

# Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

## WebEx information:

Thursday, August 20, 2020, 12:00 pm | 2 hours |

Meeting number: 146 163 9998; Password: NPF3h3fgN\*3 (67334334 from phones and video systems)

<https://utcourts.webex.com/utcourts/j.php?MTID=m93ad8eafe8d5e5831c98056b81c17427>

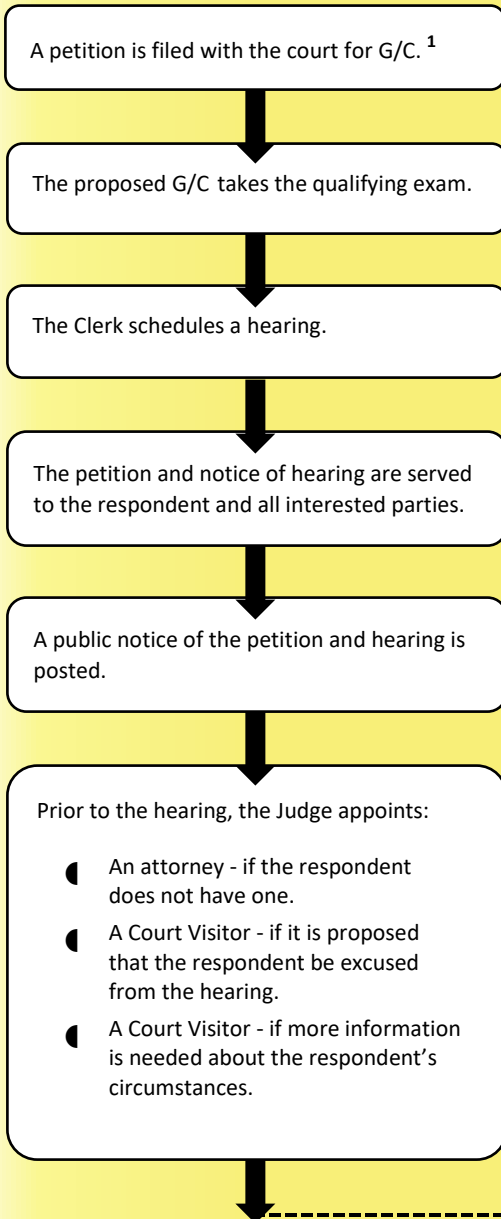
Join by phone - +1-408-418-9388; Access code: 146 163 9998

## AGENDA

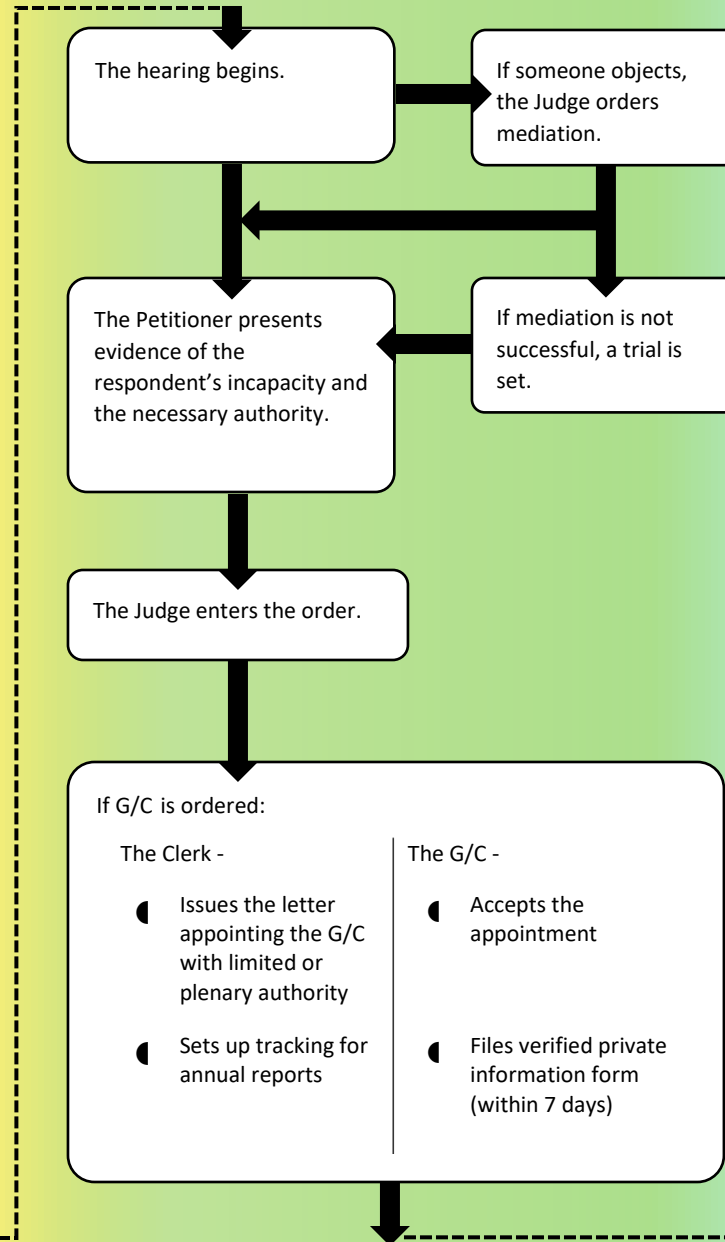
	Topic	Presenter	Materials
12:00	Meeting begins		
	<b>Welcome, Minutes, Housekeeping</b>		<i>June 2020 meeting minutes</i>
12:05	<b>Privacy in Remote Interviews (CVP)</b>	Nancy Sylvester Michelle Wilkes	
12:15	<b>Presentation – CSFP</b>	Arie Van De Graff	<i>CSFP – Presentation Materials</i>
12:35	<b>WINGS Projects Updates:</b>	Judge Kelly Shonna Thomas	
	<ul style="list-style-type: none"> <li>• Annual reminder notice</li> </ul>		
	<ul style="list-style-type: none"> <li>• Clerical manual                             <ul style="list-style-type: none"> <li>○ 75-5-312(3)(f)(v)(3)</li> <li>○ Coversheet (4<sup>th</sup>)</li> </ul> </li> </ul>	Judge Kelly Shonna Thomas	<i>Guardianship Process (CVP version)</i> <i>Probate Report for Review and Approval (coversheet)</i>
1:00	<b>Committee Feedback –</b>	Judge Kelly Kent Alderman	<i>Basic Guidelines – Guardians and Conservators (Master Copy – Comments)</i> <i>Basic Guidelines – Supplemental Comments (forms)</i>
	<ul style="list-style-type: none"> <li>• Guardianship test / manual</li> </ul>		
	<ul style="list-style-type: none"> <li>• Guardianship for Minors / School</li> </ul>	Norma Valavala-Ballard	(pending)
	<ul style="list-style-type: none"> <li>• GSP Recruitment</li> </ul>	Shonna Thomas	
1:45	<b>Membership:</b>	Judge Kelly	
	<ul style="list-style-type: none"> <li>• Replacing retired/retiring members                             <ul style="list-style-type: none"> <li>○ Welcome Brant Christiansen</li> </ul> </li> <li>• Invite to district court judge(s) &amp; probate staff</li> </ul>		
2:00	Meeting adjourned		

**Next meeting:** **October 15, 2020** (via WebEx)

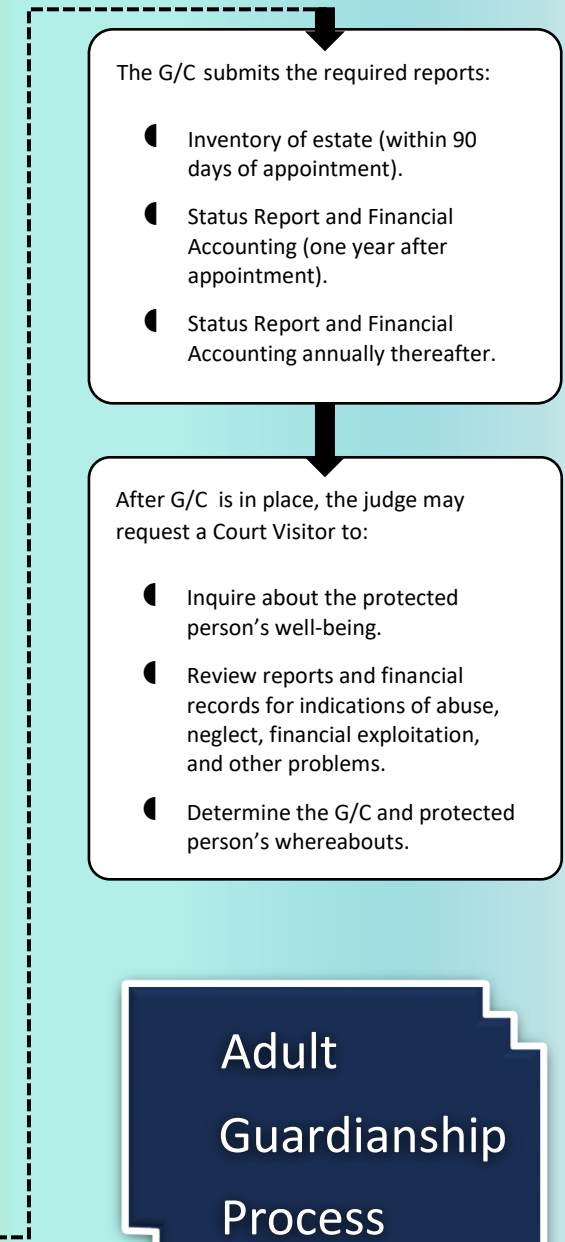
## 1 PRE-APPOINTMENT



## 2 APPOINTMENT



## 3 POST-APPOINTMENT



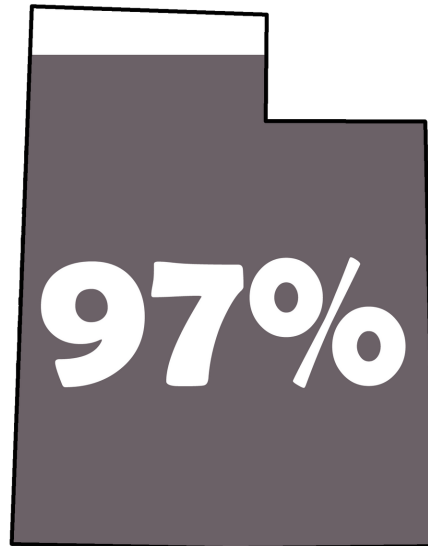
# Adult Guardianship Process

<sup>1</sup> For convenience, "G/C" refers to guardianship and/or conservatorship **OR** guardian and/or conservator, depending on the context.

# Impact Report

2020

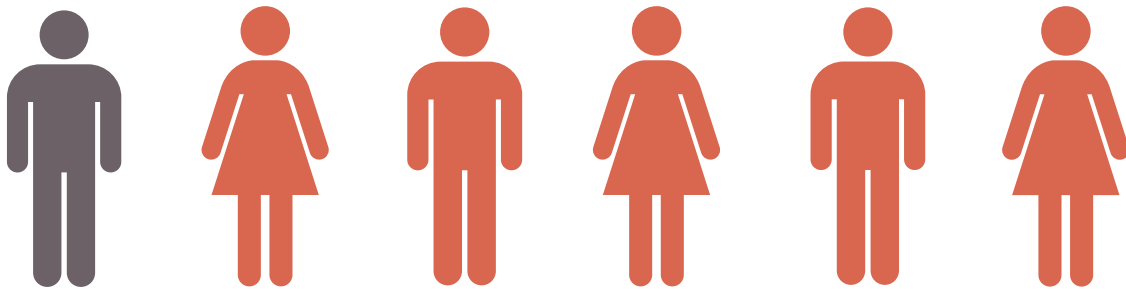
Administered by the Utah Food Bank, the Commodity Supplemental Food Program (CSFP) was created by the U.S. Department of Agriculture to improve the health of low-income individuals at least 60 years of age, by supplementing their diets with nutritious foods.



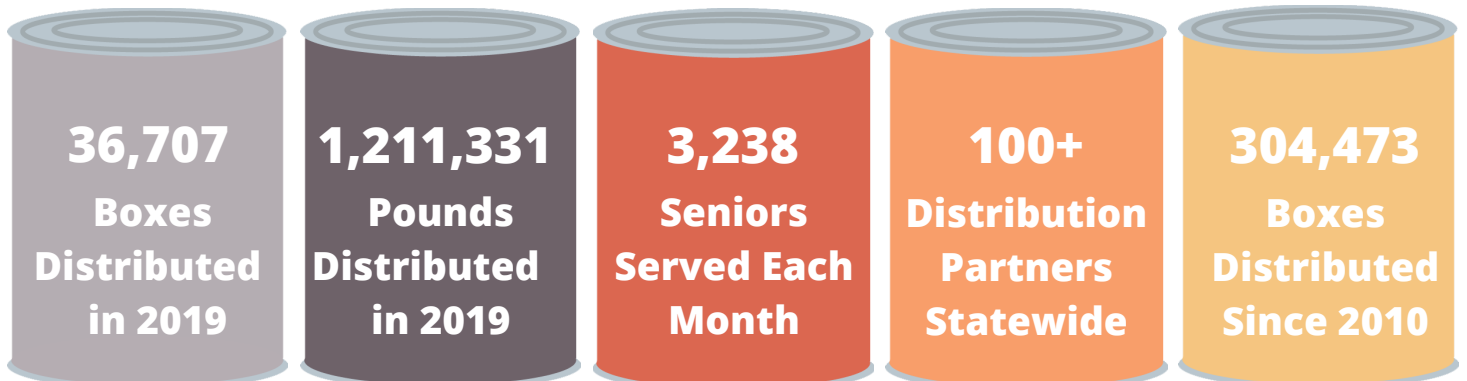
With coverage in 25 of Utah's 29 counties, the Utah CSFP is available for 97% of Utah's citizens.

“ Getting this food box helps so much! And I think you are doing something great!

“ Thank you, you are all angels. I do not know what I would do without our monthly box.



**Nationally, 1 in 6 seniors struggle with hunger. Utah CSFP provides a monthly food box including a variety of healthy food such as canned fruits and vegetables, whole grains, beans, milk, cheese, and packaged meat.**



*This institution is an equal opportunity provider.*

# State Data

## Participating Counties

County	Population	Population over 65	Seniors in Poverty	CSFP Caseload	% Covered by CSFP	State Rank
Beaver	6710	946	89	26	29.2	3
Box Elder	56,046	7,398	540	61	11.3	15
Cache	128,289	12,572	1,622	56	3.5	21
Carbon	20,463	3,683	530	101	19.0	8
Daggett	950	259	17	9	53.4	1
Davis	355,481	36,615	2,087	55	2.6	23
Duchesne	19,938	2,472	294	133	45.2	2
Emery	10,018	1,773	222	41	18.5	10
Garfield	5,051	1,212	136	8	5.9	18
Grand	9,754	1,892	214	46	21.5	6
Iron	54,839	7,074	1,019	48	4.7	19
Juab	12,017	1,430	122	23	18.9	9
Kane	7,886	1,845	194	19	9.8	17
Morgan	12,124	1,443	58	1	1.7	25
Piute	1,479	416	77	17	22.0	5
Salt Lake	1,160,437	129,969	11,697	1,875	16.0	11
San Juan	15,308	2,281	515	53	10.3	16
Sanpete	30,939	4,486	664	30	4.5	20
Sevier	21,620	3,567	428	101	23.6	4
Tooele	72,259	6,720	457	65	14.2	13
Uintah	35,734	4,038	464	68	14.6	12
Utah	636,235	50,263	4,725	93	2.0	24
Washington	177,556	39,062	3,789	101	2.7	22
Wayne	2,711	596	77	16	20.8	7
Weber	260,213	30,965	2,911	348	12.0	14

## Other Counties

County	Population	Population over 65	Seniors in Poverty
Millard	13,188	2,347	265
Rich	2,483	457	41
Summit	42,145	5,647	350
Wasatch	34,091	4,193	222

\*Population and poverty data from the U.S. Census Bureau. Seniors in poverty estimated.

\*\*Please note that these figures are for seniors 65+ at poverty level and therefore do not capture the total need within each county.

# Program Overview

The Commodity Supplemental Food Program (CSFP) serves just over 3,200 low-income seniors throughout Utah each month. The program is designed to meet the unique nutritional needs of participants, supplementing diets with a monthly package of healthy, nutritious USDA commodities. With one in six seniors struggling with hunger nationwide, CSFP prevents vulnerable seniors from having to choose between food and other basic needs.

## Who Qualifies

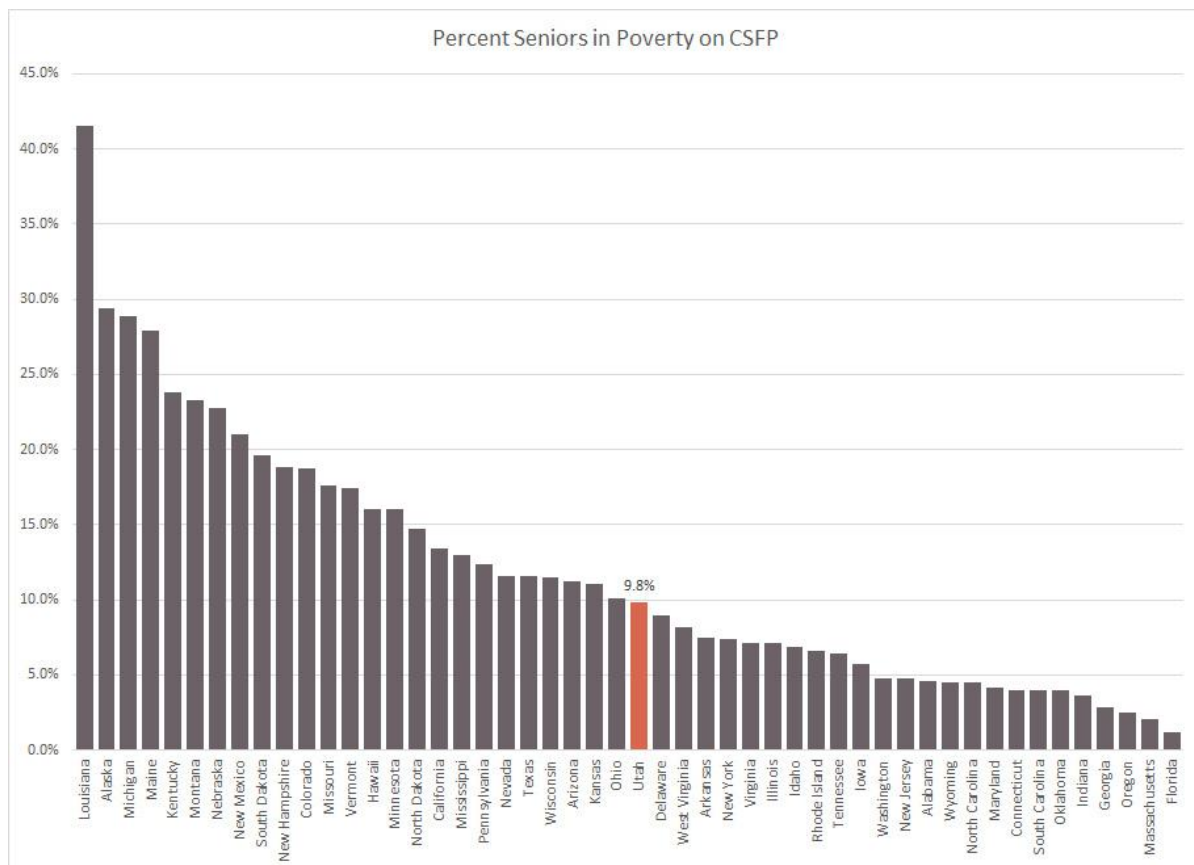
CSFP has eligibility requirements for both income and age. CSFP services individuals age 60 and over with incomes of less than 130% of the Federal Poverty Guideline (\$16,588 for a senior living alone in 2020).

## Targets Vulnerable Seniors

Unlike home-delivered meals and congregate feeding programs in senior centers, CSFP is focused specifically on the low-income senior population.

## Nationwide Reach

CSFP is available in all 50 states. Utah ranks 27th out of 50 states in providing service to at-need seniors.



# Nutritional Benefits

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While CSFP is not expected to provide a complete diet, it is designed to provide nutrients typically lacking in senior's diets. A 2012 USDA study rates CSFP's senior food package at 76.6 on the Healthy Eating Index (HEI), significantly higher than the average American diet (at 57.5 HEI).

## Food Package Contents

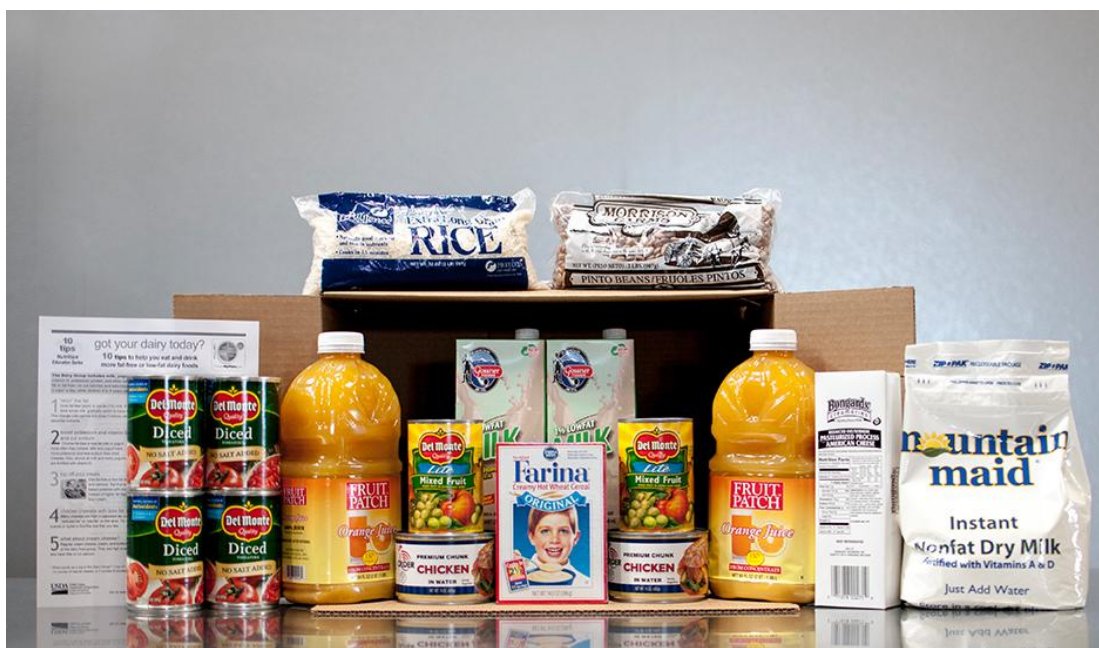
The CSFP food package includes commodities from each of the five recommended USDA food categories:

- Canned fruits - unsweetened or lightly sweetened
- Canned vegetables - low sodium or no salt added
- Low fat dairy - cheese and shelf stable milk
- Whole grains - oats, whole grain noodles, brown rice, and cereals
- Variety of proteins - dry and canned beans, lean meats, poultry, and fish

And with over 70 food items available to choose from, participants are promised a new combination of food items every month.

## Purchased not Donated Food

CSFP commodities are 100% American-grown USDA Foods purchased from U.S. farmers and ranchers. Since all products contained in the food box are purchased fresh by the U.S. Government, participants can rest assured that each product goes through strict monitoring at the State and Federal level to keep them free of risk. Participants also appreciate the fact that CSFP commodities are delivered to them well before any expiration date.





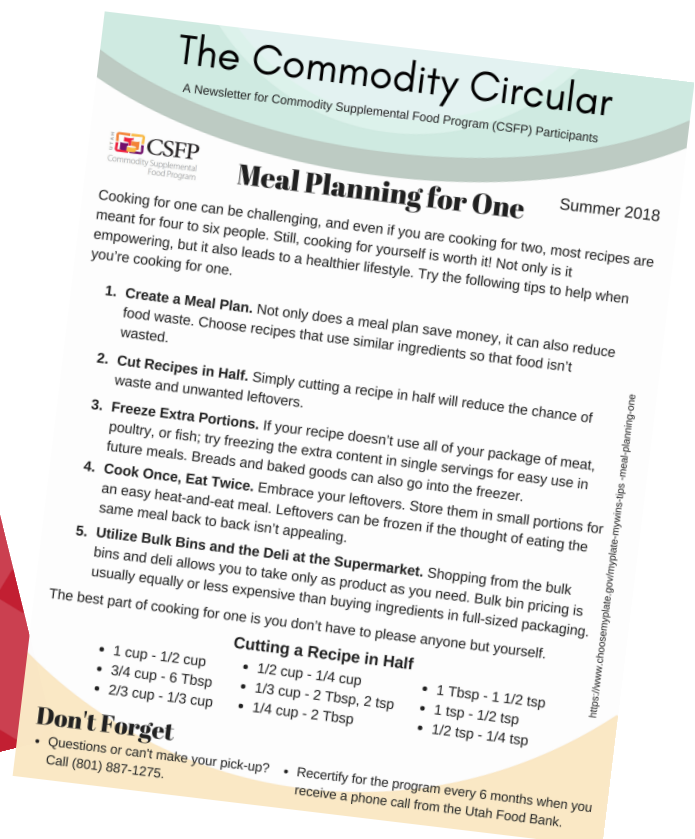
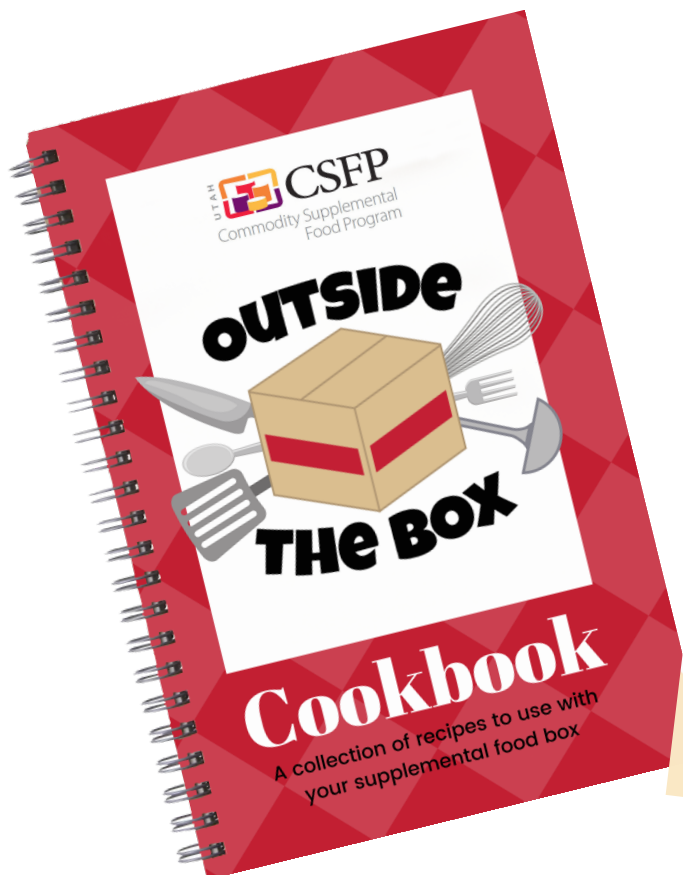
# Education Component

Utah CSFP takes the USDA charge to offer nutrition education to our clients seriously. Through handouts, special projects, and social media; we are working to improve the habits of the seniors on the program.

Every month a nutrition education handout is included in each and every food box that is distributed throughout the state. Each handout is prepared locally and focuses on issues identified in a comprehensive client survey administered every other year.

Once a year, Utah CSFP undertakes a special educational project. In years past the program has shared a large calendar, a cookbook that included dozens of recipes with commodities included in the program's food box, and an adult coloring book with fun artwork and a some nutrition education on every page.

Additionally, Utah CSFP continues to educate through social media. Included in this effort is a recent initiative to produce short explainer videos on senior health issues, include a video on how to avoid food poisoning.



# Utah CSFP Performance

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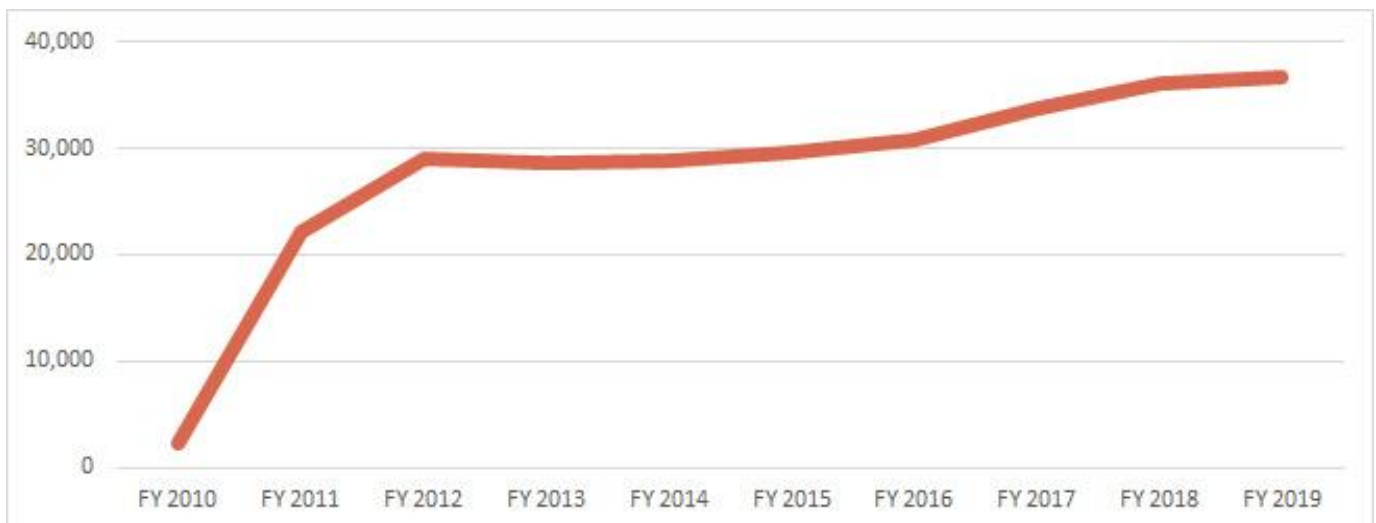
Since its introduction into Utah in 2010, CSFP has continually grown both in caseload and in its reach into counties throughout Utah.

Today Utah CSFP is available in 25 of Utah's 29 counties--capturing 94 percent of Utah's population. Our federally assigned caseload for FY 2020 is 3,238 clients.

In order to qualify for additional caseload, a state must reach the threshold of 95 percent distribution of caseload. Outside some growing pains in the initial years of the program, Utah CSFP has consistently reached that threshold and has thus seen caseload grow steadily over time.

Thanks to the incredible efforts of the Utah Food Bank, the Utah CSFP is in a strong position to continue to grow. Together we can reach more at-risk seniors throughout all 29 counties in the state.

## Yearly Number of Boxes Delivered in Utah



The Utah Food Bank stores, packages, and delivers over 30,000 boxes each year. Our goal is to continue to grow to the point where we are able to meet the needs of seniors in each of Utah's 29 counties.



# Your Responsibility

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Most of the administration of CSFP is covered by the Utah Food Bank. The allocation of caseload, the purchasing of commodities, the shipping of food boxes, and the processing of applications are all handled by the Utah Food Bank. But as a distribution site, you still are responsible in a number of ways to ensure the program is a success.

## **Identify Potential Clients**

As you serve the needs of the at-risk population in your community, pay special attention to those clients 60 years or older who may qualify for CSFP. You can leverage CSFP to free up other resources in your pantry to assist more families in your community.

## **Assist in the Application Process**

Seniors interested in participating in CSFP must first fill out an application form. Your site can verify identification and residency to expedite the process. You should also double check the application has been completely filled out and that there are signatures for the applicant as well as any proxy. Level of income is self-declared.

Once an application is completed, your site will mail, email, or fax the application to the Utah Food Bank for certification.

## **Set a Distribution Schedule**

As a distribution site you set the time and means for the distribution of the food boxes to your clientele. When deciding your distribution schedule, please remember the demographics of the CSFP clientele. Our goal is to ensure that our clientele has every opportunity to receive its food box—so please plan your distribution schedule accordingly.

## **Collect a Signature for Each Box Delivered**

For each box distributed, a signature is required. This is an important federal requirement that protects the program from charges of fraud. If a participant is unable to pick up her own box, she is welcome to enlist a proxy to pick up the box for her; but any proxy must be on file as such with the Food Bank prior to signing for a participant's box.

The Utah Food Bank will provide you with signature sheets you can use while distributing boxes. It is critical for the success of the program that you collect signatures monthly and then return those signature sheets to the Food Bank before the end of the month.

## **Ensure Civil Rights**

As CSFP is a federal program, you are required to ensure the civil liberties of each client is met. All staff involved in CSFP is required to participate in Civil Rights training available on the Utah Food Bank CSFP website every year. Additionally, your site is required to post USDA's "And Justice for All" poster in a prominent location where participants can see and clearly read it.

# Program Marketing

With a limited budget, Utah CSFP needs to be strategic in its marketing. Since 2018, we have partnered with direct mailing newspapers in Salt Lake and Utah Counties in an effort to share our message with the public. We've also partnered with the County Seat public access television show and PBS Utah's Contact with Mary Dickson to market the program.

In Salt Lake County, we are advertising with City Journals throughout the county over the course of three months. The City Journal is delivered to nearly 200,000 homes and businesses each month.

In Utah County, Serve Daily is publishing an ad monthly from March 2018 to February 2019. Serve Daily has a overall reach of 13,000 households. In 2020, an ad was run in the Value Pages mailer in Utah and Davis Counties, reaching a total of 154,500 households.

In 2018, the Utah CSFP also arranged with the County Seat to film and air a segment outlining the program. The County Seat is broadcast on ABC 4 every Saturday night at 11:00 PM and Sunday morning at 8:30 AM. In 2019, the Utah CSFP was featured on PBS Utah's Contact with Mary Dickson community information program.

Finally, Utah CSFP maintains a Facebook page that is regularly updated with both educational and marketing content.

**FREE SENIOR FOOD BOX**

**CSFP**  
Community Supplemental Food Program

Seniors 60 years or older with a monthly income at or below \$1,316 qualify for a monthly senior food box distributed by the Utah Food Bank.

To sign up, contact the Utah Food Bank at 801-887-1224

**UTAH FOOD BANK**

This institution is an equal opportunity provider.

EACH FOOD BOX CONSISTS OF QUALITY USDA FOODS INCLUDING CANNED FRUITS AND VEGETABLES; DRIED RICE, PASTA, AND BEANS; MEATS; AND DAIRY PRODUCTS.

**COUNTY SEAT** Wendy Cox & Laura Mccaskill  
Utah Food Bank Volunteers



## Contact Utah CSFP for more information:

Denise Nielson, Outreach - 801 887-1224

Emily Roncancio, Inventory - 801 887-1280

Arie Van De Graaff, State Representative - 801 245-0087

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UTAH  
FOOD  
BANK

Living on a fixed income can be difficult. Some months you may feel the need to choose between paying your bills or buying food. The Utah CSFP exists to assist income eligible seniors age 60+ with an opportunity to supplement their diets, maintain their health, and decrease the burden of grocery bills. Stop worrying about where your next meal is going to come from and sign up for CSFP today.



## Utah CSFP Offers:

- A free monthly food box containing 10 days' worth of USDA purchased food worth up to \$55
- Nutrient rich foods specific to seniors to maintain a healthy diet
- Foods that comply with special dietary needs
- Nutrition education
- Delicious recipes to help you get the most out of each box

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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UDOH 2/2020

# FREE Monthly FOOD BOX



## For Seniors 60+

UTAH  **CSFP**  
Commodity Supplemental  
Food Program

[www.utahfoodbank.org/csfp](http://www.utahfoodbank.org/csfp)

# Commodity Supplemental Food Program (CSFP)

## What is CSFP?

CSFP is a free monthly food box program for low-income seniors. The program is run by the Utah Department of Health in partnership with Utah Food Bank. All food items are purchased by USDA from U.S. based growers.

## Eligibility

CSFP participants must:

- Live in Utah
- Be 60 years or older
- Self-declare monthly income less than \$1,383 for a household of 1 or \$1,868 for a household of 2 (proof of income not required)
- Once certified respond to a recertification phone call every 12 months

## What's in the Box?

All the food in the box comes from U.S. farms through USDA. Food boxes include foods rich in vitamin A and C, calcium and iron and lower in sodium, fat, and sugar. Some foods you will find in the box are:

- Canned meats
- Peanut butter
- Cheese
- Fruits
- Beans
- Vegetables
- Nonfat milk
- Chili
- Rice
- Breakfast cereal
- Pasta
- Juice

## Delivery or Pick-up

Packages must be picked up each month at your designated pick-up or delivery site.

## Proxy

You can designate a proxy to pick up your box when you apply so you won't have to worry about missing a month.

## No Show Policy

Participants must pick up their box each month. If the box is not picked up for 2 months in a row, it is a program violation that could result in forfeiting your participation in the program.

If you cannot pick up your box for a month or more you can call the food bank and put your box on hold until your circumstances change and you are able to pick up your box again.

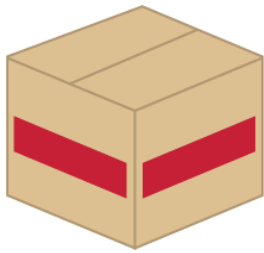
## Sign Up

Utah Food Bank provides enrollment and delivery services for CSFP.

Call **801 887-1275** for an application and to find the Distribution Site nearest you. *Spanish and other languages are available upon request.*



Vivir con ingresos fijos o limitados puede ser difícil. Algunos meses puede sentir la necesidad de elegir entre pagar sus facturas o comprar alimentos. El CSFP de Utah existe para ayudar a las personas mayores de 60 años con ingresos elegibles, a complementar sus dietas alimenticias, mantener su salud y disminuir la las facturas de comida. Deje de preocuparse de dónde vendrá su próxima comida y regístrese hoy en CSFP.



## El programa de Utah CSFP le ofrece:

- Una caja de comida mensual gratuita que contiene 10 días de alimentos comprados por el USDA con un valor de hasta \$ 55
- Alimentos ricos en nutrientes específicos para personas mayores para mantener una dieta saludable
- Alimentos que cumplen con las necesidades dietéticas especiales
- Educación nutricional
- Deliciosas recetas para ayudarle a aprovechar al máximo cada caja

De conformidad con la Ley Federal de Derechos Civiles y los reglamentos y políticas de derechos civiles del Departamento de Agricultura de los EE. UU. (USDA, por sus siglas en inglés), se prohíbe que el USDA, sus agencias, oficinas, empleados e instituciones que participan o administran programas del USDA discriminen sobre la base de raza, color, nacionalidad, sexo, discapacidad, edad, o en represalia o venganza por actividades previas de derechos civiles en algún programa o actividad realizados o financiados por el USDA.

Las personas con discapacidades que necesiten medios alternativos para la comunicación de la información del programa (por ejemplo, sistema Braille, letras grandes, cintas de audio, lenguaje de señas americano, etc.), deben ponerse en contacto con la agencia (estatal o local) en la que solicitaron los beneficios. Las personas sordas, con dificultades de audición o discapacidades del habla pueden comunicarse con el USDA por medio del Federal Relay Service [Servicio Federal de Retransmisión] al (800) 877-8339. Además, la información del programa se puede proporcionar en otros idiomas.

Para presentar una denuncia de discriminación, complete el Formulario de Denuncia de Discriminación del Programa del USDA, (AD-3027) que está disponible en línea en: How to File a Complaint. y en cualquier oficina del USDA, o bien escriba una carta dirigida al USDA e incluya en la carta toda la información solicitada en el formulario. Para solicitar una copia del formulario de denuncia, llame al (866) 632-9992. Haga llegar su formulario lleno o carta al USDA por:

- (1) correo: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) correo electrónico: [program.intake@usda.gov](mailto:program.intake@usda.gov).

Esta institución es un proveedor que ofrece igualdad de oportunidades.

UDOH 2/2020

# CAJA DE comida Mensual GRATUITA



Para personas de la tercera edad mayores de 60 años



[www.utahfoodbank.org/csfp](http://www.utahfoodbank.org/csfp)



# El Programa de Mercancía Suplementaria (CSFP)

## ¿Qué es CSFP?

CSFP es un programa mensual gratuito de cajas de alimentos para personas mayores de bajos ingresos. El programa está dirigido por el Departamento de Salud de Utah en asociación con el Banco de Alimentos de Utah. El USDA compra todos los alimentos a los productores estadounidenses.

## Eligibilidad

Los participantes de CSFP deben:

- Vivir en Utah
- Tener 60 años o más
- Declarar ingresos mensuales de menos de \$ 1,383 para un hogar de 1 o \$ 1,868 para un hogar de 2 (no se requiere comprobante de ingresos)
- Una vez certificado, responda a una llamada telefónica de recertificación cada 12 meses

## ¿Qué hay en la caja?

Toda la comida en la caja proviene de granjas estadounidenses a través del USDA. Las cajas de alimentos incluyen alimentos ricos en vitamina A y C, calcio y hierro y bajos en sodio, grasa y azúcar. Algunos alimentos que encontrará en la caja son:

- Carnes enlatadas
- Mantequilla de cacahuete
- Queso
- Fruta
- Frijoles
- Vegetales
- Leche sin grasa
- Chile con carne
- Arroz
- Cereal
- Pasta
- Jugo

## Entrega a domicilio o usted la puede recoger

Los paquetes deben recogerse cada mes en su lugar designado o entrega a domicilio.

## Apoderado/a

Usted Puede asignar un apoderado/ cuando presente la solicitud para que recoja su caja. DE este modo no tendrá que preocuparse por perder un mes.

## Política de no Presentación

Los participantes deben recoger su caja cada mes. Si la caja no se recoge por 2 meses consecutivos, es una violación del programa que podría resultar en perder su participación en el programa.

Si no puede recoger su caja durante un mes o más, puede llamar al banco de comida y poner su caja en espera hasta que sus circunstancias cambien y pueda volver a recoger su caja.

## Regístrese

Utah Food Bank proporciona servicios de inscripción y entrega para CSFP.

Llame al **801 887-1275** para obtener una solicitud y encontrar el sitio de distribución más cercano a usted. Otros idiomas están disponibles si así lo requiere.





## **BASIC GUIDELINES FOR COURT-APPOINTED GUARDIANS AND CONSERVATORS**

**COMMITTEE ON LAW AND AGING, UTAH STATE BAR  
AND THE  
ADMINISTRATIVE OFFICE OF THE UTAH STATE COURTS**

This manual and other help and information are on the web at:  
<https://www.utcourts.gov/howto/seniors/BasicGuidelines-2007.pdf>

### General comments:

- Andrew: Even though it's not part of the guidelines, I'd like to talk about adding questions to the report asking what's known about a person's desires, preferences, interests, goals, and needs, as well as what steps have been taken to address them.
- Kaye Lynn: I made comments to these forms last December. Rather than re-write the input MFCU had at that time, I have attached it to this email for your consideration.

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## BASIC GUIDELINES FOR COURT-APPOINTED GUARDIANS AND CONSERVATORS

### (1) Introduction.

Thank you for serving as a guardian or conservator. People incapacitated by age, illness or disability may need special protection. As a fiduciary for such a person, you hold a position of high trust to help your ward make decisions and to make decisions on his or her behalf.

This manual does not explain the process for becoming a guardian or conservator, but it will help you understand your responsibilities after you have been appointed by a court. Because it provides only general information, this manual is not a substitute for legal advice. Consult your lawyer to answer your specific questions.

This manual has limited applicability to the guardian of a minor. If the guardianship is limited to the purpose of attending school, the guardian of a minor is exempt from filing the annual report on the status of the ward. (Section (5)(a) of this manual). If the minor's estate is deposited in an account that requires judicial approval for withdrawal or if there is no estate, the guardian of a minor is exempt from filing an annual accounting. (Section (5)(b) of this manual).

### (2) What is a guardian and a conservator?

A guardian is a person or institution appointed by a court to make decisions about the care of another, who is called a "ward." A conservator is a person or institution appointed by the court to manage the property and financial affairs of a ward. Sometimes the same person is appointed to both roles. If no conservator is appointed, the guardian has the responsibility of a conservator. Utah Code Section 75-5-312. (See Exhibit A attached)

A guardian has the responsibility of a parent for a minor, except that the guardian does not have to use his or her own money for the ward's care and support. Utah Code Section 75-5-312. A conservator is the trustee of the ward's estate. Utah Code Section 75-5-420. The ward's estate includes all of his or her property. Some examples are income (such as wages, an annuity, or Social Security or other government benefits), real property (buildings and land), furniture, cash, bank accounts, certificates of deposit, stocks, bonds, retirement benefits, motor vehicles, and valuables such as jewelry, furs, and art. A conservator must use reasonable care, skill and caution to manage and invest the estate as a prudent investor would. Utah Code Section 75-7-902.

If the ward needs help in some but not all areas of decision making, the court may order a limited guardianship. Utah Code Section 75-5-304. Under Utah law, a limited guardianship is preferred, and the court may grant a full guardianship only if no alternative exists. A limited guardian has only those powers and duties listed in the court order. The court may also limit the conservator's authority. Utah Code Section 75-5-426.

**Commented [ST1]:** From KLV – I would define "fiduciary" and "ward" in the introduction. (Ward is later defined in section 2 and fiduciary is only defined in the Terms to Know section in the back.)

The reports mentioned in the introduction ("annual report" and "annual accounting") would be less confusing if they were referred to by the names used on the forms.

The attachments need to be labeled to coincide with the text (e.g. Exhibit A, etc.).

I found the text difficult to read with the Utah Code Sections embedded in the paragraph. It might be easier if all code sections were in parentheses.

**Commented [AR2]:** Define "trustee?"

In an emergency, the court may appoint a temporary guardian, who serves for no more than 30 days, until a hearing to decide whether the ward needs a permanent guardian. A temporary guardian has the responsibility of a permanent guardian, either limited or full, depending on the circumstances. Utah Code Section 75-5-310.

Your appointment order and letters of guardianship or conservatorship issued by the court should specify the nature of your appointment.

### **(3) How long is my appointment?**

Your appointment as guardian or conservator lasts until the court terminates your appointment. You may resign, and the court will appoint another guardian or conservator if your ward still needs one or both. If you have been appointed both guardian and conservator, you can resign as one and not the other. Or the circumstances that justified the appointment in the first place may change so that the ward no longer needs a guardian or conservator. Changed circumstances might include such things as the ward has been adopted, has reached age 18, is no longer incapacitated, or has died. Regardless of the reason to end your obligations, you retain them until the court removes you. Utah Code Section 75-5-306, 75-5-307 and 75-5-415.

Consult your lawyer about the proper procedures to end the appointment and turn over the estate. You must prepare a final accounting and transfer the estate to your successor, if one is appointed, or to your ward. You may need to record a copy of the order ending the appointment with the county recorder where your ward owns land to clear title to that property.

### **(4) Recordkeeping.**

Keeping good records is essential for guardians and conservators because you must account for all transactions at least annually. Contemporaneous records, that is, records prepared at the same time as an event, will help later, when you prepare your reports. As guardian, you must report the status of your ward to the court. Guardians must also report financial transactions to the court or, if there is one, to the conservator. As conservator, you must report financial transactions to the court. In addition to annual reports, any person interested in your ward can request further reports. Also, as is explained in Section (5), you can claim reimbursement from the estate for your ward's living expenses that you pay with your own money.

Set up files to keep legal documents, tax records, paid bills, unpaid bills, correspondence and other papers related to your ward. Obtain a copy of your ward's will, living will, trust or other estate planning documents so you can follow the estate plan. Keep a copy of all documents filed with or issued by the court. Keep the records about your ward separate from your personal records.

**Commented [ST3]:** From K LW – How would a guardian/conservator know what persons are interested? It might be helpful to explain the process, notification, etc.

As guardian, you should keep a journal or diary throughout the year to record your ward's activities and important events, especially if there is not an independent record of the event. If your ward does not live with you, record the dates of your visits.

Keep negotiable instruments, deeds, and wills in a safe deposit box in the name of the guardianship or conservatorship.

You may be personally liable if you do not keep proper records. Utah Code Sections 75-5-302, 75-5-312 and 75-5-417. The court may order you to reimburse the estate if you cannot show what you did with your ward's property, even if you know that you used it in your ward's best interests. Good records help to protect you in the event that your management of the estate is questioned.

## **(5) Reporting.**

### **(a) Guardian.**

You must annually report to the court the status of your ward. Utah Code Section 75-5-312. (See Form 2 attached) The annual report shows how your ward is doing and alerts the court to any changes. Between annual reports, you should inform the family and other interested persons of any significant changes in your ward's circumstances. If your ward dies, notify the court and the interested persons at once. Also see 75-5-312(3)(g). [If a guardian or co-guardian is a ward's parent, he or she is not required to file an annual report. Utah Code Section 75-5-312\(3\)\(f\)\(x\).](#)

If the court has not appointed a conservator, you, within 90 days, must also file the inventory and accountings required of the conservator. Code of Judicial Administration Rule 6-501. (See Exhibit B attached and Form 1 attached)

If the court has appointed a separate conservator, you must report to the conservator the financial transactions that you have taken on your ward's behalf. Utah Code Section 75-5-312. Because the conservator has to report annually to the court, you should report at least annually to the conservator. Discuss this with the conservator to ensure that you report at a mutually convenient time.

### **(b) Conservator.**

Within 90 days after being appointed as conservator, (or if you are the guardian and there is no conservator) you must file with the court an inventory listing the estate property. (See Form 1 attached) Utah Code Section 75-5-418. Your first task is to locate and identify all of the property. Begin as soon as possible after your appointment or even before the appointment is final. Once you have a complete list of the property, prepare the inventory and file it with the court. Later, if you discover more property, file an amended inventory. Your ward's financial affairs may be in disarray, and you may need to put them in order.

#### **Commented [ST4]:** From K LW –

How detailed must a guardian be when recording the ward's activities - daily? weekly? monthly? (It would be helpful to explain this)

Is there a dollar limit to what must be inventoried in the estate? (I think that this either needs to be defined here or on the financial accounting form regarding miscellaneous personal property.)

You must annually account to the court for your ward's estate. Utah Code Section 75-5-417. You must also account to the court for your ward's estate with your motion to terminate the appointment. Utah Code Section 75-5-419. Filing an accurate accounting is important. Failure to do so makes you liable for a fine. Utah Code Section 75-5-417. More important, the court order approving the accounting relieves you of liability for anything included in the accounting. Utah Code Section 75-5-419.

If your ward's estate is limited to payments from a state or federal agency that requires you to account annually to the agency, you may file with the court a copy of the agency's form rather than the court form. For example, this may be the case if you are your ward's representative payee through the Social Security Administration. See Section (11).

**(c) Procedures.**

An on-line interview, based on your answers to questions, will prepare the necessary forms for a report on the status of your ward, an inventory, an accounting and notice to interested persons. The on-line interview is available at: <https://www.utcourts.gov/ocap/>. Keep a copy of all documents for your records. You may also print the forms and fill in the required information for filing with the Court.

The deadlines for the status report, inventory and accounting are as follows:

Document	Who Files?	Due Date
Status Report	Guardian	Within 60 days after each anniversary of your appointment.
Inventory	Conservator*	Within 90 days after your appointment.
Accounting	Conservator*	Within 60 days after each anniversary of your appointment.

\* Filed by guardian if there is no conservator.

File the documents with the court that appointed you. You may ask the court to change the reporting period, such as to a calendar year or any other 12-month period that is more convenient. Code of Judicial Administration Rule 6-501. This means that for the year in which the change is made you will report for a shorter period of time. For example, if you are appointed on August 17, and receive the court's permission to report on a calendar year basis, your initial report would cover the period from August 17 to the end of the calendar year.

Also, if your ward moves to another county, you may ask the court to move your reports to that county. Utah Code Sections 75-5-205, 75-5-302 and 75-5-403.

You must mail a copy of your status report, inventory and accounting, along with a notice of right to object, to:

(1) your ward (if he or she is of an appropriate age and mental capacity to understand the proceedings);

(2) your ward's guardian or conservator (if the court has appointed one other than yourself);

(3) your ward's spouse, children and siblings; and

(4) anyone requesting notice under Utah Code Section 75-5-406.

Code of Judicial Administration Rule 6-501.

Because the information is sensitive, mark the outside of the envelope with "confidential" or a similar statement. If anyone objects to the filing or if the judge has further questions, the court clerk will schedule a hearing of which you and the others will be notified. Code of Judicial Administration Rule 6-501.

#### **(6) Compensation.**

Often a family member serves as guardian or conservator without compensation, but with the court's approval, a guardian or conservator is entitled to reasonable compensation from the estate. What is reasonable depends on the types of services provided, the skill of the guardian or conservator, and whether the time and expenses are reasonable. Utah Code Section 75-5-414. Accurate records are essential.

You do not have to pay your ward's expenses with your money. Utah Code Section 75-5-209. Although you should not commingle your money and property with that of your ward, you can pay for your ward's living expenses and recover your out-of-pocket costs from the estate. Utah Code Section 75-5-102. Because reimbursement for living expenses includes elements of commingling, do it only if it is absolutely necessary. Whenever possible, use your ward's money to pay his or her expenses. To claim reimbursement from the estate, keep a receipt for the goods or services and proof that you paid with your own money. If you need to pay some of your ward's living expenses with your money, you should pay by check, credit card or debit card rather than with cash because cash does not create a record that the money was yours.

#### **(7) Liability.**

You are not personally liable for your ward's acts. Utah Code Section 75-5-312. You are not liable for reasonable actions taken in the best interests of your ward. You are not liable for managing your ward's estate if you act like a prudent person dealing with the property of another. You are liable if you are personally at fault and your ward is

**Commented [AR5]:** To my knowledge, nowhere in code is a word's right to a copy of a status report, inventory, or notice of right to object limited based on his or her ability to understand. In fact, 75-5-309(2) says hearing notices must be in plain language and include a list of the proposed protected person's rights..

**Commented [ST6]:** From KLW – Compensation: What range is appropriate? How can they find out?



damaged by your carelessness. Utah Code Section 75-5-429.

Understand your responsibilities, use common sense and exercise sound judgment to prevent problems. You are not required to have any special skills to act as guardian or conservator. However, if you have special skills, you must use those skills to manage your ward's estate. Consult your lawyer to answer specific questions.

The court will require a bond to protect your ward financially, unless it is waived for good cause. Utah Code Sections 75-5-411 and 75-5-412. The bond is an insurance policy paid for by the estate that protects your ward in the event that your mistake causes the estate to lose money. The amount of the bond will be the total value of the estate property over which you have unsupervised control, plus one year's estimated income.

### **(8) Financial decisions.**

If the court appoints a conservator, the conservator will decide most issues involving the ward's money and property and will file the accountings described in Section (5)(b). If the court does not appoint a separate conservator, the guardian [also assumes](#) the conservator's responsibilities. If you, as guardian, do not want those added responsibilities, ask the court to appoint a separate conservator.

As guardian, you must manage your ward's money and property to pay for his or her support, care and education. If your ward has money and property beyond what is needed for support, care and education, a conservator, either you or another, should invest the excess. Utah Code Sections 75-5-312 and 75-5-424.

Involve your ward in the estate management as much as possible, and keep your ward informed. If your ward is able to maintain a small checking account and to pay routine bills, encourage him or her to do so, to provide a higher level of [self-esteem, self-determination and independence](#).

You may use your ward's funds only for his or her benefit. You may take into account your ward's accustomed standard of living. Utah Code Section 75-5-425. If family members express concern about the cost of your ward's care, your responsibility is to your ward, not the heirs.

Open a checking account in the name of the guardianship or conservatorship to deposit income and pay bills. Completely describe each transaction. If the balance in the checking account accumulates beyond your ward's needs, transfer the excess to an interest bearing account or other investment in the name of the guardianship or conservatorship. If you need to withdraw money from the investment account to pay for an extraordinary expense, first transfer the money into the checking account.

Keep your ward's property – including money – separate from yours, and use your ward's property only for his or her benefit. Manage your ward's property as you would want someone else to handle yours. Consult your lawyer or financial counselor to

**Commented [ST7]:** From K LW –  
The first paragraph has a sentence that is missing words - "If the court does not appoint a separate conservator, the guardian (???) the conservator's responsibilities." The fourth paragraph might mean to say "theirs" instead of "the heirs"??

answer specific questions.

### **(9) What is a guardian's responsibility?**

Utah Code Section 75-5-312 governs your responsibility as guardian. Generally, you have the responsibility of a parent for a minor. If the court does not appoint a separate conservator, you also have the conservator's responsibilities. Unless your authority is limited by the appointment order, you:

- (1) may have custody of your ward;
- (2) may establish your ward's place of abode;
- (3) must provide for your ward's care, comfort and maintenance and arrange for your ward's education and social activities;
- (4) must take reasonable care of your ward's personal effects;
- (5) may consent to enable your ward to receive medical or professional care, counsel or treatment;
- (6) may consent to your ward's marriage, if authorized by a court to give consent;
- (7) may consent to your ward's adoption if authorized by a court to give consent and if the rights of the ward's parents have been terminated;
- (8) must start proceedings to protect your ward's property or to compel someone to pay money due your ward;
- (9) must exercise care to conserve any excess money or property for your ward's future needs.

A separately appointed conservator has most of the responsibility for money and property. Discuss with the conservator your respective responsibilities so that both of you clearly understand them.

If the court has appointed a separate conservator, you have the right to receive from the conservator reasonable sums for your ward's daily living expenses. This might be in the form of an allowance to you as guardian to pay third persons, or the conservator might pay third persons directly. Utah Code Section 75-5-312. Discuss this with the conservator to agree upon the amount, method and timing of regular payments and of any extraordinary expenses.

As guardian, you may not:

- (1) sell your ward's property, such as stocks or real estate, unless also appointed as conservator;
- (2) cast your ward's ballot in an election;
- (3) decide your ward's religious preference;
- (4) write a will for your ward or change a previously executed will;
- (5) physically punish your ward;
- (6) neglect appropriate healthcare for your ward;
- (7) leave your ward unattended if he or she needs care; or

(8) commit your ward to a psychiatric hospital without a commitment hearing, unless your ward consents or the authority was expressly granted in the appointment order.

**(a) Decision making guidelines.**

Encourage your ward's maximum self-reliance and independence. Involve your ward in making decisions, and allow your ward to make as many decisions as possible. - [Utah Code Section 75-5-312-7](#). One guide to help you is known as "the least restrictive alternative." This means that, to preserve your ward's independence to the fullest extent possible, you and your ward choose the alternative that will least restrict your ward's freedom.

As guardian, you help your ward make personal decisions or, if necessary, you make the decisions for your ward. If your ward is unable to communicate, try to reach the decision that your ward would have made if able to choose. [You should act in accordance with your ward's expressed desires and personal values, to the extent you know them. Utah Code Section 75-5-312-7](#). It is what the ward would do, not you, that serves as your guide, as long as the decision is in your ward's best interest.

**(b) Health care.**

If your ward has appointed a health care agent in an advance health care directive, that person makes health care decisions for your ward, including decisions about end-of-life. Otherwise, these decisions are yours. Work closely with your ward's doctor or other healthcare providers. You may be asked to give consent to medical treatment. Obtain as much information as you can about your ward's preferences. You can do this by asking your ward directly. If your ward is unable to communicate and has advance medical directives, like a living will or advance health care directive, then you should use those directives to guide your decision. If such documents are not available, speak with your ward's family and friends about his or her medical treatment preferences. If no information about medical treatment preference is available, consider the beliefs of your ward's religion.

Ask questions regarding medical alternatives and the benefits and risks of a proposed treatment. If a proposed surgical procedure or drug therapy is controversial, ask for the court's permission before you authorize treatment.

**(c) Living arrangements.**

If possible, keep your ward living at his or her own home. Services may be available to provide meals, transportation, or in-home assistance. If your ward is no longer safe at home, it may be necessary to move him or her to a more protected setting. Consult your

ward's [family](#), doctor and other professionals for recommendations concerning placement in a [facility setting](#) that will best meet your ward's needs. Following placement, regularly visit your ward and consult with staff to ensure that your ward's needs are met. Your ward may live with you, your spouse, your parents or your children, but you are not permitted to charge your ward's estate for the cost of room and board unless you get the court's permission. Utah Code Section 75-5-312(2)(d)(ii). Regardless of the living situation, you are responsible to ensure that your ward is safe, comfortable, and receiving healthcare, nutrition, grooming, and recreation.

### **(10) What is a conservator's responsibility?**

Utah Code Sections 75-5-424, 75-5-425, 75-5-428 and 75-7-902 govern your responsibility as conservator.

You must exercise reasonable care, skill and caution to invest and manage estate assets as a prudent investor would, considering the estate's circumstances. You must make a reasonable effort to verify relevant facts. Your investment and management decisions about individual assets must be evaluated in the context of the estate as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the estate. Circumstances that you should consider in investing and managing estate assets include the following:

- (1) general economic conditions and the possible effect of inflation or deflation;
- (2) the expected tax consequences of investment decisions or strategies;
- (3) the role that an investment or course of action plays within the overall portfolio;
- (4) the expected total return from income and the appreciation of capital;
- (5) the size of the estate, the need for liquidity, regularity of income, and preservation or appreciation of capital; and
- (6) an asset's special value to the purposes of the estate or to the ward.

In managing your ward's estate, you are required to take into account any estate plan. You may examine your ward's will, including a will filed with the court for safekeeping. Utah Code Sections 75-5-427 and 75-2-901.

Unless your authority is limited by the appointment order, you may:

- (1) collect, hold, and retain estate assets;
- (2) invest in any kind of property or type of investment that is consistent with the standards imposed by the Utah Code;
- (3) allocate items of income or expense to estate income or principal;
- (4) acquire estate assets or take an option to acquire estate assets;
- (5) dispose of estate assets or grant an option to dispose of an estate asset;
- (6) invest and reinvest estate assets;

- (7) deposit estate funds in a bank;
- (8) continue or participate in operating any business or enterprise;
- (9) acquire an undivided interest in an estate asset in which the conservator holds an undivided interest;
- (10) manage, develop, improve, exchange, partition, abandon or change the character of, an estate asset;
- (11) repair, modify or demolish buildings, structures or improvements;
- (12) subdivide, develop, or dedicate land to public use; make or obtain the vacation of plats and adjust boundaries; adjust differences in valuation on exchange or partition by giving or receiving considerations; and dedicate easements to public use without consideration;
- (13) enter into a lease for a term within or extending beyond the term of the conservatorship;
- (14) vote a security;
- (15) pay calls, assessments, and other sums accruing on account of securities;
- (16) sell or exercise stock subscription or conversion rights; consent to the reorganization, consolidation, merger, dissolution, or liquidation of a corporation or other business enterprise;
- (17) hold a security in the name of a nominee or in other form without disclosure of the conservatorship;
- (18) insure estate assets against damage or loss and the conservator against liability with respect to third persons;
- (19) borrow money and advance money for protecting the estate or the ward, and for all expenses, losses, and liabilities sustained in administering the estate;
- (20) prosecute or defend actions, claims, or proceedings for protecting estate assets and you, as conservator, in the performance of your duties;
- (21) pay, settle or contest a claim by or against the estate or the ward;
- (22) release any claim of the estate to the extent that the claim is uncollectible;
- (23) pay taxes, assessments, your compensation, and other expenses incurred in the collection, care, administration, and protection of the estate;
- (24) pay any sum distributable to your ward or his dependent by paying the sum to your ward, to his guardian if there is one, or to the person with custody of your ward;
- (25) employ persons to advise or assist you in the performance of your duties and act upon their recommendation personally or by an agent;
- (26) execute and deliver instruments to facilitate the exercise of your powers;
- (27) spend or distribute income or principal for the support, education, care or benefit of your ward and his or her dependents;
- (28) if the estate is sufficient to provide for the support, education, care or benefit of your ward and his or her dependents and if the estate is that of an incapacitated adult, you may make gifts to charity as your ward might have been expected to make, provided the total does not exceed for any year 20% of the income from the estate; and
- (29) pay all just claims against the estate and against your ward.

As conservator, you may not:

- (1) commingle your personal funds with those of your ward;
- (2) pay your personal expenses from the estate (For example, do not use your ward's money to pay your personal bills.);
- (3) deposit estate funds into your account or your funds into the estate account;
- (4) borrow money or property from the ward's estate;
- (5) sell estate property for less than fair market value (For example, do not sell the property to family members at reduced prices.);
- (6) record your name on your ward's property as though you are the owner (For example, do not record your name on your ward's bank account as if you owned the account. It is proper to record your name on an account as your ward's conservator).

**Commented [ST8]:** From K LW –  
Second to last line (bullet 6) - needs an apostrophe in the word wards. The last sentence might need "own" instead of "owned" and "your" instead of "you."

### **(11) Representative payee.**

If an agency, such as the Veteran's Administration or the Social Security Administration, pays benefits to your ward and your ward is found by a court to be incapacitated, the agency must appoint a representative payee to receive the payments. This appointment is separate from the court-appointed guardianship and conservatorship. If you wish to serve as the representative payee, you must apply to the agency that provides the benefits. In most cases, the agency will appoint the court-appointed guardian or conservator as representative payee. The agency providing the benefits has the authority, however, to appoint any person it chooses to be the ward's representative payee. Once appointed by the agency, the representative payee has the authority to receive and handle the benefits for your ward.

### **(12) Criminal penalties.**

You may be found criminally liable for financially exploiting or physically or emotionally abusing your ward. While there are many laws that govern the conduct of a person in a fiduciary relationship, you should especially be aware of the following criminal penalties under Utah law. Consult your lawyer to answer your specific questions.

**Commented [ST9]:** From K LW –  
Should the first sentence include neglect? "You may be found ... or emotionally abusing or neglecting your ward."

#### **(a) Abuse or neglect of a vulnerable adult.**

Utah Code Section 76-5-111.

A person who causes a vulnerable adult to suffer harm, abuse or neglect; or, having the care or custody of a vulnerable adult, causes or permits that adult's person or health to be injured, abused, or neglected, or causes or permits a vulnerable adult to be placed in a situation where the adult's person or health is endangered, is guilty of abuse of a vulnerable adult.

#### **(b) Exploitation of a vulnerable adult.**

Utah Code Section 76-5-111.

A person commits the offense of exploitation of a vulnerable adult when the person:

(i) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the adult's property, for the benefit of someone other than the vulnerable adult;

(ii) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of his property for the benefit of someone other than the vulnerable adult;

(iii) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult;

(iv) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult;

(v) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity; or

(vi) commits sexual exploitation of a vulnerable adult.

**(c) Reporting abuse, neglect or exploitation of a vulnerable adult.**

Utah Code Section 76-5-111.1.

Any person who has reason to believe that a vulnerable adult has been abused, neglected or exploited shall immediately notify the nearest peace officer, law enforcement agency, or Adult Protective Services within the Department of Human Services, Division of Aging and Adult Services. Anyone who makes that report in good faith is immune from civil and criminal liability. A person who is required to report suspected abuse, neglect, or exploitation of a vulnerable adult and who willfully fails to do so is guilty of a class B misdemeanor.

Any person who has reason to believe that a ward is being physically or emotionally abused, or financially exploited, should report the abuse to Adult Protective Services at 801-264-7669 (in Salt Lake County), or 1-800-371-7897 (throughout Utah). In case of an emergency, call local law enforcement or 911.

**(d) Theft.**

**Commented [ST10]:** From K LW –  
The last line should read the "vulnerable adult's" instead of "his."

Does the statute include sexual exploitation of a vulnerable adult? I agree that this should be included in this document, but perhaps not under this code section. Could we add Personal Dignity Exploitation - which is new to this code section?

Whenever I present with Nan Mendenhall, she stresses that people can easily report abuse to APS online. I think the website is <https://utahaps.com/Intake/NewPublicIntakeReport.aspx>. APS might want this included.



Utah Code Section 76-6-404.

A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him of it.

**(e) Unlawful dealing of property by a fiduciary.**

Utah Code Section 76-6-513.

A person is guilty of unlawfully dealing with property by a fiduciary if he deals with property that has been entrusted to him as a fiduciary ... in a manner which he knows is a violation of his duty and which involves substantial risk of loss or detriment to the owner or to a person for whose benefit the property was entrusted.

A person acting as a fiduciary is guilty of unlawfully dealing with property by a fiduciary if, without permission, he pledges as collateral for a personal loan, or as collateral for the benefit of some party, other than the owner or the person for whose benefit the property was entrusted, the property that has been entrusted to the fiduciary.

**13) Resources.**

**(a) Adult Protective Services.**

801-264-7669 (in Salt Lake County), or 1-800-371-7897 (throughout Utah).  
<https://daas.utah.gov/adult-protective-services/>. In case of an emergency, call local law enforcement or 911.

**(b) Aging services.**

Division of Aging and Adult Services, State of Utah, Department of Human Services, 801-538-3910, or <https://daas.utah.gov/>. The Division of Aging can give you information about your local area agency on aging.

**(c) Guardianship services.**

Office of Public Guardian, State of Utah, Department of Human Services,  
<https://opg.utah.gov/>, 801-538-8255.

**(d) Legal resources.**

Utah State Bar, <http://www.utahbar.org/>, or 801-531-9077

Utah Legal Services, <http://www.utahlegalservices.org/>, 801-328-8891 or 1-800-662-4245

### (e) Court website.

Resources are listed on the court's website at:  
<https://www.utcourts.gov/howto/family/gc/>

The court website links to the statutes and rules mentioned in this manual.

### (14) Terms to know.

Annual Account – Report of a conservator filed with the court, showing income to and payments from an estate, as well as inventory changes.

Annual Report – Report of a guardian filed with the court, about the ward's current condition.

Bond – Insurance that the court may require, which is paid for by and covers the ward's estate.

Conservator – A person or institution appointed by the court to manage the ward's estate.

Court visitor- A person appointed by the court, in a guardianship proceeding, to visit the alleged incapacitated person and report to the court.

Durable power of attorney for health care – A legal document by which one person gives another power to make health care decisions. This power of attorney is effective even after the giver no longer has legal capacity.

Estate – All property and assets, of any kind, belonging to a person.

Fiduciary – A special relationship of trust between two people; a person having legal responsibilities for another.

Guardian – A person or institution appointed by the court to take care of the ward.

Guardian ad litem – A lawyer appointed by the court to represent an alleged incapacitated/protected person who does not already have a lawyer.

Incapacitated person – A person ~~(other than a minor) who cannot receive or evaluate information or communicate decisions, with or without assistance, make or communicate responsible personal decisions concerning his or her health, safety, basic needs, or finances because of mental illness, mental deficiency, physical illness or disability, chronic uses of drugs, chronic intoxication, or any other cause except being a minor.~~

Letters of guardianship/conservatorship – The court document in which the guardian/conservator accepts duties and which authorizes him or her to act.

Living will – A legal document by which a person expresses his/her end-of-life medical treatment wishes.

Minor – A child under the age of 18 who, by law, does not have the capacity to manage his or her affairs.

Protected person – A person ~~who cannot effectively manage financial affairs because of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause. A subject to court-ordered guardianship or conservatorship.~~ A minor child may require protection because of legal incapacity arising from minority.

**Commented [ST11]:** From K LW –  
Definition of Incapacitated Person: Should it read "chronic use" of drugs instead of "chronic uses?"

Representative payee – A person named by a federal agency, such as the Veteran’s Administration or Social Security Administration, to receive and account for another person’s benefits.

Ward – A person for whom a guardian has been appointed.

**(15) Sample forms.**

If you wish to use these sample forms, make copies of the blank forms so you can use the sample in the future. Keep a copy of each completed form for your records. If you have any questions about these forms, consult a knowledgeable lawyer.

An on-line interview, based on your answers to questions, will prepare the necessary forms for a report on the status of your ward, an inventory, an accounting and notice to interested persons. The on-line interview is available at: <https://www.utcourts.gov/ocap/>. Keep a copy of all documents for your records.

**Commented [ST12]:** From K LW – See attachment with comments. At the top of the forms, is only a conservator's attorney to add the Utah Bar #, or is this meant to apply to the guardian's attorney as well?

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

**Check your email.** You will receive information and documents at this email address.

I am  Guardian  Conservator  
 Guardian's Attorney  Conservator's Attorney (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of:  _____ (Protected person)	<b>Inventory</b> (Utah Code Section 75-5-418)  _____ Case Number  _____ Judge
--	--

1. I am the following to the above named protected person:

- Guardian
- Conservator
- Guardian and Conservator

2. This is a complete inventory of the property owned by the protected person of which I am aware.
3. Each item of property is valued as of the date of the appointment order, \_\_\_\_\_ (date), using “cash accounting value at acquisition” where possible.

4. Summary

Schedule	Property	Property Value and Debt Amount
A	Real Estate	
B	Stocks and Bonds	
C	Money Owed to Ward	
D	Miscellaneous Property	
E	Debts and Encumbrances	
F	Cash and Cash Accounts	
	Total Net Value	

Schedule A – Real Estate

Item	Description	Value on Date of Appointment Order
1		
2		
3		
4		

I used the following method to determine the value of the real property listed above:

Property 1: \_\_\_\_\_

Property 2: \_\_\_\_\_

Property 3: \_\_\_\_\_

Property 4: \_\_\_\_\_

Schedule B – Stocks and Bonds

Item	Description	Value on Date of Appointment Order
1		
2		
3		
4		

Schedule C – Money Owed to Ward

Item	Description	Value on Date of Appointment Order
1		
2		
3		
4		

Schedule D – Miscellaneous Property

Item	Description	Value on Date of Appointment Order
1		
2		
3		
4		

Schedule E – Debts and Encumbrances

Item	Description	Debts on Date of Appointment Order
1		
2		
3		
4		

Schedule F – Cash Accounts (Such as checking or savings accounts)

Item	Description	Amount on Date of Appointment Order
1		
2		
3		
4		

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email

I am  Guardian  Conservator  
 Guardian's Attorney  Conservator's Attorney (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of:

\_\_\_\_\_  
(Ward)

**Report on the Status of the Ward**

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

1. I am Guardian of the above-named Ward.
2. The Ward was born on \_\_\_\_\_ (Ward's birth date).
3. (Check all of the boxes which apply. Fill in the blanks if appropriate)  
 This is my first report.  
 My previous report covered the period from \_\_\_\_\_ to \_\_\_\_\_.  
 This is my final report.
4. This report covers the period from \_\_\_\_\_ to \_\_\_\_\_.  
(Note: The beginning date must be one day later than the ending date of the previous report.)



5. During the reporting period, I had contact with the Ward approximately \_\_\_\_\_ (number of) times.

6. During the reporting period, the Ward has engaged in the following education, training or social activities:

\_\_\_\_\_  
\_\_\_\_\_

7. The Ward lives at:

Name of facility (if applicable): \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

8. (Check all boxes which apply. Fill in the appropriate blanks)

The Ward has been at this location since \_\_\_\_\_.

The Ward has moved during the reporting period year because \_\_\_\_\_.

9. The Ward's living arrangement is best described as:

The Ward's home.

A relative's home. Describe the relationship \_\_\_\_\_.

My home.

A care facility.

10. If the Ward is living in a private home, the following people are living in the same household with the Ward:

Name	Relationship to the Ward

11. If the Ward is living in a care facility, I would describe the care facility as follows:

The name of the care facility is: \_\_\_\_\_.

My description of the care facility is: \_\_\_\_\_  
\_\_\_\_\_.

The following person at the care facility can be contacted for further information:

Name: \_\_\_\_\_.

Mailing Address: \_\_\_\_\_.

City, State, Zip \_\_\_\_\_.

Phone: \_\_\_\_\_.

Email: \_\_\_\_\_.

12. I rate the living situation as:

excellent

average

below average

Explain: \_\_\_\_\_  
\_\_\_\_\_.

13. I believe the Ward's feelings about the living situation are as follows:

content

unhappy

Explain: \_\_\_\_\_  
\_\_\_\_\_.

14. I recommend a more suitable living arrangement.

No

Yes

Explain: \_\_\_\_\_  
\_\_\_\_\_.

15. The Ward's primary medical care provider is:

Name: \_\_\_\_\_.

Mailing Address: \_\_\_\_\_

City / State / Zip: \_\_\_\_\_

16. During the reporting period, the Ward has been treated or evaluated by: (Include Physicians, Dentists, Psychiatrists, Psychologists, Social workers, etc.)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

Findings: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

Findings: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

Findings: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

17. During the reporting period, the Ward has received the following treatment, therapy or assistive devices:

---

---

---

18. Currently, the Ward is taking the following medications:

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

19. Describe the Ward's cognitive and emotional functioning:

---

---

---

20. Describe the Ward's everyday functioning, such as ability care for self, make medical decisions, and make daily living decisions:

---

---

---

**Commented [ST13]:** From K LW –  
It is missing a word "... such as ability \_\_ care for self ..."

21. During the reporting period, the Ward's mental health has:

remained about the same

improved

deteriorated

Explain:

---

---

22. During the reporting period, the Ward's physical health has:

remained about the same

improved

deteriorated

Explain:

---

---

23. During the reporting period, the Ward has been diagnosed with a terminal illness.

No

Yes

Diagnosing Doctor: \_\_\_\_\_

Telephone: \_\_\_\_\_

Diagnosis: \_\_\_\_\_

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24. There is a current plan for the Ward's care, training or treatment:

No

Yes

The plan is on file with the court.

The plan is being submitted along with this Status Report.

25. I recommend that the guardianship should be

[ ] continued

[ ] modified as follows:

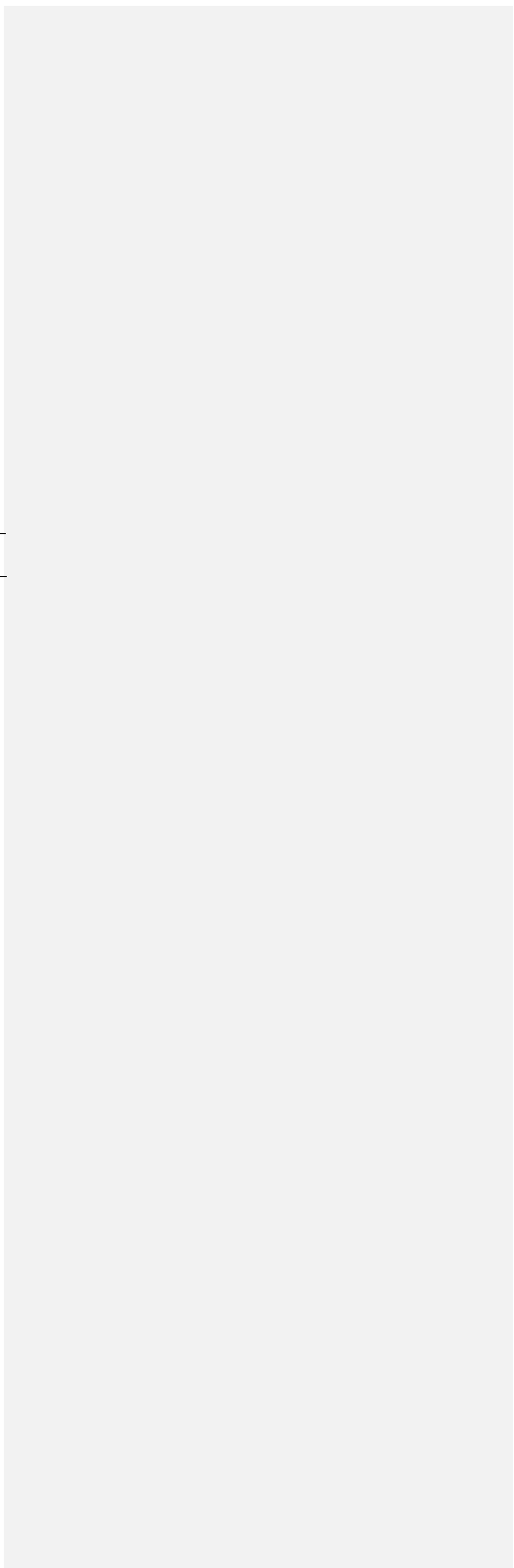
---

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I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

_____	Signature ►	_____
Date	Printed Name	_____



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email

I am  Guardian  Conservator  
 Guardian's Attorney  Conservator's Attorney (Utah Bar #: \_\_\_\_\_)

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of:

\_\_\_\_\_  
(Ward)

**Guardian's Financial Accounting to Conservator** (Utah Code Section 75-5-312)

**Guardian's / Conservator's Financial Accounting to the Court** (Utah Code Sections 75-5-312 and 75-5-419)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

1. I am the following to the above-named Ward:  
 Guardian  
 Conservator  
 Guardian and Conservator
2. (Check all of the boxes which apply. Fill in the blanks if appropriate.)  
 This is my first report.

My previous report covered the period from \_\_\_\_\_ to \_\_\_\_\_.

This is my final report.

3. This accounting covers the period from \_\_\_\_\_ to \_\_\_\_\_.

4. There is an estate plan to guide investment and distribution:

No

Yes

The plan is on file with the court.

The plan is being submitted along with this accounting.

5. **Balance Summary** (Beginning Balance must agree with Ending Balance of the Inventory or the previous accounting, whichever is later.)

Schedule	Category	Beginning Balance	Gains and Losses	Ending Balance
A	Real Estate			
B	Stocks and Bonds			
C	Money Owed to Ward			
D	Miscellaneous Property			
E	Debts and Encumbrances			
F	Cash and Cash Accounts		**	*
	Total			

\* This amount should equal the money in all of the Ward's bank accounts on the last day of the reporting period for this accounting.

\*\* The total Gains and Losses for Cash and Cash Accounts should equal the total for Receipts and Payments.

#### Summary of Receipts and Payments

1	Receipts Total	
2	Payments Total	
3	Total	**

\*\*The total Gains and Losses for Cash and Cash Accounts should equal the total for Receipts and Payments.



Receipts during the reporting period

Item	Description	Amount
1	Wages	
2	Interest	
3	Dividends	
4	Social Security	
5	Annuities	
6	Insurance	
7	Real Estate Sold	
8	Stocks/Bonds Sold	
9	Money owed to Ward that was received	
10	Miscellaneous Property Sold	
11	Other (Describe)	
12	Total	

Payments during the reporting period

Item	Category	(Amount)
1	Mortgage/Rent	
2	Utilities (gas, electricity, water, sewage, phone, internet, etc.)	
3	Home Maintenance (Include maintenance, cleaning, repairs, etc.)	
4	Home Improvement (Include additions, remodeling, etc.)	
5	Home Furnishings	
6	Health Care (physicians, dentists, psychiatrists, psychologists, etc.)	
7	Food	
8	Education	
9	Clothes	
10	Personal Effects	
11	Activities	
12	Transportation	
13	Taxes	
14	Charge for Conservator's Services	
15	Charge for Guardian's Services	
16	Charge for other Professional Services	
17	Court Fees	
18	Other (Describe)	

19	Total	

Schedule A – Real Estate\*

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				

\* Attach a copy of the most recent tax assessment for each piece of real property.

Schedule B – Stocks and Bonds\*

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

\* Attach a copy of the most recent account statement if one has been issued.

Schedule C – Money owed to Ward

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

Schedule D – Miscellaneous Property

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

Schedule E – Debts and Encumbrances

Item	Description	Debts on First Day of this Reporting Period	Debts on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

Schedule F – Cash Accounts (Such as checking or savings accounts)\*

Item	Description	Amount on First Day of this Reporting Period	Amount on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

\* Attach a copy of the most recent bank statement for each account.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
 Date Signature ►  
 Printed Name \_\_\_\_\_

**Effective 3/19/2018**

**75-5-312 General powers and duties of guardian -- Penalties.**

(1) A guardian of an incapacitated person has only the powers, rights, and duties respecting the ward granted in the order of appointment under Section 75-5-304.

(2) Except as provided in Subsection (4), a guardian has the same powers, rights, and duties respecting the ward that a parent has respecting the parent's unemancipated minor child.

(3) In particular, and without qualifying Subsections (1) and (2), a guardian has the following powers and duties, except as modified by order of the court:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian is entitled to custody of the person of the ward and may establish the ward's place of abode within or without this state.

(b) If entitled to custody of the ward the guardian shall provide for the care, comfort, and maintenance of the ward and, whenever appropriate, arrange for the ward's training and education. Without regard to custodial rights of the ward's person, the guardian shall take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects and commence protective proceedings if other property of the ward is in need of protection.

(c) A guardian may give any consents or approvals that may be necessary to enable the ward to receive medical or other professional care, counsel, treatment, or service.

(d) A guardian may not unreasonably restrict visitation with the ward by family, relatives, or friends.

(e) If no conservator for the estate of the ward has been appointed, the guardian may:

(i) institute proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform that duty;

(ii) compel the production of the ward's estate documents, including the ward's will, trust, power of attorney, and any advance health care directive; and

(iii) receive money and tangible property deliverable to the ward and apply the money and property for support, care, and education of the ward:

(A) except that the guardian may not use funds from the ward's estate for room and board that the guardian, the guardian's spouse, parent, or child have furnished the ward unless a charge for the service is approved by order of the court made upon notice to at least one adult relative in the nearest degree of kinship to the ward in which there is an adult; and

(B) the guardian shall exercise care to conserve any excess for the ward's needs.

(f)

(i) A guardian is required to report the condition of the ward and of the estate that has been subject to the guardian's possession or control, as required by the court or court rule.

(ii) A guardian is required to immediately notify all interested persons if the guardian reasonably believes that the ward's death is likely to occur within the next 30 days, based on:

(A) the guardian's own observations; or

(B) information from the ward's physician or other medical care providers.

(iii) A guardian is required to immediately notify persons who request notification and are

not restricted in associating with the ward pursuant to Section 75-5-312.5 of:

- (A) the ward's admission to a hospital for three or more days or to a hospice program;
  - (B) the ward's death; and
  - (C) the arrangements for the disposition of the ward's remains .
- (iv) Unless emergency conditions exist, a guardian is required to file with the court a notice of the guardian's intent to move the ward and to serve the notice on all interested persons at least 10 days before the move. The guardian shall take reasonable steps to notify all interested persons and to file the notice with the court as soon as practicable following the earlier of the move or the date when the guardian's intention to move the ward is made known to the ward, the ward's care giver, or any other third party.
- (v)
- (A) If no conservator for the estate of the ward has been appointed, the guardian shall, for all estates in excess of \$50,000, excluding the residence owned by the ward, send a report with a full accounting to the court on an annual basis.
  - (B) For estates less than \$50,000, excluding the residence owned by the ward, the guardian shall fill out an informal annual report and mail the report to the court.
  - (C) A report under Subsection (3)(f)(v)(A) or (B) shall include a statement of assets at the beginning and end of the reporting year, income received during the year, disbursements for the support of the ward, and other expenses incurred by the estate. The guardian shall also report the physical conditions of the ward, the place of residence, and a list of others living in the same household. The court may require additional information.
  - (D) The forms for both the informal report for estates under \$50,000, excluding the residence owned by the ward, and the full accounting report for larger estates shall be approved by the Judicial Council.
  - (E) An annual report shall be examined and approved by the court.
  - (F) If the ward's income is limited to a federal or state program requiring an annual accounting report, a copy of that report may be submitted to the court in lieu of the required annual report.
- (vi) Corporate fiduciaries are not required to petition the court, but shall submit their internal report annually to the court. The report shall be examined and approved by the court.
- (vii) The guardian shall also render an annual accounting of the status of the person to the court that shall be included in the petition or the informal annual report as required under this Subsection (3)(f). If a fee is paid for an accounting of an estate, a fee may not be charged for an accounting of the status of a person.
- (viii) If a guardian:
- (A) makes a substantial misstatement on filings of annual reports;
  - (B) is guilty of gross impropriety in handling the property of the ward; or
  - (C) willfully fails to file the report required by this Subsection (3)(f), after receiving written notice from the court of the failure to file and after a grace period of two months has elapsed, the court may impose a penalty in an amount not to exceed \$5,000.
- (ix) The court may also order restitution of funds misappropriated from the estate of a

ward. The penalty shall be paid by the guardian and may not be paid by the estate.

(x) The provisions and penalties in this Subsection (3)(f) governing annual reports do not apply if the guardian or a coguardian is the parent of the ward.

(xi) For the purposes of Subsections (3)(f)(i), (ii), (iii), and (iv), “interested persons” means those persons required to receive notice in guardianship proceedings as set forth in Section 75-5-309.

(g) If a conservator has been appointed:

(i) all of the ward’s estate received by the guardian in excess of those funds expended to meet current expenses for support, care, and education of the ward shall be paid to the conservator for management as provided in this code; and

(ii) the guardian shall account to the conservator for funds expended.

(4)

(a) A court may, in the order of appointment, place specific limitations on the guardian’s power.

(b) A guardian may not prohibit or place restrictions on association with a relative or qualified acquaintance of an adult ward, unless permitted by court order under Section 75-5-312.5.

(c) A guardian is not liable to a third person for acts of the guardian’s ward solely by reason of the relationship described in Subsection (2).

(5) Any guardian of one for whom a conservator also has been appointed shall control the custody and care of the ward and is entitled to receive reasonable sums for services and for room and board furnished to the ward as agreed upon between the guardian and the conservator, if the amounts agreed upon are reasonable under the circumstances. The guardian may request the conservator to expend the ward’s estate by payment to third persons or institutions for the ward’s care and maintenance.

(6) A person who refuses to accept the authority of a guardian with authority over financial decisions to transact business with the assets of the protected person after receiving a certified copy of letters of guardianship is liable for costs, expenses, attorney fees, and damages if the court determines that the person did not act in good faith in refusing to accept the authority of the guardian.

(7) A guardian shall, to the extent practicable, encourage the ward to participate in decisions, exercise self-determination, act on the ward’s own behalf, and develop or regain the capacity to manage the ward’s personal affairs. To the extent known, a guardian, in making decisions, shall consider the expressed desires and personal values of the ward.

Amended by Chapter 244, 2018 General Session

Amended by Chapter 294, 2018 General Session

**Rule 6-501. Reporting requirements for guardians and conservators.**

**Intent:**

To establish the requirements sufficient to satisfy the Utah Uniform Probate Code.

**Applicability:**

This rule applies to guardians and conservators with the following exceptions:

This rule does not apply if the conservator or coguardian is the parent of the ward.

Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school.

Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5, Trust Business, to a guardian licensed under §75-5-311(1)(a), or to the Office of Public Guardian.

Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the guardianship is limited to the purpose of attending school. A person interested in the minor may request a report under Utah Code Section 75-5-209.

Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is deposited in an account requiring judicial approval for withdrawal or if there is no estate. A person interested in the minor may request an accounting under Utah Code Section 75-5-209.

**Statement of the Rule:**

**(1) Examination and private information record.**

(1)(A) Before the court enters an order appointing a guardian or conservator, the guardian or conservator shall file a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator.

(1)(B) After the court enters the order of appointment, the guardian or conservator shall file within 7 days a completed and verified Private Information Record form provided by the Administrative Office of the Courts. The guardian or conservator shall continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(2) **Recordkeeping.** The guardian shall keep contemporaneous records of significant events in the life of the ward and produce them if requested by the court. The conservator shall keep contemporaneous receipts, vouchers or other evidence of income and expenses and produce them if requested by the court. The guardian and conservator shall maintain the records until the appointment is terminated and then deliver them to the ward, if there is no successor, to the successor guardian or conservator, or to the personal representative of the ward's estate.

**(3) Definitions.**

(3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

(3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children, parents and siblings and anyone requesting notice under Utah Code Section 75-5-406. If no person is an interested person, then interested person includes at least one of the ward's closest adult relatives, if any can be found.

(3)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

(3)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.

(3)(E) "Report" means the annual report on the status of the ward required by Utah Code Section 75-5-209 and Section 75-5-312.

(3)(F) "Ward" means a minor or an incapacitated person for whom the court appoints a guardian or a protected person for whom the court appoints a conservator.

(4) **Report forms.** Subject to the requirements of Paragraph (5):

(4)(A) forms substantially conforming to the forms produced by the Utah court website are acceptable for content and format for the report and accounting filed under the Utah Uniform Probate Code;

(4)(B) a corporate fiduciary may file its internal report or accounting; and

(4)(C) if the ward's estate is limited to a federal or state program requiring an annual accounting, the fiduciary may file a copy of that accounting.

(5) **Report information.** The report, inventory and accounting shall contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court may direct that a report or accounting be prepared with content and format as it deems necessary.

(6) **Status reports.**

(6)(A) The guardian shall file with the appointing court a report on the status of the ward no later than 60 days after the anniversary of the appointment. The guardian shall file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(6)(B) The guardian shall serve a copy of the report on all interested persons with notice that the person may object within 30 days after the notice was served.

(6)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge shall approve it.

(6)(D) If there is no conservator, the guardian shall file the inventory and accounting required of a conservator.

(7) **Inventory reports.**

(7)(A) Within 90 days after the appointment, the conservator shall file with the appointing court the inventory required by Utah Code Section 75-5-418. For good cause the court may extend the time for filing the inventory.

(7)(B) The conservator shall serve a copy of the inventory on all interested persons with notice that the person may object within 30 days after the notice was served.

(7)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge shall approve it.

(8) **Accounting reports.**

(8)(A) The conservator shall file with the appointing court an accounting of the estate of the ward no later than 60 days after the anniversary of the appointment. The conservator shall file the accounting with



the court that appointed the conservator unless that court orders a change in venue under Utah Code Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

(8)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that the person may object within 30 days after the notice was served.

(8)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge shall approve it.

**(9) Final accounting.**

(9)(A) The conservator shall file with the court a final accounting of the estate of the ward with the motion to terminate the appointment.

(9)(B) The conservator shall serve a copy of the accounting on all interested persons with notice that the person may object within 30 days after the notice was served.

(9)(C) If an interested person objects, the person shall specify in writing the entries to which the person objects and state the reasons for the objection. The person shall file the objection with the court and serve a copy on all interested persons. If an objection is filed, the judge shall conduct a hearing. The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge shall approve it.

Effective May 1, 2018

**Medicaid Fraud Control Unit**  
**Recommended Additions to Forms CG05 and CG07**  
**Contact: Kaye Lynn Wootton (801-281-1255)**

- (1) If the above contact information is for someone other than the guardian/conservator, please provide the guardian/conservator contact information below:  
- Name  
- Address  
- Phone  
- Email
- (2) (Reason \_\_\_\_\_)
- (3) During those contacts, I was involved with the Ward in the following types of activities \_\_\_\_\_  
\_\_\_\_\_
- (4) During the reporting period, did the Ward sustain any significant injuries?  Yes  No (If yes, describe \_\_\_\_\_)
- (5) During the reporting period, was there a need for police involvement with the Ward?  Yes  No (If yes, describe the incident(s) and all individuals involved in the incident(s) \_\_\_\_\_)
- (6) If the Ward lives in a facility, the person responsible for paying facility costs is \_\_\_\_\_  
To the best of my knowledge, payments to the facility are:  
 Paid in full  
 Not paid in full and the balance owed as of the date of this report is \$ \_\_\_\_\_
- (7) (Attach additional pages, as needed)
- (8) During the reporting period:  
 I **was not** compensated for the guardianship (conservator) services I provided and the Ward owes me no money  
 I **was not** compensated for the guardianship (conservator) services I provided, but the Ward owes me \$ \_\_\_\_\_ for \_\_\_\_\_  
 I **was** compensated for the guardianship (conservator) services I provided. I received \$ \_\_\_\_\_ paid by \_\_\_\_\_ and the Ward owes me no additional money.  
 I **was** compensated for the guardianship services I provided. I received \$ \_\_\_\_\_ paid by \_\_\_\_\_, but the Ward still owes me \$ \_\_\_\_\_.
- (9) During the reporting period, separate from my duties as the Ward's guardian (conservator),  
 I **did not** serve as a paid caregiver for the Ward  
 I **did** serve as a paid caregiver for the Ward and I received \$ \_\_\_\_\_, which was paid by \_\_\_\_\_, for the following services: \_\_\_\_\_  
\_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email

I am  Guardian

Conservator

Guardian's Attorney

Conservator's Attorney (Utah Bar #: \_\_\_\_\_)

①

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of:

**Report on the Status of the Ward**

\_\_\_\_\_  
(Ward)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

1. I am Guardian of the above-named Ward.
2. The Ward was born on \_\_\_\_\_ (Ward's birth date).
3. (Check all of the boxes which apply. Fill in the blanks if appropriate)  
 This is my first report.  
 My previous report covered the period from \_\_\_\_\_ to \_\_\_\_\_.
- This is my final report. ②
4. This report covers the period from \_\_\_\_\_ to \_\_\_\_\_.  
(Note: The beginning date must be one day later than the ending date of the previous report.)

5. During the reporting period, I had contact with the Ward approximately \_\_\_\_\_ (number of) times. <sup>3</sup>

6. During the reporting period, the Ward has engaged in the following education, training or social activities:

\_\_\_\_\_  
\_\_\_\_\_

7. The Ward lives at: <sup>4</sup> <sup>5</sup>

Name of facility (if applicable): \_\_\_\_\_

Street Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

8. (Check all boxes which apply. Fill in the appropriate blanks)

The Ward has been at this location since \_\_\_\_\_.

The Ward has moved during the reporting period year because \_\_\_\_\_.

9. The Ward's living arrangement is best described as:

The Ward's home.

A relative's home. Describe the relationship \_\_\_\_\_.

My home.

A care facility.

10. If the Ward is living in a private home, the following people are living in the same household with the Ward:

Name	Relationship to the Ward

11. If the Ward is living in a care facility, I would describe the care facility as follows:

The name of the care facility is: \_\_\_\_\_.

My description of the care facility is: \_\_\_\_\_

\_\_\_\_\_.

The following person at the care facility can be contacted for further information:

Name: \_\_\_\_\_.

Mailing Address: \_\_\_\_\_.

City, State, Zip \_\_\_\_\_.

Phone: \_\_\_\_\_.

6 Email: \_\_\_\_\_.

12. I rate the living situation as:

excellent

average

below average

Explain: \_\_\_\_\_

\_\_\_\_\_.

13. I believe the Ward's feelings about the living situation are as follows:

content

unhappy

Explain: \_\_\_\_\_

\_\_\_\_\_.

14. I recommend a more suitable living arrangement.

No

Yes

Explain: \_\_\_\_\_

\_\_\_\_\_.

15. The Ward's primary medical care provider is:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City / State / Zip: \_\_\_\_\_

16. During the reporting period, the Ward has been treated or evaluated by: (Include Physicians, Dentists, Psychiatrists, Psychologists, Social workers, etc.)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Date: \_\_\_\_\_

Purpose: \_\_\_\_\_

Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. During the reporting period, the Ward has received the following treatment, therapy or assistive devices:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Currently, the Ward is taking the following medications:

⑦

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

Name: \_\_\_\_\_

Dosage: \_\_\_\_\_

Reason: \_\_\_\_\_

19. Describe the Ward's cognitive and emotional functioning:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Describe the Ward's everyday functioning, such as ability care for self, make medical decisions, and make daily living decisions:

\_\_\_\_\_  
\_\_\_\_\_

---

21. During the reporting period, the Ward's mental health has:

remained about the same

improved

deteriorated

Explain:

---

---

22. During the reporting period, the Ward's physical health has:

remained about the same

improved

deteriorated

Explain:

---

---

23. During the reporting period, the Ward has been diagnosed with a terminal illness.

No

Yes

Diagnosing Doctor: \_\_\_\_\_

Telephone: \_\_\_\_\_

Diagnosis: \_\_\_\_\_

---

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24. There is a current plan for the Ward's care, training or treatment:

No

Yes

The plan is on file with the court.

The plan is being submitted along with this Status Report.

25. I recommend that the guardianship should be



[ ] continued

[ ] modified as follows:

\_\_\_\_\_  
\_\_\_\_\_

⑧

⑨

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**This is a private record.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

**Check your email.** You will receive information and documents at this email address.

\_\_\_\_\_  
Email

I am  Guardian

Conservator

Guardian's Attorney

Conservator's Attorney (Utah Bar #: \_\_\_\_\_)

①

In the District Court of Utah

\_\_\_\_\_ Judicial District \_\_\_\_\_ County

Court Address \_\_\_\_\_

In the Matter of:

\_\_\_\_\_  
(Ward)

**Guardian's Financial Accounting to Conservator** (Utah Code Section 75-5-312)

**Guardian's / Conservator's Financial Accounting to the Court** (Utah Code Sections 75-5-312 and 75-5-419)

\_\_\_\_\_  
Case Number

\_\_\_\_\_  
Judge

1. I am the following to the above-named Ward:

Guardian

Conservator

Guardian and Conservator

2. (Check all of the boxes which apply. Fill in the blanks if appropriate.)

This is my first report.

My previous report covered the period from \_\_\_\_\_ to \_\_\_\_\_.

This is my final report. (2)

3. This accounting covers the period from \_\_\_\_\_ to \_\_\_\_\_.

4. There is an estate plan to guide investment and distribution:

No

Yes

The plan is on file with the court.

The plan is being submitted along with this accounting.

5. Balance Summary (Beginning Balance must agree with Ending Balance of the Inventory or the previous accounting, whichever is later.)

Schedule	Category	Beginning Balance	Gains and Losses	Ending Balance
A	Real Estate			
B	Stocks and Bonds			
C	Money Owed to Ward			
D	Miscellaneous Property			
E	Debts and Encumbrances			
F	Cash and Cash Accounts		**	*
	Total			

\* This amount should equal the money in all of the Ward's bank accounts on the last day of the reporting period for this accounting.

\*\* The total Gains and Losses for Cash and Cash Accounts should equal the total for Receipts and Payments.

#### Summary of Receipts and Payments

1	Receipts Total	
2	Payments Total	
3	Total	**

\*\*The total Gains and Losses for Cash and Cash Accounts should equal the total for Receipts and Payments.

Receipts during the reporting period

Item	Description	Amount
1	Wages	
2	Interest	
3	Dividends	
4	Social Security	
5	Annuities	
6	Insurance	
7	Real Estate Sold	
8	Stocks/Bonds Sold	
9	Money owed to Ward that was received	
10	Miscellaneous Property Sold	
11	Other (Describe)	
12	Total	

Payments during the reporting period

Item	Category	(Amount)
1	Mortgage/Rent	
2	Utilities (gas, electricity, water, sewage, phone, internet, etc.)	
3	Home Maintenance (Include maintenance, cleaning, repairs, etc.)	
4	Home Improvement (Include additions, remodeling, etc.)	
5	Home Furnishings	
6	Health Care (physicians, dentists, psychiatrists, psychologists, etc.)	
7	Food	
8	Education	
9	Clothes	
10	Personal Effects	
11	Activities	
12	Transportation	
13	Taxes	
14	Charge for Conservator's Services	
15	Charge for Guardian's Services	
16	Charge for other Professional Services	
17	Court Fees	
18	Other (Describe)	

19	Total	

6

Schedule A – Real Estate\*

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				

\* Attach a copy of the most recent tax assessment for each piece of real property.

Schedule B – Stocks and Bonds\*

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

\* Attach a copy of the most recent account statement if one has been issued.

Schedule C – Money owed to Ward

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

Schedule D – Miscellaneous Property

Item	Description	Value on First Day of this Reporting Period	Value on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

Schedule E – Debts and Encumbrances

Item	Description	Debts on First Day of this Reporting Period	Debts on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

Schedule F – Cash Accounts (Such as checking or savings accounts)\*

Item	Description	Amount on First Day of this Reporting Period	Amount on Last Day of this Reporting Period	Amount of Gain (Loss)
1				
2				
3				
4				
5				

\* Attach a copy of the most recent bank statement for each account.

5 8 9

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at \_\_\_\_\_ (city, and state or country).

\_\_\_\_\_  
Date

Signature ► \_\_\_\_\_

Printed Name \_\_\_\_\_

**IN THE FOURTH DISTRICT COURT OF UTAH COUNTY, UTAH  
137 N FREEDOM BLVD, PROVO, UT 84601**

---

IN THE MATTER OF

:  
: Probate Report for Review  
: and Approval

\*\*\*

:

: Case No.  
: Judge Anthony Howell

DOB: 02/19/1931

---

**The following reports are being submitted for review and approval:**

- Inventory Report       Annual Financial Accounting       Court Visitor Report  
 Report on Status     Proof of Minor's Insurance Deposit     Termination

**The court, having reviewed the above-identified reports, hereby**

\_\_\_ Approves the report as submitted.

\_\_\_ Denied. Requests additional information from filer, specifically: \_\_\_\_\_

\_\_\_ Requests a court visitor be appointed for the following: \_\_\_\_\_

\_\_\_ Requests a hearing be set for \_\_\_\_\_

\_\_\_ Other: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
DISTRICT COURT JUDGE

When the petitioner enters in information through OCAP, here is what the petitioner will see/read:

### **School Attendance**

Is this guardianship only for a minor child to attend school?

- Yes
- No

The issue with this question is, it doesn't specify what that entails. It is confusing for many petitioners that are seeking guardianship. In the Verified Petition for Appointment of Guardian of a Minor, it states:

*"The guardian shall have the limited powers necessary to enroll the minor child in school and act as the minor ward's guardian for all school related matters."*

They don't realize that it is **only to enroll the minor child in school**.

The school districts here in Utah County require a full guardianship if the minor child is planning to play any sports, enroll in driver's ed, or be involved in any school related extracurricular activities. As of last week, Alpine School District is not requiring a guardianship case to be filed if it's only to enroll the minor child for school and has a signed Power of Attorney.

\*If the petitioner marks NO, it will give 2 options: Full or Limited

- Full Guardianship will give the authority with no limitations with all of the duties and obligations allowed by law.
- Limited Guardianship will give the petitioner/guardian only what is stated.

I think to make this less complicated or painless, is to get rid of "guardianship for school purposes only" and only have the option for a full or limited guardianship.



Name: **Tatyana Valavala**  
Address: **910 W 180 N**  
**Orem UT 84057-**  
Phone: **(253) 682-9796**  
Email: **mnb Ballard910@gmail.com**  
**Pro Se**

Online Court Assistance Program

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF UTAH COUNTY, STATE OF UTAH  
Fourth District Court, 137 North Freedom Blvd, Provo UT 84601

IN THE MATTER OF THE  
GUARDIANSHIP OF:

**Anoakekai Halakilangi Armand  
Ballard,**  
under the age of 18.

**VERIFIED PETITION FOR APPOINTMENT  
OF GUARDIAN OF A MINOR  
(Must complete Guardian Testing)**

Case No. \_\_\_\_\_

Judge: \_\_\_\_\_

1. The court should appoint one or more guardians for each child as set out below. Each of the proposed guardians is genuinely interested in the physical, mental, moral, and emotional health needs of the minor(s).

2. The following persons should be appointed guardian(s) over the above Minor(s) with authority for this guardianship limited to that necessary for the Ward(s) to enroll in and attend school.

<b>Child:</b>	<b>Guardian:</b>	<b>Relation:</b>
<b>Anoakekai Halakilangi Armand Ballard</b>	<b>Tatyana Valavala</b>	<b>Sister</b>

3. The authority for this guardianship should be limited as follows:

**The guardian shall have the limited powers necessary to enroll the minor ward in school and act as the minor ward's guardian for all school related matters.**

4. Each of the minors currently resides or is present within **Utah County**.

5. Notice of the time and place of hearing on this petition should be mailed to each of the following interested parties:

<b>Name</b>	<b>Address</b>	<b>Relationship to Minor</b>
<b>a. Norma Valavala-Ballard</b>	<b>Norma Valavala-Ballard 137 N Freedom Blvd Provo, UT 84601-</b>	<b>Mother (Anoakekai Halakilangi Armand Ballard)</b>
<b>b. Michael Ballard</b>	<b>Michael Ballard 137 N Freedom Blvd Provo, UT 84601-</b>	<b>Father (Anoakekai Halakilangi Armand Ballard)</b>
<b>c. Alpine</b>	<b>Alpine 575 N 100 E American Fork, Utah 84003-</b>	<b>Local School Dist. (Anoakekai Halakilangi</b>
<b>d. Anoakekai Halakilangi</b>	<b>Anoakekai Halakilangi 910 W 180 N Orem, UT 84057-</b>	<b>Minor if 14 or older (Anoakekai Halakilangi</b>

6. Parental custody rights have been terminated or suspended by waiver of living parent(s), circumstances, or prior court order (see submitted documentation).

7. The Minors listed in this petition are not emancipated and do not currently have a guardian by instrument or appointment; nor are there any currently pending guardianship proceedings.

8. Minor **Anoakekai Halakilangi Armand Ballard** was born on **October 2, 2004** and at the time of the hearing will be **15 years old**.

9. The total value of the estate of Minor **Anoakekai Halakilangi Armand Ballard**) which will come into the possession of the guardian is **\$0** (total taken form attached worksheet).

WHEREFORE, **Tatyana Valavala** requests:

1. The Court fix a date and time for hearing on this petition.
2. Notice to be given as required by Utah Code 75-5-207.
3. The Court to appoint a guardian or guardians as requested in this petition.

4. Letters of Guardianship to be issued by the Court to the Guardian(s).

I declare under criminal penalty under the law of Utah that everything stated in this document is true. Signed at: **Orem, Utah**

**August 18, 2020**  
Date

Signature \_\_\_\_\_  
**Tatyana Valavala**