

Person Filing: _____
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Representing Self, without a Lawyer or Attorney for Petitioner OR Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Matter of the
Guardianship and Conservatorship of

Case Number: PB _____

ORDER OF APPOINTMENT OF A PERMANENT GUARDIAN AND CONSERVATOR for a MINOR

Name of Minor(s)

Warning: 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 Guardian and Conservator for A Minor**" 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. **GUARDIANSHIP AND CONSERVATORSHIP:**
 - 1. The above-captioned minor is an unmarried person born on _____
 - 2. All parental rights of custody have been terminated or suspended by prior court order, written consent of the parent or other circumstances. No guardian of the minor has been appointed by Will or any order of any court, and no other proceedings for the appointment of a guardian are pending in any other court. The welfare and best interests of the minor require the appointment of a guardian. A fingerprint report has been reviewed and the Court has concluded that it contains nothing to prevent the appointment or no fingerprint report was required.

- 3. Appointment of a conservator is necessary because the minor owns money or property that requires management or protection which cannot otherwise be provided or has or may have business affairs which may be jeopardized or prevented by his minority, or the minor needs funds for his or her education and protection is necessary or desirable to obtain or provide funds.
- 4. (Name) _____ is qualified to serve as guardian and conservator for the minor.

IT IS ORDERED: (check the boxes that apply)

1. APPOINTMENT OF GUARDIAN AND CONSERVATOR: The Court appoints:

(Name) as Guardian and Conservator for the Minor named in the caption above.

- 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 a Minor**" shall be issued by the Clerk of the Court, Probate Registrar,

SUBJECT TO THE FOLLOWING RESTRICTIONS:

- 4. **RESTRICTED ACCOUNT: Funds shall be deposited into an interest bearing, federally insured restricted account** at a financial institution engaged in business in Arizona. The account should be titled: "**The Estate of** (name of minor), **a Minor, by** (name of conservator), **Conservator.**"

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, (A.R.P.P.) 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:

a. THE PERSON RESPONSIBLE for establishing the restricted account(s) and filing the proof required within 30 days of this order is:

- the Conservator the Attorney for Conservator
- the Attorney for the minor the Attorney for the insurance company

b. **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**.

5. **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:

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

6. **ACCEPTANCE OF LETTERS:** The Guardian-Conservator shall sign the **“Acceptance of the Letters”** under oath or by affirmation, and file the **Acceptance** with the Clerk of the Court, Probate Registrar.

7. **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.

8. **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. (A.R.P.P. Rule 30.3)

9. **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. (A.R.P.P. Rule 30.2)

10. **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

- 11. **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)
- 12. **NOTIFY THE COURT:** The Guardian-Conservator shall notify the Court in writing:
 - a. within **10 days** of a change of his or her own address;
 - b. within **3 days** of a change of a change of address of a protected minor;
 - c. within **10 days** of learning of the death of a protected minor.
- 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 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)