

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 COCHISE COUNTY

In the Matter of the Conservatorship of

Case Number: _____

ORDER TO GUARDIAN and CONSERVATOR FOR AN ADULT AND ACKNOWLEDGMENT and INFORMATION TO INTERESTED PERSONS

Name of Protected Person (and Ward)

Warning: 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 protected person" and "your ward") 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. This order is entered to help avoid problems and to assist you in the performance of your duties. You are required to be guided by it and comply with its provisions as relates to your duties as guardian of your ward and conservator of the estate of your protected person, as follows:

GUARDIANS:

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 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.

5. 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.**
6. 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 property;
 - b. Apply any money received toward your ward's current support, care, and education needs, and conserve any excess funds not spent for your ward's current support, care, and education for future needs;
 - c. Maintain your ward's funds in a separate account, distinct from your own and identified as belonging to the ward;
 - d. Maintain records of all of the ward's property received and expended during the period of the guardianship;
 - e. Account to your ward or your ward's successors at the termination of the guardianship, if requested; and,
 - f. Not purchase, lease, borrow, or use your ward's property or money for your benefit or anyone else's, without prior Court approval.
7. You shall not accept any compensation of any kind for placing your ward in a particular nursing home or other care facility, for using a certain doctor, or for 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.
8. 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 **Letters of Appointment**.
9. 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.
10. 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 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.
12. 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.
13. If you have any questions about the meaning of this order or the duties which 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.
14. If you are not a certified 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).

CONSERVATORS:

1. Immediately locate, identify 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 any) unless the court orders you to do otherwise. If you have any question as to how you should title an asset (including whether you should maintain an existing account, 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 which 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** with the County Recorder in each county 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 the state where the property is located as well.
5. File your formal inventory with the Court **no more than 90 days** after your **Letters of Appointment**, 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 ordered otherwise 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. Rule 33 (A) of the Arizona Rules of Probate Procedure and Arizona Revised Statutes § 14-5109 require that you provide written notice of the basis for any claim for compensation.
9. **File annual accountings** with the Court.
 - A. Unless otherwise ordered by the Court, your first accounting 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. The accounting must be filed with the court on or before the first anniversary date of the issuance of your letters of permanent appointment as conservator.

- B. Unless otherwise ordered by the Court, all subsequent accountings shall reflect all activity relating to the conservatorship estate from the ending date of the most recent previously filed accounting 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 conservator.
- C. **Each accounting must list** all conservatorship property at the beginning of the accounting period and the conservatorship property at the end of the accounting period. It must describe all money and property received or paid out by you during the accounting period. As to money and property received, the accounting must state the date received, the source (who or where it came from), for what purpose, and the amount or value received. As to money and property disbursed (paid out), you must provide the date of each disbursement, who the money or property went to, for what purpose, and the amount or value of the disbursement. With each accounting, you also must submit a bank statement or financial account statement that supports the ending balances of each account shown on the accounting.
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 or 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 regarding all decisions the fiduciary is empowered to make. You must not make speculative investments. Do not purchase merchandise or services which 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 the conservatorship be terminated. The petition should be filed if the protected person no longer needs a conservator because his or her disability has ceased, the estate has been exhausted, or the protected person has died. If the protected person is a minor who is not in need of protection as an adult, the petition should be filed when the minor reaches the age of 18. Unless otherwise ordered by the court, before you can be discharged of liability in connection with the conservatorship and before your bond, if any, is released, you will need to either **file a final accounting** with the court, *or if the protected person has died*, and unless prohibited by order of the court, you may choose to instead **file a verified (notarized) statement**, that meets all the requirements of Arizona law, A.R.S. § 14-5419.
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 CONSERVATOR ARE ISSUED, YOU MUST MAIL A COPY OF **THIS ORDER** TO THE FOLLOWING:
- A. YOUR PROTECTED PERSON;
 - B. YOUR PROTECTED PERSON'S ATTORNEY, SPOUSE, PARENTS, AND ADULT CHILDREN;
 - C. YOUR PROTECTED PERSON'S GUARDIAN IF ONE HAS BEEN APPOINTED; AND
 - D. ANY PERSON WHO HAS FILED A DEMAND FOR NOTICE IN THIS MATTER.

GUARDIANS AND CONSERVATORS:

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.

Dated: _____

Signature of Judicial Officer or Judge Pro Tem

Printed Name of Judicial Officer/Judge Pro Tem

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 or conservator.

Guardian - Conservator's Signature

Date

Co-Guardian - Conservator (if any)

Date

Printed Name

Printed Name