

Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Thursday, June 17, 2021, 12:00 pm | 2 hours |

AGENDA

| | Topic | Presenter | Materials |
|-------|---|--|---|
| 12:00 | Meeting begins | | |
| | <ul style="list-style-type: none">• Housekeeping• Minutes | Judge Kelly | <i>WINGS Minutes (April 2021 – draft)</i> |
| 12:10 | <ul style="list-style-type: none">• Updates from GRAMP<ul style="list-style-type: none">○ Summer Intern○ Guardianship Signature Program○ Funding for Court Visitor Program | Shonna Thomas | |
| 12:25 | <ul style="list-style-type: none">• Judicial Council committee – proposal | Judge Kelly Shonna Thomas | <i>Rule 1-205 and WINGS rule</i> |
| 12:45 | <ul style="list-style-type: none">• Virtual hearings post-COVID | Judge Kelly Michelle Wilkes | |
| 1:15 | <ul style="list-style-type: none">• Rule 6-501 update<ul style="list-style-type: none">○ Coversheet○ Limited guardianship of a minor | Nancy Sylvester Brant Christiansen Shonna Thomas | <i>CJA Rule 6-501 (draft)</i> |
| 1:30 | <ul style="list-style-type: none">• Rule 6-507 - amendments | Nancy Sylvester Michelle Wilkes | <i>CJA Rule 6-507 (draft)</i> |
| 1:40 | <ul style="list-style-type: none">• Guardianship manuals - update | Shonna Thomas | <i>Case Management - Adult Guardianship and Conservatorship</i> <i>Basic Guidelines - Guardians and Conservators</i> |
| 1:45 | Other Business: <ul style="list-style-type: none">• Nancy's new position• Future projects• | Judge Kelly Shonna Thomas | |
| 2:00 | Meeting adjourned | | |

Next meeting: August 19, 2021 (via WebEx)

Rule 1-205. Standing and Ad Hoc Committees.

Intent:

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:

(1) Standing Committees.

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

- (1)(A)(i) Technology Committee;
- (1)(A)(ii) Uniform Fine Schedule Committee;
- (1)(A)(iii) Ethics Advisory Committee;
- (1)(A)(iv) Judicial Branch Education Committee;
- (1)(A)(v) Court Facility Planning Committee;
- (1)(A)(vi) Committee on Children and Family Law;
- (1)(A)(vii) Committee on Judicial Outreach;
- (1)(A)(viii) Committee on Resources for Self-represented Parties;
- (1)(A)(ix) Language Access Committee;
- (1)(A)(x) Guardian ad Litem Oversight Committee;
- (1)(A)(xi) Committee on Model Utah Civil Jury Instructions;
- (1)(A)(xii) Committee on Model Utah Criminal Jury Instructions;
- (1)(A)(xiii) Committee on Pretrial Release and Supervision; ~~and~~
- (1)(A)(xiv) Committee on Court Forms; ~~and~~
- (1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

(1)(B) Composition.

- (1)(B)(i) The **Technology Committee** shall consist of:
- (1)(B)(i)(a) one judge from each court of record;
 - (1)(B)(i)(b) one justice court judge;
 - (1)(B)(i)(c) one lawyer recommended by the Board of Bar Commissioners;

- (1)(B)(i)(d) two court executives;
- (1)(B)(i)(e) two court clerks; and
- (1)(B)(i)(f) two staff members from the Administrative Office.
- (1)(B)(ii) The **Uniform Fine Schedule Committee** shall consist of:
 - (1)(B)(ii)(a) one district court judge who has experience with a felony docket;
 - (1)(B)(ii)(b) three district court judges who have experience with a misdemeanor docket; and
 - (1)(B)(ii)(c) four justice court judges.
- (1)(B)(iii) The **Ethics Advisory Committee** shall consist of:
 - (1)(B)(iii)(a) one judge from the Court of Appeals;
 - (1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;
 - (1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
 - (1)(B)(iii)(d) one juvenile court judge;
 - (1)(B)(iii)(e) one justice court judge; and
 - (1)(B)(iii)(f) an attorney from either the Bar or a college of law.
- (1)(B)(iv) The **Judicial Branch Education Committee** shall consist of:
 - (1)(B)(iv)(a) one judge from an appellate court;
 - (1)(B)(iv)(b) one district court judge from Judicial Districts 2, 3, or 4;
 - (1)(B)(iv)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;
 - (1)(B)(iv)(d) one juvenile court judge;
 - (1)(B)(iv)(e) the education liaison of the Board of Justice Court Judges;
 - (1)(B)(iv)(f) one state level administrator;
 - (1)(B)(iv)(g) the Human Resource Management Director;
 - (1)(B)(iv)(h) one court executive;
 - (1)(B)(iv)(i) one juvenile court probation representative;
 - (1)(B)(iv)(j) two court clerks from different levels of court and different judicial districts;
 - (1)(B)(iv)(k) one data processing manager; and
 - (1)(B)(iv)(l) one adult educator from higher education.
 - (1)(B)(iv)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.
- (1)(B)(v) The **Court Facility Planning Committee** shall consist of:
 - (1)(B)(v)(a) one judge from each level of trial court;
 - (1)(B)(v)(b) one appellate court judge;
 - (1)(B)(v)(c) the state court administrator;
 - (1)(B)(v)(d) a trial court executive;

(1)(B)(v)(e) two business people with experience in the construction or financing of facilities; and

(1)(B)(v)(f) the court security director.

(1)(B)(vi) The **Committee on Children and Family Law** shall consist of:

(1)(B)(vi)(a) one Senator appointed by the President of the Senate;

(1)(B)(vi)(b) the Director of the Department of Human Services or designee;

(1)(B)(vi)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;

(1)(B)(vi)(d) one attorney with experience in abuse, neglect and dependency cases;

(1)(B)(vi)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;

(1)(B)(vi)(f) one representative of a child advocacy organization;

(1)(B)(vi)(g) the ADR Program Director or designee;

(1)(B)(vi)(h) one professional in the area of child development;

(1)(B)(vi)(i) one mental health professional;

(1)(B)(vi)(j) one representative of the community;

(1)(B)(vi)(k) the Director of the Office of Guardian ad Litem or designee;

(1)(B)(vi)(l) one court commissioner;

(1)(B)(vi)(m) two district court judges; and

(1)(B)(vi)(n) two juvenile court judges.

(1)(B)(vi)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vii) The **Committee on Judicial Outreach** shall consist of:

(1)(B)(vii)(a) one appellate court judge;

(1)(B)(vii)(b) one district court judge;

(1)(B)(vii)(c) one juvenile court judge;

(1)(B)(vii)(d) one justice court judge; one state level administrator;

(1)(B)(vii)(e) a state level judicial education representative;

(1)(B)(vii)(f) one court executive;

(1)(B)(vii)(g) one Utah State Bar representative;

(1)(B)(vii)(h) one communication representative;

(1)(B)(vii)(i) one law library representative;

(1)(B)(vii)(j) one civic community representative; and

(1)(B)(vii)(k) one state education representative.

(1)(B)(vii)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(viii) The **Committee on Resources for Self-represented Parties** shall consist of:

(1)(B)(viii)(a) two district court judges;

(1)(B)(viii)(b) one juvenile court judge;

(1)(B)(viii)(c) two justice court judges;

(1)(B)(viii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;

(1)(B)(viii)(e) one representative from the Self-Help Center;

(1)(B)(viii)(f) one representative from the Utah State Bar;

(1)(B)(viii)(g) two representatives from legal service organizations that serve low-income clients;

(1)(B)(viii)(h) one private attorney experienced in providing services to self-represented parties;

(1)(B)(viii)(i) two law school representatives;

(1)(B)(viii)(j) the state law librarian; and

(1)(B)(viii)(k) two community representatives.

(1)(B)(ix) The **Language Access Committee** shall consist of:

(1)(B)(ix)(a) one district court judge;

(1)(B)(ix)(b) one juvenile court judge;

(1)(B)(ix)(c) one justice court judge;

(1)(B)(ix)(d) one trial court executive;

(1)(B)(ix)(e) one court clerk;

(1)(B)(ix)(f) one interpreter coordinator;

(1)(B)(ix)(g) one probation officer;

(1)(B)(ix)(h) one prosecuting attorney;

(1)(B)(ix)(i) one defense attorney;

(1)(B)(ix)(j) two certified interpreters;

(1)(B)(ix)(k) one approved interpreter;

(1)(B)(ix)(l) one expert in the field of linguistics; and

(1)(B)(ix)(m) one American Sign Language representative.

(1)(B)(x) The **Guardian ad Litem Oversight Committee** shall consist of:

(1)(B)(x)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(xi) The **Committee on Model Utah Civil Jury Instructions** shall consist of:

(1)(B)(xi)(a) two district court judges;

- (1)(B)(xi)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(xi)(c) four lawyers who primarily represent defendants; and
- (1)(B)(xi)(d) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Model Utah Criminal Jury Instructions** shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) one justice court judge;
- (1)(B)(xii)(c) four prosecutors;
- (1)(B)(xii)(d) four defense counsel;
- (1)(B)(xii)(e) one professor of criminal law; and
- (1)(B)(xii)(f) one person skilled in linguistics or communication.

(1)(B)(xiii) The **Committee on Pretrial Release and Supervision** shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one juvenile court judge;
- (1)(B)(xiii)(c) two justice court judges;
- (1)(B)(xiii)(d) one prosecutor;
- (1)(B)(xiii)(e) one defense attorney;
- (1)(B)(xiii)(f) one county sheriff;
- (1)(B)(xiii)(g) one representative of counties;
- (1)(B)(xiii)(h) one representative of a county pretrial services agency;
- (1)(B)(xiii)(i) one representative of the Utah Insurance Department;
- (1)(B)(xiii)(j) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xiii)(k) one commercial surety agent;
- (1)(B)(xiii)(l) one state senator;
- (1)(B)(xiii)(m) one state representative;
- (1)(B)(xiii)(n) the Director of the Indigent Defense Commission or designee; and
- (1)(B)(xiii)(o) the court's general counsel or designee.

(1)(B)(xiv) The **Committee on Court Forms** shall consist of:

- (1)(B)(xiv)(a) one district court judge;
- (1)(B)(xiv)(b) one court commissioner;
- (1)(B)(xiv)(c) one juvenile court judge;
- (1)(B)(xiv)(d) one justice court judge;
- (1)(B)(xiv)(e) one court clerk;
- (1)(B)(xiv)(f) one appellate court staff attorney;
- (1)(B)(xiv)(g) one representative from the Self-Help Center;
- (1)(B)(xiv)(h) the State Law Librarian;

- (1)(B)(xiv)(i) the Court Services Director;
- (1)(B)(xiv)(j) one representative from a legal service organization that serves low-income clients;
- (1)(B)(xiv)(k) one paralegal;
- (1)(B)(xiv)(l) one educator from a paralegal program or law school;
- (1)(B)(xiv)(m) one person skilled in linguistics or communication; and
- (1)(B)(xiv)(n) one representative from the Utah State Bar.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** shall consist of:

- (1)(B)(xv)(a) two district court judges;
- (1)(B)(xv)(b) two district court judicial support staff;
- (1)(B)(xv)(c) one representative from GRAMP
- (1)(B)(xv)(d) one representative from the Court Visitor Program;
- (1)(B)(xv)(e) one representative from Administrative Office of the Courts;
- (1)(B)(xv)(f) one representative from Adult Protective Services;
- (1)(B)(xv)(g) one representative from Disability Law Center;
- (1)(B)(xv)(h) one representative from Adult and Aging Services;
- (1)(B)(xv)(i) one representative from Office of Public Guardian;
- (1)(B)(xv)(j) one representative from the Utah State Bar;
- (1)(B)(xv)(k) the Long-Term Care Ombudsman;
- (1)(B)(xv)(l) one representative from Office of the Attorney General;
- (1)(B)(xv)(m) one representative from the Utah legislature;
- (1)(B)(xv)(n) one representative from the Utah Commission on Aging;
- (1)(B)(xv)(o) one representative from Utah Legal Services; and
- (1)(B)(xv)(p) one representative in the following areas:
 - mental health community, medical community, private legal community that specializes in guardianship matters, aging-adult services community, educator from a legal program or law school, organization serving low-income, minorities, or marginalized communities, and other stakeholder agencies or related organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

- (1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Council members may not serve,

participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

- (1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.
 - (1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.
- (2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.
- (3) **General provisions.**
 - (3)(A) **Appointment process.**
 - (3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:
 - (3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;
 - (3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;
 - (3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the

attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Effective May 12, 2020

Rule X-XXX. Working Interdisciplinary Network of Guardianship Stakeholders (WINGS).

Intent:

To bring together stakeholders from various disciplines to improve the state's guardianship and conservatorship services and processes.

Applicability:

This rule shall apply to all members of the WINGS committee.

Statement of the Rule:

- (1) The WINGS committee shall provide leadership to identify the needs in guardianship and conservatorship matters and to secure and coordinate resources to meet those needs.
- (2) The WINGS committee shall:
 - (2)(A) assess available services, forms, and rules for guardianship and gaps in those services, forms, and rules;
 - (2)(B) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving guardianship processes;
 - (2)(C) support policy initiatives for the enhancement of guardianship and related infrastructure;
 - (2)(E) identify and develop education and outreach opportunities regarding guardianships, conservatorships, and their alternatives;
 - (2)(F) provide training and support to those engaging the guardianship/conservatorship system;
 - (2)(G) promote high standards for guardians and conservators;
 - (2)(H) promote collaboration between WINGS members and other stakeholders;
 - (2)(I) strive to maintain interdisciplinary representation of members drawn from the organizations, entities, and individuals related to guardianship and conservatorship matters; and
 - (2)(J) regularly evaluate the needs and priorities of WINGS's efforts.

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 a parent is a the conservator or a guardian or co-guardian is
7 the parent of the ward protected person.

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

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

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

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

20 Paragraph (8) does not apply to a conservator who is appointed for the purpose of
21 receiving a personal injury settlement for a minor if 1) no funds are to be distributed, or
22 2) no structured settlement payments are to be made, until the minor reaches the age of
23 majority.

24 **Statement of the Rule:**

25 (1) Examination and private information record.

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

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

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

42 (3) **Definitions.**

43 (A) "Accounting" means the annual accounting required by Utah Code Section 75-5-
44 312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-
45 5-419.

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

53 the persons listed in Utah Code Section 75-5-207.

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

55 (D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure
56 5.

57 (E) "Report" means the inventory, accounting, and annual report on the status of
58 the wardprotected person required by Utah Code Sections 75-5-209 and
59 Section 75-5-312, and the final accounting under Sections 75-5-210 and 75-5-419.

60 (F) "WardProtected person" means a minor or an incapacitated person for whom the
61 court appoints a guardian or a protected person for whom the court appoints a
62 conservator.

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

64 (A) forms substantially conforming to the Judicial Council-approved forms
65 produced by the Utah court website are acceptable for content and format for the
66 report and accounting filed under the Utah Uniform Probate Code;

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

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

70 (5) **Report information, cover sheet, and service.**

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

76 (B) The report must include the Judicial Council-approved report coversheet.

77 (C) The guardian, conservator, or both must serve a copy of the report under Rule 5
78 of the Utah Rules of Civil Procedure on all interested persons. The report must

79 include the following caution language at the top right corner of the first page, in
80 bold type: You have the right to object to this report within 28 days of service. If
81 you do not object within that time, your objection may be waived.

82 **(6) Status reports.**

83 (6)(A) The guardian ~~shall~~must file with the appointing court a report on the status of
84 the ~~ward~~protected person no later than 60 days after the anniversary of the
85 appointment. The guardian ~~shall~~must file the report with the court that appointed
86 the guardian unless that court orders a change in venue under Utah Code Section
87 75-5-313. The reporting period is yearly from the appointment date unless the court
88 changes the reporting period on motion of the guardian. The guardian may not file
89 the report before the close of the reporting period. For good cause the court may
90 extend the time for filing the report, but a late filing does not change the reporting
91 period.

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

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

100 (6)(~~D~~C) If there is no conservator, the guardian ~~shall~~must file the inventory and
101 accounting required of a conservator under Utah Code Section 75-5-312.

102 **(7) Inventory reports.**

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

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

112 **(8) Accounting reports.**

113 (A) The conservator shall file with the appointing court an accounting of the
114 estate of the wardprotected person no later than 60 days after the anniversary of the
115 appointment. The conservator shall file the accounting with the court that
116 appointed the conservator unless that court orders a change in venue under Utah
117 Code Section 75-5-403. The reporting period is yearly from the appointment date
118 unless the court changes the reporting period on motion of the conservator. The
119 conservator may not file the accounting before the close of the reporting period. For
120 good cause the court may extend the time for filing the accounting, but a late filing
121 does not change the reporting period.

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

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

130 **(9) Final accounting.**

131 (A) The conservator shall file with the court a final accounting of the estate of
132 the wardprotected person with the motion to terminate the appointment.

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

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

141 (10) Objections.

142 (A) If an interested person objects to a report, the person must file a written
143 objection with the court and serve a copy on all interested persons within 28 days
144 from the date of service of the report. The objection must include a request to
145 submit.

146 (B) The objection must specify in writing the entries to which the person objects and
147 state the reasons for the objection.

148 (C) An objection to a report may not contain a request to remove or substitute the
149 guardian or conservator. Any request for removal or substitution of the guardian or
150 conservator must be filed as a separate petition consistent with Utah Code Section
151 75-5-307 or 75-5-415.

152 (D) If an objection is filed, the court may conduct a hearing upon the request of a
153 party.

154 (E) At the hearing, the court may require the guardian or conservator to supplement
155 or amend the report if the judge determines there is good cause for the objection.

156 (F) If the court determines that the objection is unfounded or is filed in bad faith, the
157 judge may deny the objection and approve the report.

158 (11) Waiver. If an interested person does not object to a report within 28 days of service,

159 the interested person waives any objection unless:

160 (A) the objection relates to matters not fairly disclosed by the report; or

161 (B) the time for objection is extended by the court. If the request for an extension is
162 made before the time has run, the court may extend the time for good cause. If the
163 request is made after the time has run, the court may extend for excusable neglect.

164 (12) Report approval.

165 (A) Approval. The court must examine and approve reports as required by Utah
166 Code sections 75-5-312 and 75-5-417. Approving a report means the judge has
167 reviewed it, to the court's knowledge notice has been given to every person entitled
168 to notice, no objection has been received, the report meets the requirements set forth
169 by the report form, and the court has not requested additional information or
170 scheduled a hearing. Such approval does not foreclose a valid claim permitted under
171 paragraph (10) nor does it start an appeal time.

172 (B) Notice to interested persons. When a court approves a report, the court must
173 note that approval on the Judicial Council-approved coversheet and place the
174 coversheet in the case file. When a court does not approve a report, the court must
175 indicate on the coversheet, or in an order, the reasons for non-approval, any
176 additional actions required, and serve the coversheet or order on all interested
177 persons entitled to notice.

178 (13) Report on a minor. Under Utah Code Section 75-5-209, a person interested in the
179 welfare of a minor may petition the court for a report from the guardian on the minor's
180 welfare or the minor's estate.

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Rule 6-507. Court visitors.**Intent:**

To set forth the appointment and role of court visitors. To establish a process for the review of court visitor reports.

Applicability:

This rule applies to court visitor reports in guardianship and conservatorship cases.

Statement of the Rule:

(1) **Definition.** A visitor is, with respect to guardianship and conservatorship proceedings, a person who is trained in law, nursing, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings.

(2) **Appointment and role of court visitor.** Upon its own initiative or motion of a party or an “interested person,” as that term is defined in Utah Code section 75-1-201, the court may appoint a court visitor in a guardianship or conservatorship proceeding to conduct an inquiry into the following:

(A) whether to waive the respondent’s presence at the hearing under Section 75-5-303(5)(a);

(B) to confirm a waiver of notice submitted by the respondent in a guardianship or conservatorship proceeding under Sections 75-5-309(3) or 75-5-405(1);

(C) to investigate the respondent’s circumstances and well-being, including when an attorney is not appointed under 75-5-303(5)(d);

(D) to review annual reports from the guardian and conservator or gather additional financial information;

(E) to locate guardians, conservators, and respondents;

(F) to investigate the proposed guardian’s future plans for the respondent’s residence under Section 75-5-303(4)

(G) to meet with the adult ward to determine the wishes of the adult ward regarding association under Section 75-5-312.5; or

(H) to conduct any other investigation or observation as directed by the court.

(3) Motion to excuse respondent or confirm waiver of hearing. The petitioner, the respondent, or any interested person seeking to excuse the respondent or confirm a waiver of hearing, shall file an ex parte motion at least 21 days prior to the hearing.

Commented [NS1]: Address question of "in person" proceedings under code. Gold standard/hierarchy.

(A) Upon receipt of the motion, the court shall appoint a court visitor to conduct an investigation in accordance with paragraph (2) unless a court visitor is not required under Utah Code section 75-5-303.

(B) Upon appointment to conduct an inquiry into whether to excuse the respondent from the hearing, the court visitor ~~will~~may:

- (i) interview the petitioner, the proposed guardian, and the respondent;
- (ii) visit the respondent's present dwelling or any dwelling in which the respondent will reside if the guardianship or conservatorship appointment is made;
- (iii) interview any physician or other person who is known to have treated, advised, or assessed the respondent's relevant physical or mental condition;
- (iv) confirm a waiver of notice if submitted by the respondent; and
- (iv) conduct any other investigation the court directs.

(4) Other inquiries. If the court appoints a visitor under paragraphs (2)(B) through (2)(G), the court visitor will conduct the inquiry in accordance with the court's order or appointment.

(5) Language access. If the court visitor does not speak or understand the respondent's, proposed guardian's, proposed conservator's, or petitioner's primary language, the court visitor must use an interpretation service approved by the Administrative Office of the Courts to communicate with the respondent, proposed guardian, proposed conservator, or petitioner.

(6) Court visitor report.

(A) **Service of the court visitor report.** Except for court visitor appointments made under paragraph (2)(E), in accordance with **Rule 5** of the Utah Rules of Civil Procedure, the court visitor program must file and serve a court visitor report upon all ~~parties~~ current interested persons and upon any interested person who has requested the appointment of the court visitor.

(B) **Request to Submit for Decision.** The court visitor program will file with each court visitor report a request to submit for decision. If an objection is filed under paragraph (7), the court visitor program will resubmit the request to submit for decision once the time for objecting has run. [this timing piece needs to be sorted out]

(C) **Report regarding waiver of respondent's presence.** In cases involving a motion to excuse the respondent from the hearing, the court visitor will file with the report a court-approved proposed order. The report, a request to submit for decision, and a proposed order ~~will~~ should be filed five days before the hearing.

(7) Objecting to the court visitor report.

(A) An interested person may object to a report regarding waiver of respondent's presence within 2 days before the hearing.

(B) Except for a report regarding waiver of respondent's presence, an interested person may object to the court visitor report within 14 days of the filing of the court visitor report.

(C) [carve out waiver reports – can't object at hearing] Any oral objection to a report that is made at a hearing must then be put into writing and filed with the court within 7 days, unless the written objection has been previously filed with the court. The court may for good cause, including in order to accommodate a person with a disability, waive the requirement of a writing and document the objection in the court record.

(D) A written objection must set forth the grounds for the objection and any supporting authority, must be filed with the court, and must be sent to the parties named in the

petition and any "interested persons," as that term is defined in Utah Code § 75-1-201, unless the written objection has been previously filed with the court.

(E) If the interested persons to the case agree to an extension of time to file the written objection, notice of the agreed upon date must be filed with the court.

(F) The court may modify the timing for making an objection in accordance with Rule 6(b).

(G) In the event no written objection is timely filed, the court will act on the court visitor's report.

(7) **Termination of court visitor appointment.** The appointment of the court visitor terminates and the court visitor is discharged from the court visitor's duties upon the date identified in the order of appointment. The court may extend the appointment with or without a request from a party.

(8) **Court findings.**

(A) **Reports regarding waiver of respondent's presence.** When a court visitor has filed a report regarding a request to waive the respondent's presence at the hearing, the court will issue findings and an order as to the waiver at least two days prior to the hearing upon which the request has been made.

(B) **All other reports.** When a court visitor has filed a report involving matters other than the waiver of the respondent's presence, the court will issue findings and an order as to those matters in accordance with the timelines of Rule 3-101.