

**SUPERIOR COURT OF ARIZONA
PINAL COUNTY**

In the Matter of
Guardianship and/or Conservatorship of:)
)
)
)
)
)
_____)
(Incapacitated Adult)

Case Number **GC 2** _____

- Order of Appointment of Permanent**
 Guardian of an Adult
 Conservatorship of an Adult
 Guardianship and Conservatorship of an Adult

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.** The reports of the physician and the court investigator have been considered by the Court.
- E.** **GUARDIANSHIP:** 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.
- F.** **CONSERVATORSHIP:** Appointment of a Conservator is necessary because the proposed ward 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 the person appointed below is entitled to appointment as Conservator under A.R.S. § 14-5410.

IT IS ORDERED:

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

NAME: _____ is appointed as:
 Guardian and Conservator OR Guardian OR Conservator of the above-named person.

- 2. BOND:**

- No Bond is required, OR
- The Guardian and Conservator must file a bond in the amount of \$ _____ with the Clerk of the Court, before issuance of the letters.

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, SUBJECT TO THE FOLLOWING RESTRICTIONS:

The following real property shall not be sold, transferred or encumbered without prior court approval:

The following financial accounts shall be restricted with no withdrawal of principal or interest without prior court order:

The following additional restrictions apply:

4. ACCEPTANCE OF LETTERS: The Guardian and Conservator shall sign the ***“Acceptance of Letters of Appointment”*** under oath, and file the Acceptance with the Clerk of the Court.

5. 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 by this date as required by A.R.S. § 14-5315, by filing the required form with the Clerk of the Court.

6. 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).

Pursuant to A.R.S. 14-5303, the appointment of _____ as Permanent Guardian for _____, the alleged incapacitated person, which may include the authority granted to the Guardian to withhold or withdraw life sustaining treatment, including artificial food and fluid.

7. 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.

8. INVENTORY AND APPRAISEMENT:

- 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.
- "Inventory and Appraisal"** is waived and is not required to be filed with the court.

9. RESTRICTED ACCOUNT: The account is to be restricted, and no withdrawal of principal or interest shall be permitted by the depository except upon receipt of a certified copy of an order of this Court authorizing the withdrawal.

10. REINVESTMENT: The depository may, however, permit reinvestment of the funds within the depository without further order of the Court so long as the funds remain restricted in the same institution, at the same branch.

11. PROOF OF RESTRICTED ACCOUNT: The conservator may only hold funds in a depository which agrees to be bound by this order and to make written proof of its agreement to be bound, including proof of the account, the account number, the deposit amount, 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.

12. ESTABLISHING RESTRICTED ACCOUNT: The conservator or attorney for the adult or attorney for the conservator is responsible for establishing the restricted account and filing the proof required by this order with the Court within 30 days of this order.

13. ANNUAL ACCOUNTING:

- The conservator's annual accounting to this Court is waived (OR)
- The conservator is required to file an annual accounting. The first accounting is due on _____.

14. ESTATE MANAGEMENT PLAN:

- Within 90 calendar days of this date and with each required annual accounting, the Conservator shall prepare and file with the Clerk of the Court an **"Estate Management Plan"** as required by Local Rule 5.7(c). (OR)
- The "Estate Management Plan" is waived and is not required to be filed with the court.

15. 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.

16. 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.

17. 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.

- 18. IT IS FURTHER ORDERED** setting this matter for internal review within (no. of days) _____ to determine compliance.

DONE IN OPEN COURT: _____

JUDGE OF SUPERIOR COURT