

GUARDIAN AND CONSERVATOR

For an Adult

3

**OR a person at least 17.5 years old,
to *become effective* at age 18**

Part 3: Preparing for and Attending the Court Hearing

(Forms Only)

SELF-SERVICE CENTER

**APPOINTMENT OF GUARDIAN and CONSERVATOR
FOR AN ADULT**

(or person at least 17.5 years of age to become effective at 18)

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

CHECKLIST

You may use the forms and instructions in this packet if . . .

- ✓ You filed papers to request the court appoint a guardian and conservator for an incapacitated adult, **or** a person who is at least 17 and a half years of age who will need a guardian and conservator as an adult;
- ✓ You gave or will give notice of the court filing to all interested parties;
- ✓ A court hearing is scheduled;
- ✓ The person to serve as guardian and 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. If you need to consult a Lawyer, the Pima County Bar Association offers a Lawyer Referral Service that provides half-hour consultations for a low cost.

<http://www.pimacountybar.org/>

The Clerk's office cannot provide legal advice. Employees may be able to offer instruction about how and where to file appropriate paperwork, but will not provide help on issues of law

SELF-SERVICE CENTER

GUARDIANSHIP and CONSERVATORSHIP

TO GET PERMANENT APPOINTMENT FOR AN ADULT
or a person at least 17.5 years old *to become effective at age 18*

PART 3: PREPARING FOR AND ATTENDING THE COURT HEARING

(Forms Only)

This packet contains court forms and instructions to file to get permanent appointment for an adult. Items in **BOLD** are forms that you will need to file with the Court. Non-bold items are instructions or procedures. Do not copy or file those pages!

Order	File No.	Title	# pages
1		Checklist: <i>You may use this packet if . . .</i>	1
2		Table of Contents (this page)	1
3		“Declaration of Completion of Training” (also included in separate “Training” packet)	1
4		“Order to Guardian and Conservator and Acknowledgement”	5
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6		“Letters of Appointment as Permanent Guardian and Conservator” and “Acceptance of Letters of Appointment”	3

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): _____

FOR CLERK'S USE ONLY

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

In the Matter of the Estate of _____

Case Number : _____

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, include dates, and attach any certificates from online training.)

<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.

Name of Person Filing Document: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Attorney Bar Number (if applicable): _____

Licensed Fiduciary Number (if applicable): _____

Representing ☐ Self or ☐ Attorney for: _____

FOR CLERK'S USE
ONLY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF _____**

In the Matter of the Guardianship of
and Conservatorship for

Case Number: _____

**ORDER TO GUARDIAN AND
CONSERVATOR AND
ACKNOWLEDGEMENT AND
INFORMATION TO INTERESTED PERSONS**

Ward's (and Protected Person's) Name,

☐ a Minor
☐ an Adult

(Assigned Judicial Officer)

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 ("your ward" and "protected person") are matters of great concern to this Court. By accepting appointment as guardian and 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 are required to be guided by it and comply with its provisions because it relates to your duties as guardian of your ward and conservator of your protected person, as follows:

GUARDIAN(S)

1. You have powers and responsibilities similar to those of a parent of a minor child, except that you are not legally obligated to contribute to the support of your ward from your own funds.
2. Unless the Order appointing you provides otherwise, your duties and responsibilities include (but are not limited to) making appropriate arrangements to see that your ward's personal needs (such as food, clothing, and shelter) are met.

3. You are responsible for making decisions concerning your ward's educational, social, and religious activities. If your ward is 14 years of age or older, you must take into account the ward's preferences to the extent they are known to you or can be discovered with a reasonable amount of effort.
4. You are responsible for encouraging and allowing contact between your ward and other persons who have a significant relationship with your ward, unless there is reason to believe that contact would be detrimental to the ward's health, safety, or welfare.
5. You are responsible for making decisions concerning your ward's medical needs. Such decisions include (but are not limited to) the decision to place your ward in a nursing home or other health care facility and the employment of doctors, nurses, or other professionals to provide for your ward's health care needs. However, you are to use the least restrictive means and environment available that meet your ward's needs.
6. You may arrange for medical care to be provided even if your ward does not wish to have it, **but you may not place your ward in an inpatient psychiatric facility against your ward's will unless the Court specifically has authorized you to consent to such placement.**
7. You are required to notify the ward's family members as soon as practicable if your ward is admitted to a hospital for more than 3 days or if your ward dies.
8. You may handle small amounts of money or property belonging to your ward without being appointed conservator. As a general rule, "small amount" means that the ward does not receive income (from all sources) exceeding \$10,000 per year, does not accumulate excess funds exceeding that amount, and does not own real property. If more than these amounts come into your possession, or are accumulated by you, you are required to petition the Court for the appointment of a conservator.
9. If you handle any money or property belonging to your ward, you have a duty to do each of the following:
 - a. Care for and protect your ward's personal effects;
 - b. Apply any monies you receive for your ward's current support, care, and education needs;
 - c. Conserve any excess funds not so spent for your ward's future needs;
 - d. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;
 - e. Maintain records of all of the ward's property received and expended during the period of the guardianship;
 - f. Account to your ward or your ward's successors at the termination of the guardianship; and
 - g. Not purchase, lease, borrow, or use your ward's property or money for your benefit or anyone else's, without prior Court approval.

10. You shall not accept any compensation of any kind for placing your ward in a particular nursing home or other care facility, using a certain doctor, or using a certain lawyer. "Compensation" includes, but is not necessarily limited to, direct or indirect payments of money, "kickbacks," gifts, favors, and other kinds of personal benefits.
11. You will need to obtain a certified copy of the **Letters of Appointment** that are issued to you by the Clerk of the Superior Court. Your certified copy is proof of your authority to act as guardian of your ward, and you should have the document available when acting on behalf of your ward. You may need to obtain additional (or updated) copies from time to time for delivery to, or inspection by, the people with whom you are dealing.
12. You are required to report annually, in writing, with respect to your ward's residence, physical and mental health, whether there still is a need for a guardian, and your ward's financial situation. Your report is due each year on the anniversary date of the issuance of your **Letters of Appointment** as permanent guardian.
13. If your ward's physical address changes, you shall notify the Court by updating the **Probate Information Form** within **three (3) days** of learning of the change in your ward's physical address. If your ward dies you shall notify the court in writing of the ward's death within **ten (10) days** of learning that the ward has died.
14. You must be conscious at all times of the needs and best interests of your ward. If the circumstances that made a guardianship necessary should end, you are responsible for petitioning the Court to terminate the guardianship and obtaining your discharge as guardian. Even if the guardianship should terminate by operation of law, you will not be discharged from your responsibilities until you have obtained an Order from this Court discharging you.
15. If you have any questions about the meaning of this Order or the duties that it and the statutes impose upon you by reason of your appointment as guardian, you should consult an attorney or petition the Court for instructions.
16. If you are not a licensed fiduciary and are not related by blood or marriage to the ward, you are not entitled to compensation for your services as the ward's guardian and conservator. *See* A.R.S. § 14-5651(K)(1).

CONSERVATOR(S)

1. Immediately locate, identify, secure and inventory all of the assets of the protected person and make proper arrangements for their protection, such as changing the locks on the house, renting a safe deposit box for important documents, etc.
2. Immediately begin to take title to all of the protected person's property. The property should be titled in the name of the conservatorship: "(Your name), as Conservator(s) of the estate of (protected person's name)" or "(protected person's name), by (your name), Conservator." In titling the protected person's property, you should take into account the protected person's existing estate plan (if the protected person has one) unless the Court orders you to do otherwise. If you have any questions as to how you should title an asset (including whether you should maintain an existing, or establish a new

account that has a POD (payable on death) beneficiary designation or a trust account), you should consult with a qualified attorney or request instructions from the Court.

3. If the Court has ordered you to place funds in a restricted account, you must immediately file a receipt from the bank or financial institution showing that you have deposited the money in an account that the bank has restricted in accordance with the Court Order. The receipt should include the name and address of the financial institution, the type of account, the account number, and the amount deposited.
4. Record certified copies of your **Letters of Appointment** as conservator with the County Recorder in each county in Arizona where the protected person owns property in order to protect title to those properties. If the protected person owns property in another state, record the **Letters** in the county in that state in which the property is located as well.
5. File your formal inventory with the Court **no more than 90 days** after your **Letters of Appointment** as conservator, whether temporary or permanent, were first issued. If you are filing it without an attorney, be sure to put the case name and number on **all** papers you file with the Court.
6. Keep detailed records of **all** receipts and expenditures you make on behalf of the protected person, including bills, receipts, bank statements, tax returns, bills of sale, promissory notes, etc. Open a separate conservatorship checking account for deposit of your protected person's income and other receipts and payment of all bills and expenses. Avoid dealing in cash and do not write checks to "cash."
7. Unless otherwise ordered by the Court, you must establish and file a budget, pay the protected person's debts when they become due, and properly invest the protected person's assets. You may hire accountants, attorneys, and other advisors to help you carry out your duties as the size and the extent of the conservatorship estate may dictate.
8. Keep detailed records of the time you are spending in identifying, managing and protecting the conservatorship estate in case you later decide to ask the Court to be paid for your time from the conservatorship estate.
9. **File annual accounts with the Court.**
 - a. Unless otherwise ordered by the Court, your first account must reflect **all** activity relating to the conservatorship from the date your **Letters of Appointment** as conservator, whether temporary or permanent, were first issued through and including the last day of the ninth month after the date your **Letters of Appointment** as permanent conservator were issued and must be filed with the Court on or before the first anniversary date of the issuance of your **Letters of Appointment** as permanent conservator.
 - b. Unless otherwise ordered by the Court, all subsequent accounts shall reflect **all** activity relating to the conservatorship estate from the ending date of the most recent previously filed account through and including the last date of the twelfth month thereafter and must be filed with the Court on or before the anniversary date of the issuance of your **Letters of Appointment** as permanent conservator.

- c. **Each account must list all conservatorship property** at the beginning of the account reporting period and the conservatorship property at the end of the account reporting period, and must describe **all** money and property received or disbursed by you during the account reporting period. As to money and property received, you must provide the date of each receipt, the source of the receipt, the purpose of the receipt, and the amount of the receipt. As to money and property disbursed, you must provide the date of each disbursement, the payee/distributee, the purpose of the disbursement, and the amount of the disbursement. With each account, you also must submit a bank statement or financial account statement that supports the ending balances of each account shown on the account.
10. **NEVER** use any of the protected person's money or property for any reason other than the protected person's direct benefit. You may not profit in any way from access to the protected person's assets. You have a legal duty of fairness and impartiality to the protected person. Neither you, your friends, nor other family members may profit by dealing in the assets of the conservatorship estate. You must be cautious and prudent in investing the protected person's assets.
11. You must make reasonable efforts to determine the preferences of the protected person, both past or current, regarding all decisions the fiduciary is empowered to make. You must not make speculative investments. Do not purchase merchandise or services that the protected person would have considered extravagant or inappropriate for his/her lifestyle prior to your appointment. Use the assets to maintain the safety, health and comfort of the protected person, bearing in mind that the protected person may have no additional sources of income for the remainder of his/her life.
12. 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 protected person, or another interested person files a petition requesting that the conservatorship be terminated. The petition should be filed if the protected person no longer needs a conservator (either because the protected person's disability has ceased or because the conservatorship estate has been exhausted) or after the protected person dies. Unless otherwise ordered by the Court or unless, in the case of the protected person's death, you comply with A.R.S. § 14-5419(F), you will need to file a final account with the Court before you can be discharged of liability in connection with the conservatorship and before your bond is exonerated.
13. If you have any questions as to your duties as a conservator, contact an attorney who handles conservatorships **before** taking any action.
14. Within **thirty (30) days** after your **Letters of Appointment** as guardian and conservator are issued, you must mail a copy of this **Order to Guardian and Conservator and Acknowledgement and Information to Interested Persons** to the following:
 - a. your ward/protected person if your ward/protected person is at least 14 years of age;
 - b. your ward/protected person's attorney, spouse, parents, and adult children; and
 - c. any person who has filed a demand for notice in connection with this matter.

GUARDIAN(S) AND CONSERVATOR(S):

If you should be unable to continue with your duties for any reason, you (or **your** guardian or conservator, if any) must petition the Court to accept your resignation and appoint a successor. If you should die, your personal representative or someone acting on your behalf must advise the Court and petition for the appointment of a successor.

This is an outline of only **some** of your duties as guardian and 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, A FINE, OR BOTH.

This Order shall be effective on _____, [] the minor's eighteenth (18th) birthday.

DATED this ____ day of _____, 20 ____.

Judicial Officer's Signature

Judicial Officer's Name (Type or Print Name)

Judge/Commissioner - Judge Pro Tem

Superior Court of Arizona in _____ County

Case Number: _____

ACKNOWLEDGEMENT

I (We), the undersigned acknowledge receiving a copy of this Order and agree to be bound by its provisions, whether or not read before signing, as long as serving as guardian and conservator.

Guardian/Conservator's Signature

Date

Guardian/Conservator's Name -- (Type or Print Name)

Co-Guardian/Conservator's Signature (if any)

Date

Co-Guardian/Conservator's Name -- (Type or Print Name)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

In the Matter of the
Guardianship and Conservatorship of:

Case Number : _____

(An Incapacitated and Protected Adult)

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 Guardian and 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. §§14-5303(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 of the physician (or other health professional authorized under A.R.S. § 14-5312) and the court investigator have been considered by the Court.
- E. **REGARDING GUARDIANSHIP:**
 - 1. The above-captioned person is an incapacitated person and in need of the continuing care and supervision of a GUARDIAN.
 - 2. The appointment of a guardian is necessary to provide for the demonstrated needs of the incapacitated person.
 - 3. The needs of the incapacitated person cannot be met by less restrictive means, including technological assistance.

4. The person appointed below is competent to serve as Guardian.
5. The person appointed has priority for appointment under A.R.S. § 14-5311, or is otherwise appointed for good cause in accord with A.R.S. § 14-5311(D).
6. **TYPE OF GUARDIANSHIP:** Less restrictive alternatives having been considered:
- ☐ **A GENERAL GUARDIANSHIP** is warranted; A limited guardianship is not appropriate or in the best interests of the incapacitated person.
- (OR)
- ☐ **A LIMITED GUARDIANSHIP**, carrying only such authority as specified on the pages that follow, is appropriate and adequate to protect the best interests and well-being of the ward.
7. **REGARDING MENTAL HEALTH:**
- ☐ By clear and convincing evidence the ward requires inpatient mental health care and treatment.
8. **REGARDING DRIVING PRIVILEGES:**
- ☐ There is sufficient medical or other evidence to establish the ward's incapacity does **not** prevent or interfere with the safe operation of a motor vehicle.
- ☐ The ward's incapacity **does** prevent or interfere with the safe operation of a motor vehicle.
9. **REGARDING VOTING RIGHTS:**
- ☐ By clear and convincing evidence the ward has sufficient capacity and understanding to exercise the right to vote.
- ☐ The ward does **not** have sufficient capacity and understanding to exercise the right to vote.

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 used up unless proper management is provided or because funds are needed for the support, care and welfare of the person to be protected or those entitled to receive support from the protected person, and that protection is necessary or desirable to obtain or provide funds.

IT IS ORDERED:

1. **The Court appoints:** _____
as permanent guardian and conservator for the incapacitated person named above.

☐ The incapacitated person is a MINOR, and the appointment is effective as of
the minor's 18th birthday on this date: _____

(Month, Date, Year of the ward's 18th Birthday)

2. **BOND:** ☐ The Guardian must file a bond in the amount of \$ _____
with the Clerk of the Court, Probate Registrar by (date): _____
- 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, if any:

A. GUARDIANSHIP:

1. ☐ **A LIMITED GUARDIANSHIP** is ordered. The Guardian's authority is limited to:

a. Mental Health Care Powers (under Limited Guardianship): (Check all that apply)

☐ Guardian is granted authority to consent to **outpatient** mental health treatment.

☐ Guardian is granted authority to place the ward in an Inpatient Psychiatric Facility for **inpatient** mental health care and treatment.

This authority expires on _____ (date). Requests to renew or extend authority for **inpatient** mental health treatment must be submitted every year.

b. (and/or) The following specific powers indicated:

☐ Consent to Medical Treatment ☐ Consent to Marriage

☐ Arrange Education or Training ☐ Consent to Make Living Arrangements

☐ Apply for Public Assistance or Social Services

c. Other Limited Powers: _____

(OR)

2. ☐ **A** ("general", "non limited") **GUARDIANSHIP** is ordered, *subject to the following restrictions:* (if any) _____

3. MENTAL HEALTH POWERS OF GUARDIAN:

- ☐ The Guardian is granted authority to place the ward in an Inpatient Psychiatric Facility for **inpatient** mental health care and treatment.

This authority expires on this date: _____. Requests to renew or extend authority to place the ward in an Inpatient Psychiatric Facility must be submitted every year.

4. PRIVILEGES and RIGHTS of the WARD:

A. 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.

B. VOTING RIGHTS:

- ☐ The Ward's right to vote is **suspended**
- ☐ The Ward's right to vote is **NOT suspended**.

B. CONSERVATORSHIP:

1. ☐ **A CONSERVATORSHIP** is ordered for the following limited or specific purpose(s): (if any): _____

(OR)

2. ☐ **A** ("general") **CONSERVATORSHIP** over the entire estate of the protected person is ordered, subject to the following restrictions, if any:

a. ☐ 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.

- b. ☐ **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:

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. **ADDITIONAL REQUIREMENTS OF CONSERVATOR:**

A. 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.

B. 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.

C. 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.

D. 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

6. **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
7. **CHANGE OF ADDRESS:** The Guardian and Conservator shall immediately notify the Court in writing of any change in the address of him or herself or of the protected person/incapacitated person.
8. **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.
9. **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)

Person Filing: _____
Address (if not protected): _____
City, State, Zip Code: _____
Telephone: _____
Email Address: _____
Lawyer's Bar Number: _____
Licensed Fiduciary Number: _____

FOR CLERK'S USE ONLY

Representing ☐ Self, without a Lawyer or ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN PIMA COUNTY

In the Matter of the
Guardianship and Conservatorship for

Case Number: _____

LETTERS OF APPOINTMENT AS PERMANENT GUARDIAN and CONSERVATOR and ACCEPTANCE OF LETTERS

Name of Protected ☐ Adult ☐ Minor

ISSUANCE OF LETTERS:

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

☐ **Restrictions above affect 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.

5. MENTAL HEALTH CARE:

- ☐ **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 Guardian has the authority to place the ward in an Inpatient Psychiatric Facility for inpatient mental health care and treatment. This authority expires on _____ (date).

6. 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.

WITNESS: _____

CLERK OF THE SUPERIOR COURT

SEAL

By: _____
Deputy Clerk

ACCEPTANCE OF LETTERS OF APPOINTMENT

I accept the duties as permanent guardian and conservator of:

(Name of Protected and Incapacitated Person)

Date

Signature

STATE OF _____

COUNTY OF _____

Subscribed and sworn to or affirmed before me this: _____ by
(date)

_____.

(notary seal)

Deputy Clerk or Notary Public