

**SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY**

FOR CLERK'S USE ONLY

In the Matter of the
Guardianship and Conservatorship of

Case Number PB: _____

(Incapacitated and Protected Person)

**ORDER OF APPOINTMENT OF A
PERMANENT GUARDIAN AND
CONSERVATOR OF AN ADULT**

for A MINOR AGED 17.5 OR OLDER to
become effective at age 18

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 Guardianship and Conservatorship*" 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. §§14-5303(A) and 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. Any reports by health professional or court investigator have been considered by the Court;
- E. **Appointment of a guardianship is necessary:** The above-captioned person is an incapacitated person and in need of the continuing care and supervision OF A GUARDIAN and the person appointed below is competent to serve as Guardian of the incapacitated person and has priority for appointment under A.R.S. § 14-5311.
 The court finds by clear and convincing evidence that the ward requires inpatient care.
- F. **Appointment of a conservator is necessary:** In accord with A.R.S. §14-5401:
 - 1. The proposed protected person is unable to manage his or her property and affairs effectively due to mental illness, mental deficiency, mental disorder, physical illness or disability, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, or disappearance; and
 - 2. The person has property that will be wasted or dissipated unless proper management is provided or because funds are needed for the support, care and welfare of the person or those entitled to be supported by the person, and that protection is necessary or desirable to obtain or provide funds.

IT IS ORDERED:

1. APPOINTMENT OF GUARDIAN AND CONSERVATOR: The Court appoints: _____ as Guardian and Conservator for the Adult as described in the caption above.

The person to be protected is a MINOR; and the appointment is effective upon the minor's 18th birthday on this date _____
(Month, Date, Year of protected Person's 18th Birthday)

2. BOND: The Guardian and Conservator must file a bond in the amount of \$ _____ with the Clerk of the Court, Probate Registrar before issuance of the letters.

OR Bond is not required and is waived.

3. ISSUANCE OF LETTERS: Upon filing the bond, "**Letters of Guardianship and Conservatorship of an Adult**" shall be issued by the Clerk of the Court, Probate Registrar,

SUBJECT TO THE FOLLOWING RESTRICTIONS:

RESTRICTED ACCOUNT: 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. (Arizona Rules of Probate Procedure, Rule 22 (C) 2).

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.

The following funds/accounts shall be restricted:

FILING PROOF OF RESTRICTED ACCOUNT: The conservator, the attorney for the conservator, the attorney for the protected person, 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.

RESTRICTED REAL PROPERTY (real estate/land): **No restricted realty** shall be leased for a period of more than one year, sold, encumbered or conveyed without prior court order.

The following property or properties shall be restricted:

FILING PROOF OF RECORDED RESTRICTION: The conservator is responsible for filing proof of recorded restriction with the Court within 30 days of this Order.

4. **ACCEPTANCE OF LETTERS:** The Guardian and Conservator shall sign the **“Acceptance of the Letters”** under oath, and file the **Acceptance** with the Clerk of the Court, Probate Registrar.
5. **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 **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.
6. **ESTATE BUDGET:**
Within **90** calendar days of the appointment date, the Conservator must prepare and file with the Clerk of the Court a detailed budget for the current year. A new budget must be prepared and filed with the Annual Accounting for each year thereafter. Rule 30.3, A.R.P.P.
7. **STATEMENT OF SUSTAINABILITY:**
Within **90** calendar days of the appointment date, the Conservator must provide the court with an estimate as to whether the assets available to the Conservator are enough to meet the expenses of the protected person for the duration of time the protected person is expected to need care or fiduciary services. Rule 30.2, A.R.P.P.
8. **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 the Letters of Appointment were issued). A.R.S. § 14-5419. **OR**
 Annual Accounting is waived and is not required to be filed with the court
9. **ANNUAL REPORT OF GUARDIAN:** The Guardian shall report to the Court on the status of the incapacitated person and the need to continue the guardianship at least annually on the anniversary date of the appointment, by filing the required form with the Clerk of the Court. A.R.S. § 14-5315
10. **MENTAL HEALTH CARE (TITLE 14):**
 OUTPATIENT MENTAL HEALTH CARE. The Guardian has the authority to consent for the Ward/Incapacitated Person to receive outpatient mental health care and treatment.
 INPATIENT MENTAL HEALTH CARE. The court finds by clear and convincing evidence that the Ward requires inpatient care. The Guardian has the authority to place the Ward in a level one behavioral health facility for inpatient mental health care and treatment. This authority expires on _____ (date).

11. DRIVING PRIVILEGES.

- The Ward/Incapacitated Person's right to obtain or retain a driver's license **is** suspended. OR
- The Ward/Incapacitated Person's right to obtain or retain a driver's license **is not** suspended.

12. CHANGE OF ADDRESS: The Guardian and Conservator shall immediately notify in writing the Court of any change in the address of him or herself or of the protected person/incapacitated person.

13. OTHER DUTIES UNDER LAW: The duties of the Guardian and Conservator as required by Arizona law and as set forth in this Order and the Order of Instructions shall continue until the Guardian and Conservator is discharged from these duties by order of this court.

14. DISCHARGE OF ATTORNEY: The court-appointed attorney is discharged or is not discharged from further duties in this matter, the Court having found that the best interests of the protected person/incapacitated person require continuing representation by an attorney.

DONE IN OPEN COURT: _____

JUDGE/COMMISSIONER Pro Tem

JUDGE/COMMISSIONER (Printed Name)