ordered otherwise by the court, you will need to file a final accounting with the court before you can be discharged of liability in connection with the conservatorship and before your bond is exonerated.
8. If you move and/or change your address, you must notify the Court within 10 days of the change. You will responsible for any costs incurred as a result of your failure to notify the Court of any change of address.
9. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships **before** taking any action.
10. If you are not a licensed fiduciary and are not related by blood or marriage to the minor, you are not entitled to compensation for your services as the ward's conservator. See A.R.S. §14-5651(J) (1).
11. Within thirty (30) days after your letters of conservator are issued, you must mail a copy of this order the conservator and acknowledgment and information to interested person to the following:
 - (a) The minor, if the minor is at least 14 years of age;
 - (b) The minor's attorney (if the minor has an attorney) and parents;
 - (c) The minor's guardian, if one has been appointed for the minor; and
 - (d) Any person who has filed a demand for notice in connection with this matter

THIS IS ONLY AN OUTLINE OF **SOME** OF YOUR DUTIES AS CONSERVATOR. IT IS **YOUR** RESPONSIBILITY TO OBTAIN PROPER LEGAL ADVICE ABOUT YOUR DUTIES. FAILURE TO DO SO MAY RESULT IN PERSONAL FINANCIAL LIABILITY FOR ANY LOSSES.

WARNING: FAILURE TO OBEY THE ORDERS OF THIS COURT AND THE STATUTORY PROVISIONS RELATING TO GUARDIANS AND CONSERVATORS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CIRCUMSTANCES, YOU MAY BE HELD IN CONTEMPT OF COURT, AND YOUR CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL, FINE, OR BOTH.

Dated: _____

Signature of Judicial Officer or Judge Pro Tem

Printed Name of Judicial Officer/Judge Pro Tem

Case No. _____

ACKNOWLEDGMENT: I, THE UNDERSIGNED, ACKNOWLEDGE RECEIVING A COPY OF THIS ORDER AND AGREE TO BE BOUND BY ITS PROVISIONS, WHETHER OR NOT I READ IT BEFORE SIGNING, AS LONG AS I AM CONSERVATOR.

Signature of Conservator

Date Signed

Signature of Co-Conservator (if applicable)

Date Signed

Your Name: _____
 Your Address: _____
 Your City, Zip Code: _____
 Your Telephone No. _____
 Represents Self OR Attorney for: _____
 State Bar Number (if applicable): _____
 Licensed Fiduciary No. (if applicable): _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the Conservatorship of _____

Case Number: PB _____

ORDER OF APPOINTMENT OF A PERMANENT CONSERVATOR FOR A MINOR A.R.S. §14-5401

 Name(s) of Protected Minor(s)

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 a Conservator*" 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. CONSERVATORSHIP:

1. The above-named person or persons to be protected are unmarried minors whose full name(s) and date(s) of birth are as follows:

Name	Date of Birth
_____	_____
_____	_____
_____	_____

2. Appointment of a conservator is necessary because the minor (whether one or more) owns money or property that requires management or protection which cannot otherwise be provided, may have business affairs which may be jeopardized or prevented by his or her minority, needs funds for his or her education, and protection is necessary or desirable to obtain or provide funds.
3. The person named below is eligible to serve as conservator under Arizona law.

IT IS ORDERED: (check the boxes that apply)

1. **The Court appoints:** _____
as permanent conservator for the minor(s) to be protected named above.
2. **BOND:** The Conservator must file a bond in the amount of \$ _____
with the Clerk of the Court, Probate Registrar, by (date): _____
OR **Bond is not required.**
3. **TRAINING REQUIREMENTS:**
The Conservator shall complete the training for non-licensed fiduciaries specified by the Supreme Court of this state before Letters of Appointment are issued, OR
 The training requirements for non-licensed fiduciaries are waived.
4. **ISSUANCE OF LETTERS:**
Upon filing of any required bond and declaration of completion of any required training, ***“Letters of Conservatorship for a Minor”*** shall be issued by the Clerk of the Court, Probate Registrar.
5. **FUNDS:** The minor's funds are to be deposited in an interest bearing, federally insured, restricted account in a financial institution in this jurisdiction in the name of **"The Estate of (name of minor), a Minor, by (name of conservator), Conservator."**
(For example: "The Estate of Joan Doe, a Minor, by John Smith, Conservator".)
6. **RESTRICTED ACCOUNT:** No withdrawals of principal or interest may be made without a certified copy of an order of this Court authorizing the withdrawal.
7. **REINVESTMENT:** 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**).
8. **PROOF OF RESTRICTED ACCOUNT:** 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.
9. **FILING PROOF OF RESTRICTED ACCOUNT:** The conservator, the attorney for the conservator, attorney for the protected minor(s), 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.
10. **ESTABLISHING AN ANNUITY CONTRACT:** The conservator and/or counsel shall file with the Court proof of purchase of the annuity in the form of a copy of the annuity contract and proof of the carrier's agreement to abide by the terms of this Order within **thirty (30) days** of the issuance of this order.
11. **ACCEPTANCE OF LETTERS:** The conservator shall sign the Acceptance of the Letters under oath or affirmation, and file the Acceptance with the Clerk of the Court, Probate Registrar.

12. INVENTORY and CREDIT REPORT:

Within **90** calendar days of this date, the Conservator must prepare and file with the Clerk of the Court a **detailed inventory** of the protected person’s assets indicating fair market value, as required by A.R.S. § 14-5418, and if obtainable, **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,**

OR

“Inventory” and Credit Report are waived and are **not** required to be filed with the court.

13. ANNUAL ACCOUNTING OF CONSERVATOR:

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 as required by A.R.S. §14-5319.

OR

Annual Accounting **is waived** and is not required to be filed with the court.

14. CHANGE OF ADDRESS: The guardian and/or conservator shall immediately notify the court in writing of any change in his or her own address or that of any protected minor.

15. OTHER DUTIES UNDER THE LAW: The duties of the guardian and/or conservator required by Arizona law and as set forth in this Order and the Order of Instruction shall continue until the guardian and/or conservator is discharged from these duties by order of this court.

DONE IN OPEN COURT: _____

Signature of Judicial Officer

Printed Name

NOTICE: If the conservatorship needs to continue after the minor reaches the age of 18, in accord with Arizona law, A.R.S. § 14-5401 (B), a petition may be filed after the minor’s 17th birthday and before any court order for the termination of the present conservatorship, to continue the conservatorship for the now-adult protected person.

Your Name: _____
Your Address: _____
Your City, Zip Code: _____
Your Telephone No. _____
Represents Self OR Attorney for: _____
State Bar Number (if applicable): _____
Licensed Fiduciary No. (if applicable): _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of Conservatorship for

Case Number: PB _____

LETTERS OF APPOINTMENT AS PERMANENT CONSERVATOR and ACCEPTANCE OF LETTERS

Name of Protected Adult Minor _____

ISSUANCE OF LETTERS:

1. (Conservator's Name:) _____
is appointed as conservator for the above named adult or minor.
2. **Reason for appointment:** The adult or minor named in the caption above is a protected person.
3. **Length of appointment:** until further order of this court.
4. **Restrictions** that apply to this permanent appointment, by order of the court:

- Restrictions above affect the conservator's ability to manage monetary assets of the estate; therefore, in accord with Rule 22 (C) (2), Arizona Rules of Probate Procedure:**
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.

WITNESS: _____

CLERK OF THE SUPERIOR COURT

SEAL

By: _____
Deputy Clerk

Case No. _____

ACCEPTANCE OF LETTERS OF APPOINTMENT

State of Arizona)
Maricopa County) ss.

I accept the duties as permanent conservator of _____
(Name of Protected Person)

and

I swear or affirm that I will perform these duties according to law.

Signature of Conservator

Printed Name of Conservator

Sworn to or affirmed before me this date:

Michael K. Jeanes, Clerk of Superior Court

Notary

OR

My commission expires: _____
(or Seal below)

By: _____
Deputy Clerk of Court