

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

WebEx information:

Thursday, Dec 17, 2020, 12:00 pm | 2 hours |

AGENDA

	Topic	Presenter	Materials
12:00	Meeting begins		
	Welcome, Minutes, Housekeeping		<u>October 2020 meeting minutes</u>
12:10	2021 Legislative Session	Group discussion	
12:25	Annual Report Review Process	Judge Kelly Nancy Sylvester	<u>Report Coversheets</u> <u>Rule 6-501</u>
1:00	Financial Accounting / Audit Subcommittee	Shonna Thomas Michelle Wilkes	<u>Financial Reports</u>
1:10	WINGS Projects Updates:		
	<ul style="list-style-type: none">• CJA Rule 6-507	Nancy Sylvester Michelle Wilkes	
	<ul style="list-style-type: none">• Annual Report Reminder Notice	Shonna Thomas	
	<ul style="list-style-type: none">• Guardianship “Basic Guidelines” Manual	Brant Christiansen	
	<ul style="list-style-type: none">• Clerical Manual	Shonna Thomas	
1:45	Judicial Council Annual Report	Group discussion	
2:00	Meeting adjourned		

Next meeting: January 21, 2021 (via WebEx)

In the District Court of Utah

_____ Judicial District _____ County

Court Address: _____

In the Matter of Protection for	Review of Guardianship Reports
Protected Person	Case Number
	Judge

The following reports are submitted for review: (check all that apply)

<input type="checkbox"/>	Inventory Report	<input type="checkbox"/>	Annual Financial Accounting	<input type="checkbox"/>	Report on Status of the Ward
<input type="checkbox"/>	Court Visitor Report	<input type="checkbox"/>	Proof of Minor's Insurance Deposit	<input type="checkbox"/>	Termination

The Judge, having reviewed the above report(s), hereby:

<input type="checkbox"/>	Approves the report as submitted
<input type="checkbox"/>	Requests the following additional information from the filer:
<input type="checkbox"/>	Requests a Court Visitor be appointed for the following:
<input type="checkbox"/>	Requests a hearing be set for the following:
<input type="checkbox"/>	Other (describe):

Date: _____ Judge Signature ► _____

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

IN THE MATTER OF THE GUARDIANSHIP	:	
AND/OR CONSERVATORSHIP OF	:	Probate Report for Review
	:	and Approval
	:	
ASPEN YOUD	:	Case No. 203400668
DOB: 01/30/2005	:	Judge Anthony Howell

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

SEVENTH DISTRICT COURT
FOR CARBON COUNTY, STATE OF UTAH

IN THE MATTER OF THE GUARDIANSHIP/CONSERVATORSHIP OF Jayden Bradford	ORDER APPROVING ANNUAL ACCOUNTING CASE No: 163700049
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Upon receipt and review of the accounting filed by the guardian/conservator in this matter,
IT IS HEREBY:

_____ Approved

_____ Other _____

BY THE COURT:

District Court Judge

**IN THE EIGHTH JUDICIAL DISTRICT COURT
UINTAH / DUCHESNE COUNTY, STATE OF UTAH**

IN THE MATTER OF THE
GUARDIANSHIP/CONSERVATORSHIP OF:

DOB: _____

**Approval of Guardianship /
Conservatorship Reports**

Case #

Report Filed on _____

The following reports are being submitted for review and approval:

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

The court, having reviewed the above identified reports, hereby

Approves report as submitted.

Requests additional information from filer, specifically: _____

 Requests an auditor be appointed to review the: inventory; and/or the accounting.

Requests a court visitor be appointed for the following: _____

 Requests a hearing be set for _____

Other: _____

Date

Judge

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

2 **Intent:**

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

4 **Applicability:**

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

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

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

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

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

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

19 **Statement of the Rule:**

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

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

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

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

37 (3) **Definitions.**

38 (3)(A) "Accounting" means the annual accounting required by Utah Code Section
39 75-5-312 and Section 75-5-417 and the final accounting required by Utah Code
40 Section 75-5-419.

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

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

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

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

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

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

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

59 (4)(B) a corporate fiduciary may file its internal report or accounting; and
60 (4)(C) if the ward's estate is limited to a federal or state program requiring an annual
61 accounting, the fiduciary may file a copy of that accounting.

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

67 (6) **Status reports.**

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

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

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

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

86 (7) **Inventory reports.**

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

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

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

98 **(8) Accounting reports.**

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

101 The conservator shall file the accounting with the court that appointed the
102 conservator unless that court orders a change in venue under Utah Code Section 75-
103 5-403. The reporting period is yearly from the appointment date unless the court
104 changes the reporting period on motion of the conservator. The conservator may not
105 file the accounting before the close of the reporting period. For good cause the court
106 may extend the time for filing the accounting, but a late filing does not change the
107 reporting period.

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

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

116 (9) **Final accounting.**

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

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

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

127 (10) **Report approval.** The court shall examine and approve annual reports as required
128 by Utah Code sections 75-5-312 and 75-5-417. Approving a report means the judge has
129 reviewed it and has not noticed any issues. It does not mean the court has fully audited
130 the report and exonerated any potential wrongdoing.

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

- I am the following to the above-named Ward:
 Guardian
 Conservator
 Guardian and Conservator
- (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 _____

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:

(Protected person)

Inventory
(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 _____