Person Filing: _____

_____

Mailing Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

In the Matter of the Guardianship and/or Conservatorship of:
Ward 1: _____
Ward 2: _____
Ward 3: _____
[ ] An Adult [ ] A Minor

Case Number: GC_____

ORDER TO GUARDIAN AND/OR CONSERVATOR AND ACKNOWLEDGMENT

The court is greatly concerned with the ward's welfare and best interest. By accepting appointment as guardian and/or conservator, you have subjected yourself to the court's power and supervision. Therefore, to help avoid problems and assist you in performing your duties, this order is entered. You are required to be guided by it and comply with its provisions as it relates to your duties as guardian and/or conservator as follows:

GUARDIAN:

1. You have powers and responsibilities similar to those of a parent of a minor child, except you are not legally obligated to contribute to the ward's support 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 meet the ward's personal needs, such as food, clothing, and shelter.
3. You are responsible for making decisions concerning the ward's educational, social, and religious activities. If a ward is over 13, you must take into account their preferences to the extent you know them or can discover them with a reasonable effort.
4. You are responsible for making decisions concerning the ward's medical needs, including but not limited to deciding to place a ward in a nursing home or other health care facility and employing health professionals to provide for the ward's health care needs. However, you are to use the least restrictive means and environment available that meets the ward's needs.
5. You may arrange for medical care to be provided even if the ward does not wish to have it. This includes outpatient mental health care and treatment.
6. You may handle small amounts of the ward's money or property without being appointed conservator. As a general rule, "small amount" means the ward does not receive income (from all sources) exceeding $5,000 per year, does not accumulate excess funds exceeding that amount, and does not own real property. If you come to possess or accumulate more than these amounts, you are required to petition for the appointment of a conservator.

7. If you handle any of the ward's money or property, you must do each of the following.
   a. Care for and protect the ward's personal effects.
   b. Apply any monies you receive for the ward's current support, care, and educational needs.
   c. Conserve any excess funds not so spent for the ward's future needs.
   d. Maintain the ward's funds in a separate account, distinct from your own and identified as belonging to the ward.
   e. Maintain records of all the ward's property received and expended during the guardianship.
   f. Account to the ward or their successors at the termination of the guardianship, if requested.
   g. Do not purchase, lease, borrow, or use the ward's property or money for your or anyone else's benefit without prior court approval.
8. You shall not accept any kind of remuneration for placing a ward in a particular nursing home or other care facility or using a certain doctor or lawyer. "Remuneration" includes but is not limited to direct or indirect payments of money, "kickbacks", gifts, favors, and other kinds of personal benefits.
9. You will need to obtain a certified copy of the Letters issued to you by the Clerk of Court. Your certified copy is proof of your authority to act as the ward's guardian, and you should have it available when acting on the ward's behalf. 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.
10. You are required to report to the court annually, in writing, with respect to the ward's residence and physical and mental health and whether guardianship is still needed. Your Guardian's Annual Report is due each year on the anniversary date of your appointment. You must send copies of the Report to the persons named in Arizona law.
11. You must be conscious at all times of the ward's needs and best interest. If the circumstances that made the guardianship necessary should end, you are responsible for petitioning to terminate it and be discharged from your responsibilities as guardian. Even if the guardianship should terminate by operation of law, you will not be discharged without an order from this court discharging you.
12. If you should be unable to continue your duties for any reason, you and *your* guardian or conservator 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 that it and Arizona law impose on you, you should consult an attorney or petition the court for instructions.
14. If you are now or become guardian for more than two people not related to you by blood or marriage, you must advise the court in writing of the 1) name and address of the court that appointed you, 2) case number, and 3) ward's name and address and 4) any other information the court requires.
15. You must notify the court in writing immediately of a change in address or phone number of a guardian or ward.

If you have been granted authority to consent to the ward's inpatient mental health treatment, the following additional duties and obligations apply:

1. You are additionally responsible for making decisions concerning the ward's mental health needs, including deciding to place the ward in a mental health treatment facility.
2. The court has granted you authority to place the ward in a level one mental health treatment facility for inpatient mental health treatment. This means you may admit a ward for inpatient mental health treatment. With that authority goes certain legal responsibilities which include:

a. You must seek the advice and assistance of qualified mental health professionals in determining the ward's needs for care and treatment, the degree of rehabilitation possible, and the best possible placement for the wards.
b. You must choose the care and treatment most suited to the wards, taking into account their needs and preferences, which will let them achieve the maximum possible rehabilitation or recovery.
c. In making placement decisions, you must first seek alternatives to hospitalization. Your first preference should be allowing the ward to live at home with family or friends, and your second preference should be placing the ward in a mental health treatment facility close to home in an environment less restrictive than a hospital. Inpatient hospitalization should be your last resort.
d. Within 48 hours after placing a ward in an inpatient treatment facility, you must give notice of this action to the ward's attorney.
e. The inpatient behavioral health treatment facility is required to assess the appropriateness of the ward's placement in the facility every 30 days and provide a copy of the assessment report to the ward's attorney. You need to assure that this assessment is completed on time and mailed to the ward's attorney.
f. When a ward is admitted to a level one behavioral health treatment facility, you must provide the facility with the ward's attorney's name, address, and phone number. The facility shall include this information in the ward's treatment record.
g. You must place the ward in the least restrictive treatment alternative within ten days after the medical director of the inpatient facility notifies you that the ward no longer needs inpatient care. If you cannot arrange alternative placement within that time after discussion with the medical director, or if you and the medical director disagree about the feasibility or availability of alternative placement, you, the medical director, or both of you may ask the court to hold a hearing on the matter. If you request a hearing, the court will set one.

3. **YOUR AUTHORITY TO ADMIT THE WARD TO A LEVEL ONE BEHAVIORAL HEALTH FACILITY FOR INPATIENT MENTAL HEALTH CARE IS LIMITED TO ONE YEAR.** Unless the court orders the continuation of your inpatient mental health treatment authority for another year, your power to admit the ward for inpatient mental health treatment will lapse on the anniversary of your appointment. **If you want the inpatient placement authority to continue, you must file with your Guardian's Report an evaluation report by a psychiatrist or psychologist explaining the ward's current need for inpatient mental health care and treatment.** If no evaluation report is filed or if it states that the ward does not currently need inpatient mental health treatment, your authority to consent to inpatient mental health care will cease. You must send a copy of the Guardian's Report and evaluation report to the ward's attorney. You should file the Guardian's Report and evaluation report at least 30 days before your authority expires.

   The ward, through their attorney, has the right to challenge your request tor renew your authority to consent to inpatient mental health treatment. Any objection to your request must be filed within ten business days of the filing of your Guardian's Report and evaluation report. The court must hold a hearing within 30 calendar days after it receives the objection. Your inpatient mental health treatment authority continues pending the court's ruling on the issue. At the hearing, you must prove by clear and convincing evidence that the ward currently needs inpatient mental health care and treatment.

If you are requesting renewal of your authority to consent to inpatient mental health care, in addition to the ward's attorney, you must send a copy of your Guardian's Report and evaluation report to the medical director of the mental health treatment facility or agency responsible for the ward's care and treatment. If the ward is in the Arizona State Hospital, you should send a copy to: Medical Director, Arizona State Hospital, 2500 E. Van Buren, Phoenix, AZ 85008.

Should your authority to consent to inpatient mental health care cease, you may still consent to psychiatric and psychological care and treatment, including administering psychotropic medications, if the care and treatment take place outside a level one behavioral health facility licensed by the department of health services.

CONSERVATORS:

1. Immediately locate and inventory all the ward's assets and arrange for their protection, such as changing the locks on the house, renting a safe deposit box for important documents, etc.
2. File an Inventory of Estate with the court within 90 days after your appointment. If filing without an attorney, put the case name and number on all papers you file with the court.
3. File a Conservatorship Estate Budget with the court within 90 days after your appointment.
4. Immediately begin taking title to all the ward's property. The property should be titled in the name of the conservatorship: [Your name] as Conservator of the estate of [Ward's name], or [Ward's name] by [your name], Conservator. Do not put the ward's funds into joint accounts, trust accounts ("in trust for"), or payable on death (POD) accounts. Do not list yourself as beneficiary on any of the ward's bank accounts or other assets.
5. Keep detailed records of all receipts and expenditures you make on the ward's behalf, including bills, receipts, bank statements, tax returns, bills of sale, promissory notes, etc. Open a separate conservatorship checking account for deposit of the ward's income and other receipts and payment of their bills and expenses. Avoid dealing in cash.
6. Establish a budget, pay the ward's debts when they are due, and properly invest their assets. You may hire accountants, attorneys, and other advisors to help you carry out your duties as the size and extent of the conservatorship estate may dictate.
7. Record certified copies of your Letters of Guardianship and/or Conservatorship with the county recorder in each county where the ward own property, in order to protect title to those properties.
8. If the court has ordered you to place funds in a restricted account, immediately file a receipt from the bank or financial institution showing that you have complied. The receipt should include the financial institution's name and address, the type of account, the account number, and the amount deposited.
9. File a Conservator's Accounting with the court within one year after the date you were appointed (and each year on the anniversary date of your appointment) showing everything the ward owned when you were appointed; all sums and property received since your appointment, itemized by date, source, purpose, and amount; all expenditures made since your appointment, itemized by date, payee, purpose, and amount; and the balance at the end of the accounting period.
10. **NEVER** use any of the ward's money or property for any reason other than the ward's direct benefit. You may not profit in any way from access to the ward's assets. You have a legal duty of undivided loyalty to the ward. 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 those assets.

11. Do not make speculative investments. Do not purchase merchandise or services the ward would consider extravagant or inappropriate for their lifestyle before your appointment. Use the assets to maintain the ward's safety, health, and comfort, bearing in mind they may have no additional sources of income for the remainder of their life.
12. All conservatorships terminate on the ward's death, the depletion of their conservatorship estate, or a minor ward's reaching 18 years of age. Court proceedings and a final accounting are **required** before you can be discharged as conservator and your bond exonerated (canceled).
13. If you have any questions as to your duties as conservators, contact an attorney who handles conservatorships **before** taking any action.
14. You must notify the court in writing immediately of a change in address or phone number of a conservator or ward.

THIS IS ONLY AN OUTLINE OF **SOME** OF YOUR DUTIES AS GUARDIAN AND/OR 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 THIS COURT'S ORDERS AND ARIZONA LAW ON GUARDIANS AND/OR CONSERVATORS MAY RESULT IN YOUR REMOVAL FROM OFFICE AND OTHER PENALTIES. IN SOME CASES, YOU MAY BE HELD IN CONTEMPT OF COURT, PUNISHABLE BY CONFINEMENT IN JAIL, FINE, OR BOTH.

Dated: _____ Superior Court Judge: _____

ACKNOWLEDGMENT: I received a copy of this Order and agree to be bound by its provisions, whether or not I read it before signing, as long as I am guardian and/or conservator.

_____	_____
Guardian/Conservator's Signature	Guardian/Conservator's Signature
Date: _____	Date: _____