

SELF-SERVICE CENTER

PROCEDURES: WHAT TO DO (*within 90 days*) AFTER THE COURT HEARING FOR GUARDIANSHIP and CONSERVATORSHIP of an Adult or Minor

After the court hearing, there are numerous tasks to accomplish. Some tasks must be executed before you are officially considered guardian/conservator of the protected person's estate. Other duties must be accomplished within 30 days of being appointed. Many of the tasks must be finished and submitted to the court 90 calendar days after the Letters of Guardianship/Conservatorship are issued. Be sure to review the training program at the above website to see the account reporting periods and due dates for filing documents in these packets.

THE FIRST WEEK:

STEP 1: POST a SURETY BOND.

When you are appointed guardian/conservator, the court will order that a surety bond be posted to cover all the assets that belong to the protected person. A bond is an insurance policy so that if the conservator misappropriates the money, invests it badly, or makes some other mistake, the protected person will not suffer as a result.

The price of that insurance policy can be paid from the protected person's money, but the guardian/conservator must post the bond. The amount of the bond will ordinarily be the principal value of the protected person's property plus one year's anticipated income. If the value of the estate changes, you must request an order from the court wither reducing or increasing the amount of the bond.

Bonding agencies may be found in the local telephone book or online. ***You must post the surety bond immediately after the court order is signed***, because no LETTERS of Appointment will be issued without proof you posted the surety bond.

STEP 2: GO to the PROBATE COURT CLERK. If the Judge/Commissioner grants the PETITION for Appointment of a Guardian/Conservator:

A. TAKE the following original documents to the Probate Court Clerk.

- ORDER OF APPOINTMENT of Guardian/Conservator
- LETTERS OF APPOINTMENT
- ACCEPTANCE OF LETTERS OF APPOINTMENT
- PROOF of surety bond

When you present the above-listed documents, the clerk will:

- 1) Review the ORDER OF APPOINTMENT and your proof of surety bond,
- 2) Complete the LETTERS,
- 3) Ask you to SIGN the ACCEPTANCE, and
- 4) File the original documents.

B. ASK the Probate Court Clerk to CERTIFY a copy of the LETTERS of Appointment to prove that you have the appointment and authority from the court.

Note: There is a **certification fee plus a copy fee per page** to do this. A list of current fees is available from the Self Service Center and 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.

C. KEEP the following documents in your Guardian/Conservator Records:

1. ORDER OF APPOINTMENT. Keep a copy of this to remember what the Judge/Commissioner ordered you to do in this case.

2. LETTERS OF APPOINTMENT. Keep a **certified copy** of the LETTERS to show anyone who needs to know that you have authority from the court to act as conservator, and what that authority is.

3. ORDER TO CONSERVATORS. Keep a copy of this Order and read it often. This ORDER contains the general instructions about what you are required to do as conservator. Be sure you know your obligations, and what you are required to do under the law.

STEP 3: GO to the COUNTY RECORDERS' OFFICE and RECORD the LETTERS of APPOINTMENT. In addition to recording the LETTERS in the county where the protected person resides, you may need to record the LETTERS at more than one County Recorders' Office (if the protected person has a residence or does business in more than one county). The act of recording gives the public official notice that you have been appointed the guardian/conservator of the protected person. It also creates a record that identifies you as the only person entitled to transfer property on behalf of the protected person in the event someone should attempt to sell or make any lien or other encumbrance against the real property.

A. KEEP a certified copy of the LETTERS of Appointment to show anyone who needs to know that you have authority from the court to act as guardian/conservator, and what your authority is.

THE FIRST MONTH (Within 30 days after the court order appointment)

STEP 4: GO TO the PROBATE COURT CLERK to deliver and **FILE** the following document:

A. NOTICE of Filing.

1. Within 30 days after the court order appoints you as guardian/conservator **and** you record the **Letters**, the Recorders' Office will send you the **recorded copy of the LETTERS of Appointment** by mail. You should see a marking on the document that shows it has been recorded and where that record can be found for future reference.

2. **Complete the NOTICE of FILING form** in this packet set.

3. **TAKE the recorded copy of the LETTERS of Appointment and the NOTICE of Filing** to the Probate Court Clerk, and ask the clerk to file it with your case.

STEP 5: NOTIFY the Court, the U.S. Postal Service, and other service providers of the change from the protected person's address to your address as guardian/conservator.

STEP 6: MARSHAL THE ACCOUNT. This means take control of and safeguard the protected person's assets, on behalf and for the benefit of, the guardianship /conservatorship estate. There are a number of ways that you can do this.

- A. NOTIFY** the protected person's **FINANCIAL INSTITUTION(s)** of your **appointment as Guardian/Conservator.** Set up a meeting with the financial institution, and take the following documents to the meeting:
1. Copy of the Court Order appointing you as Guardian/Conservator,
 2. Certified copy of the LETTER OF APPOINTMENT,
 3. Protected person's Social Security number,
 4. Protected person's date of birth,
 5. Protected person's bank account number(s),
 6. Proof of Restricted Account Form PBC41f.

NOTE: If the **Court order** appointing you as guardian/conservator, restricts a bank, brokerage account, or any other asset, you must file this "Proof of Restricted Account" form with the court **within 30 days** after the order or letters are first issued. If the court does not order a restricted account, *skip* part (b) below.

a. Present all of the above documents to the bank manager. Once you have presented your Court order, LETTER OF APPOINTMENT and other information to the bank manager, ask for the account(s) to be retitled into the name of the guardianship/conservatorship. The purpose of this is to notify the organization (bank, brokerage firm, Motor Vehicle Division) that you are the only person who should be dictating how the asset is held, spent or managed.

b. Ask the bank manager to help you complete PBC41f "Proof of Restricted Account" (if the court order or letters restrict any accounts). Also, ask the bank manager to SIGN the FORM.

c. Take the signed Proof of Restricted Account form to the Probate Clerk. File this FORM (signed by the manager at the bank or financial institution) with the Probate Clerk. Filing this form shows the court that you obeyed the court order to properly establish the protected person's account.

B. RE-TITLE VEHICLES. You may re-title the protected person's vehicles (cars, motorcycles, boats, recreational vehicles or motor homes) in the name of the guardianship/conservatorship.

C. INVENTORY the Protected Person's ASSETS. As conservator, you must research and make a list of the protected person's assets. The value listed on the inventory for a particular asset is the value as of your *first date of appointment* as Conservator. All assets of the protected person's estate should be listed on the inventory. In this packet set, you will find a form and instructions about how to complete the inventory.

Note: Mail a copy of the inventory to the protected person, if 14 or older, and to other "interested persons" who have not waived the right to receive notice.

D. RECORDKEEPING.

1. COLLECT and ORGANIZE the protected person's records and important papers.
2. BEGIN TO MAINTAIN the protected person's records and do this throughout your appointment as guardian/conservator.

E. CREATE A BUDGET for the estate. Use the specific forms and instructions for "How to Complete an Estate Budget" in this packet set.

WITHIN 90 DAYS AFTER THE HEARING:

STEP 7: COMPLETE an ESTATE BUDGET/ACCOUNTING for the 9 month reporting period. Please see the specific budget/account (form 5) and instructions in this packet set.

A. The first Budget/Accounting (Form 5) is due 90 calendar days after the Letters of Appointment are issued.

B. FEE STATEMENT: If you are charging a fee or claiming reimbursement for expenses, you must fill out the FEE STATEMENT and file it with the court. Please see the Fee Statement form and instructions in this packet set.

STEP 8: GO to the Probate Clerk of Court and FILE the following documents:

- Coversheet Form PBCF50f
- Proof of Restricted Account (if the Court order requires you to do so)
- Estate Budget/Account – AND -
 - SCHEDULE 1: Statement of Receipts and Disbursements
 - WORKSHEET A (if applicable): Other Receipts and Disbursements Detail
 - SCHEDULE 2: Statement of Net Assets
 - WORKSHEET B (if applicable): Other Inventory and Liabilities Detail
 - SCHEDULE 3: Statement of Sustainability of Conservatorship
 - WORKSHEET C (if applicable): Adjustments Detail
- Inventory
- Fee Statement

STEP 9: FILE ANNUAL REPORT: ON or BEFORE Anniversary date Of your Order of Appointment as guardian/conservator. Please see the Annual Report instructions in this packet.

***WARNING**

- Documents defined as "**confidential**" require *special handling*.
- Follow "**Special Handling Instructions for Confidential Documents**" (next page).

All Form 5 information, documents and attachments are **confidential documents** and require special handling. When filing confidential information and documents with the Clerk's Office, place the original document in an envelope that bears the case name and number, the name of the document being filed, the name of the party filing the document, and the label "Confidential Document."

IMPORTANT! **SPECIAL HANDLING INSTRUCTIONS*** for **CONFIDENTIAL INFORMATION and DOCUMENTS**

CONFIDENTIAL INFORMATION*

**INFORMATION DEFINED OR DESIGNATED AS “CONFIDENTIAL INFORMATION”
MUST BE SUBMITTED TO THE CLERK IN SEPARATE, UN-SEALED (9”x12”) ENVELOPES.***

The following are INFORMATION is defined as “Confidential”:

- A social security number of a living person;
- Any account number for a financial account (unless limited to the last 4 digits only).
The term “financial account” includes
 - credit card account
 - debit card account
 - bank account
 - brokerage account
 - insurance policy
 - annuity contract
- Any other information determined by the court to be confidential.

CONFIDENTIAL DOCUMENTS*

**DOCUMENTS DEFINED OR DESIGNATED AS “CONFIDENTIAL DOCUMENTS” BE
SUBMITTED TO THE CLERK IN SEPARATE, UN-SEALED (9”x12”) ENVELOPES.***

The following are DOCUMENTS are defined as “Confidential”:

- Probate Information form
- Medical Reports and Records
- Inventories and Appraisements
- Accountings
- Credit Reports
- Any other document ordered by the court to be “confidential”.

A separate envelope is required for *each* confidential document ***and*** the following information ***must*** appear on the outside of each envelope:

1. Case Name and Number (“In the Matter of xxxxx” and “PB 2009xxxxxx”),
2. Name of the document (“Annual Accounting”, “Annual Report”, “Medical Records”. etc.)
3. Name of the party filing the document, and
4. the words “Confidential Document”

* Required by **Arizona Rules of Probate Procedure** (Rule 7)