

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Thursday, June 16, 2022, 12:00 pm | 2 hours |

AGENDA

Topic	Presenter	Materials
12:00 Meeting begins		
<ul style="list-style-type: none"> Housekeeping – welcome, minutes 	Judge Kelly	<ul style="list-style-type: none"> <i>WINGS Minutes (April 2022 – draft)</i>
12:10 Stakeholder Updates		
<ul style="list-style-type: none"> GRAMP <ul style="list-style-type: none"> Court Visitor Program recruitment Probate subcommittee update <ul style="list-style-type: none"> Rule 6-501 Rule 6-507 Other <ul style="list-style-type: none"> Rules 1-205 and 3-421 	Stakeholders	
12:45 New & Ongoing Projects		
<ul style="list-style-type: none"> Utah Code 75-5-301.5 (HB 320 – Guardianship Bill of Rights) 	Group Discussion	<ol style="list-style-type: none"> <i>Motion to Review, Remove, or Terminate a Guardian or Conservator</i> <ol style="list-style-type: none"> <i>Motion to Review a Guardianship or Conservatorship (WINGS draft)</i> <i>Motion to Terminate a Guardianship or Conservatorship (WINGS draft)</i> <i>Motion to Change Accounting Report Requirements (WINGS draft)</i> <i>Financial Accounting Report (current)</i> <ol style="list-style-type: none"> <i>Financial Accounting (WINGS draft)</i> <i>Financial Accounting – Instructions (WINGS draft)</i>
<ul style="list-style-type: none"> Utah Code 75-5-303 	Group Discussion	<ul style="list-style-type: none"> <i>Utah Code 75-5-303 (to discuss)</i>
1:45 Other Business		
<ul style="list-style-type: none"> GSP candidate for the “Sandbox”? 	Shonna Thomas	
<ul style="list-style-type: none"> Guardianship for school purposes 	Shonna Thomas	
2:00 Meeting adjourned		

Next meeting: August 18, 2022 (via WebEx)

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

This motion requires you to respond. Please see the Notice to Responding Party.

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

I am the Guardian/Conservator
 Interested Person
 Protected Person
 Attorney for the Guardian/Conservator Interested Person and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

a protected person.

Motion to Review, Terminate, or Remove Guardian or Conservator
(Utah Code 75-5-301.5(w), 75-5-306, 307, 75-2-210, or 75-4-430.)

_____ Case Number

_____ Judge

Commented [JPW1]: Do we need to add the minor statutes as well. Like 75-5-209, 210, 212

- I am:
 - the protected person in this case.
 - the guardian or conservator in this case.
 - interested in the protected person's welfare. My relationship to the protected person is (explain)_____.
- This case is for:
 - guardianship.
 - conservatorship.

3. I ask the court to: (choose all that apply)

- review the management activity of the guardian.
- review the need for the guardianship or whether the guardianship should be a full or limited guardianship.
- terminate or end the guardianship or conservatorship.
- remove the guardian or conservator. I understand this does not terminate the guardianship or conservatorship. I ask the court to appoint _____ (name) as the new guardian or conservator.

4. I ask for this because: (choose all that apply)

- there is a dispute that cannot be resolved regarding the guardian's management.
- the protected person has been adopted.
- the protected person is no longer incapacitated.
- the protected person has died.
- the protected person is a minor and has married.
- the guardian or conservator is incapacitated, has resigned, or has been removed.
- the guardian or conservator is unable to perform their duties due to illness.
- the guardian fails to perform the duties in Utah Code 75-5-312.
- the conservator fails to meet the standard of care in Utah Code 75-7-902.
- the guardian or conservator obtained their appointment by fraud, deceit, or gross misrepresentation.
- the guardian fails to use reasonable care and diligence in managing the protected person's estate.
- the guardian or conservator has interests that are adverse to their duties and there is a risk they will not faithfully perform their duties.
- the guardian was found by the court to have filed the petition for guardianship frivolously or in bad faith.
- removing the guardian or conservator would be in the best interest of the protected person.
- this is a guardianship or conservatorship of a minor.
 - I am the parent and I withdraw my consent for the guardianship.
 - the protected person has been adopted.
 - the protected person is now at least 18 years old.
 - the protected person is now married or emancipated.
 - the protected person has joined the armed forces.
- other: (explain)

Commented [JPW2]: Probably could combine this one the one above if we wanted.

Commented [NP3]: I looked at grouping these into related options under #3, but between the second, third, and fourth options in #3, there is a ton of overlap and it became unwieldy. I DID group all of the minor guardianship issues together though

5. In support of my choices in paragraph 4 above, the court should know that:
(give details to explain your choice above)

Commented [JPW4]: This is not much room to explain.

6. I have attached the following documents in support of this motion:

7. I ask the court to appoint a court visitor to investigate these issues.

87. I have attached the final accounting for the protected person's estate.

98. Because I am asking that the guardianship or conservatorship be terminated, I ask that the court enter an order transferring title of the protected person's estate to: (choose one)

- the protected person.
- the protected person's personal representative (executor).
- the protected person's successor in interest (beneficiaries).

Commented [JPW5]: I know this comes right from the statutes but seems to apply more to adults. What about a minor guardianship/conservatorship where the "estate" just goes back to the parent. Does that go without saying? Or should we include it.

Does it go without saying that if new guardian/conservator then it goes to that person or do we need to add an option for that?

Also, if we have to use the statutory language can we explain a little more here or on the page. For example that the last two are when the protected person has passed away?

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 _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:
utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:
utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Review, Terminate, or Remove Guardian or Conservator on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date Printed Name _____

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

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

I am the Guardian/Conservator
 Interested Person
 Protected Person
 Attorney for the Guardian/Conservator Interested Person and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for

a protected person.

Motion to Review a Guardianship or Conservatorship
(Add relevant codes here)

Case Number

Judge

1. I am:
 the protected person in this case.
 the guardian or conservator in this case.
 interested in the protected person's welfare. My relationship to the protected person is (explain)_____.

2. This case is for (select all that apply):
 guardianship.
 conservatorship.

3. I ask the court to: (choose all that apply)

- review the management activity of the guardian or conservator.
- review the continuing need for the guardianship or conservatorship, including The authority and limitations of the guardian or conservator.
- remove the guardian or conservator. I understand this does not terminate the guardianship or conservatorship. I ask the court to appoint _____ (name) as the new guardian or conservator.

4. I ask for this review because (choose all that apply):

- the guardian or conservator is incapacitated or has resigned.
- the guardian or conservator is unable to perform their duties due to illness.
- the guardian fails to perform the duties, per Utah Code 75-5-312.
- the conservator fails to perform the duties, per Utah Code 75-7-902.
- the guardian or conservator obtained their appointment by fraud, deceit, or gross misrepresentation.
- the guardian or conservator was found by the court to have filed the petition for guardianship or conservatorship frivolously or in bad faith.
- the guardian or conservator has interests that are adverse to their duties and there is a risk they will not faithfully perform their duties.
- the guardian or conservator fails to use reasonable care and diligence in managing the protected person's estate.
- there is a dispute that cannot be resolved regarding the guardian or conservator's management of the appointment.
- removing the guardian or conservator would be in the best interest of the protected person because: (explain)

- the protected person's capacity has changed and the appointment no longer meets the needs of the protected person: (explain)

- other: (explain)

5. In support of my choices in paragraph 4 above, the court should know that:
(give details to explain your choice above)

6. I have attached the following documents in support of this motion:

7. I ask the court to appoint a Court Visitor to investigate the items described in paragraphs 4 and 5 above.

8. I ask the court to appoint an attorney to represent the protected person.

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 _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms:
utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Review a Guardianship or Conservatorship on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

 Date

 Signature ►

 Printed Name

Name

Address

City, State, Zip

Phone

Email

This motion requires you to respond. Please see the Notice to Responding Party.

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

I am the Guardian/Conservator
 Interested Person
 Protected Person
 Attorney for the Guardian/Conservator Interested Person and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

Motion to Terminate a Guardianship or Conservatorship
(Add relevant codes here)

In the Matter of Protection for

a protected person.

Case Number

Judge

- I am:
 the protected person in this case.
 the guardian or conservator in this case.
 interested in the protected person's welfare. My relationship to the protected person is (explain)_____.
- This case is for: (select all that apply)
 guardianship.
 conservatorship.

3. I ask the court to terminate or end the guardianship or conservatorship. I ask for this because:

- the protected person is no longer incapacitated.
- the protected person has died.
- the protected person has joined the armed forces.
- the protected person is a minor and has been adopted.
- the protected person is a minor and has married.
- the protected person is emancipated.
- the protected person was a minor and is now at least 18 years old.
- I am the parent of a minor protected person and I withdraw my consent for the guardianship or conservatorship
- other: (explain)

4. In support of my choices in paragraph 3 above, the court should know that:
(give details to explain your choice above)

5. I have attached the following documents in support of this motion:

6. Please mark all that apply:

- I am the guardian or conservator and I have attached the final accounting for the protected person's estate.

If the guardianship or conservatorship is terminated, I ask that the court enter an order transferring title of the protected person's estate to: (choose one)

- the protected person.
- the protected person's personal representative (executor).
- the protected person's successor in interest (beneficiaries).

Commented [ST1]: WINGS to review this section for appropriateness and relevance to the form.

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 _____

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

See the court's Motions page for more information about the motions process, deadlines and forms: utcourts.gov/motions



Scan QR code to visit page

Finding help

The court's Finding Legal Help web page (utcourts.gov/help) provides information about the ways you can get legal help, including the Self-Help Center, reduced-fee attorneys, limited legal help and free legal clinics.



Scan QR code to visit page

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

utcourts.gov/motions-span



Para acceder esta página escanee el código QR

Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



Para acceder esta página escanee el código QR

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Terminate a Guardianship or Conservatorship on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date Printed Name _____

This is a private record.

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

I am the Guardian/Conservator
 Protected Person
 Attorney for the Guardian/Conservator Protected Person and my Utah Bar number is _____

I am the Guardian/Conservator
 Attorney for the Guardian/Conservator and my Utah Bar number is _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the Matter of Protection for _____
a protected person.

Motion to Change Accounting Report Requirements
(Utah Code 75-5-312(4))

Case Number _____

Judge _____

1. The appointment was made on I was appointed on _____ (date).

2. I ask to change the following accounting report requirements:

the reporting period. I ask that it be changed each year as follows:

Begin date: _____

End date: _____

the reporting frequency. I ask that I be required to provide an accounting every: (list how often a report will be needed, ~~such as, every 2 years~~) _____.

Commented [ST1]: If it is asked to report more frequently than annually, how would the court handle the associated filing fees? For example, if they requested to have the report filed quarterly, would they be charged a filing fee quarterly?

[] the information required in the report. I ask that I ~~only~~ be required to report on: _____.

Commented [ST2]: Can it be requested to report on less than what other statutes require?

3. I ask for this change because (explain):

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 _____

Certificate of Service

I certify that I filed with the court and served a copy of this Motion to Change Accounting Report Requirements on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

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/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~~ Protected person:
 - 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. The value of the estate (excluding the residence) is less than \$50,000.
(If you check this box, fill out paragraph 5 and then skip to the signature. You do not need to complete any other sections.)

a. **Assets.** The protected person has the following assets. (Attach additional sheets if needed.)

Description	Beginning balance	Ending balance

b. **Income.** The protected person had the following income during the reporting period. (Attach additional sheets if needed.)

Source	Amount

- c. Spending. Money was spent on the following during the reporting period.
(Attach additional sheets if needed.)

Expense	Amount

- d. Other expenses. The protected person's estate also paid for these other expenses. (Attach additional sheets if needed.)

Expense	Amount

6. The value of the estate (excluding the residence) is \$50,000 or more.
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 <u>WardProtected Person</u>			
<u>D</u>	<u>Investments or Trusts</u>			
<u>DE</u>	Miscellaneous Property			
<u>EF</u>	Debts and Encumbrances			
<u>FG</u>	Cash and Cash Accounts		**	*

	Total			
--	-------	--	--	--

* This amount should equal the money in all of the Ward's Protected Person'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 <u>Ward-Protected Person</u> 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	Expenditures or fees charged to the <u>protected person's estate</u> 75-5-312(3)(f)(vi)(E)	
19	Any other expenses incurred by the <u>protected person's estate</u> . 75-5-312(#)(f)(vi)(F) (Describe)	
20	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~~Protected Person

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 – Investments or trusts held for the protected person’s benefit

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

Schedule E – Miscellaneous Property ~~including any investments or trusts that are held for the person’s benefit (75-5-312(#)(f)(vi)(D))~~

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 F – 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 G – 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 _____ Guardian's Attorney, Utah Bar #: _____
(mark all that apply) _____ Conservator _____ Conservator's Attorney, Utah Bar #: _____

In the District Court of Utah

Judicial District _____ County

Court Address: _____

In the Matter of:

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

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

Protected Person

Case Number

Judge

Guardian / Conservator contact information (if different from above):

Name: _____

Address: _____

Phone: _____

Email: _____

1. Report Status (select one):

This is my first financial accounting report.

This is my next financial accounting. My previous report covered (dates):

from _____ to _____

This is my final financial accounting report (explain):

2. This financial accounting covers the following period (list dates):

from _____ to _____

3. Compensation I received for guardian/conservator services (select one):

None. The protected person does not owe me any money.

Unpaid. The protected person owes me: \$ _____

Partial. I received: \$ _____ ; I am still owed: \$ _____

Paid in Full. I received: \$ _____
The protected person does not owe any additional money.

4. As guardian/conservator, I loaned money to the protected person (select one):

No.

Yes. I loaned: \$ _____ ; I am still owed: \$ _____

5. Separate from my duties as guardian/conservator, I (select one):

Did not serve as a paid caregiver for the protected person.

Did serve as a paid caregiver for the protected person. I received:
\$ _____

6. There is an estate plan to guide investment and distribution (select one):

No

Yes - the plan is on file with the court

Yes - the plan is being submitted along with this report

7. **Balance Summary**

Income and Expenses			
	Worksheet	Category	Amount
1	A	Income	
2	B	Expenses	-
(subtract Line 2 from Line 1)			
Total \$			

Assets and Liabilities					
	Worksheet	Category	Starting Balance	Gains / Losses (+ / -)	Ending Balance
3	C	Assets			
4	D	Debts / Liabilities	-	-	-
(for each column, subtract Line 4 from Line 3)					
Total \$					

11. **Assets and Liabilities**

Worksheet C – Assets				
(resources, items, and/or property owned by the protected person)				
Attach bank and account statements, tax assessments, and other supporting documents				
		Starting Balance	Gain / Loss Amount	Ending Balance
Cash Accounts	Checking account			
	Savings account			
	Other (describe)			
Real Estate	Home (residence)			
	Real estate (not residence)			
	Other (describe)			
Investments	Certificates of deposit			
	Money market account			
	Bonds			
	Mutual funds			
	Individual stock shares			
	Retirement account			
	Other (describe)			
Property	Vehicle(s)			
	Jewelry			
	Furniture			
	Electronics			
	Other (describe)			
Miscellaneous	Life insurance (cash value)			
	Trust			
	Money owed, not yet paid			
	Other (describe)			
Total \$				

(list these totals ↑ on Balance Summary, line 3)

Worksheet D – Debts / Liabilities

(money owed or a financial obligation of the protected person)

Attach bank and account statements, tax assessments, and other supporting documents

		Starting Balance	Gain / Loss Amount	Ending Balance
Real Estate Loans	Mortgage Loan			
	Home equity loan			
	Other (describe)			
Miscellaneous Loans	Car loans			
	Student loans			
	Other (describe)			
Debts	Credit Cards			
	Other (describe)			
Total \$				

(list these totals ↑ on Balance Summary, line 4)

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

_____ Sign here ► _____
 Date
 Typed or Printed Name _____

Financial Accounting Report - Instructions

These instructions are intended to provide general direction on completing the annual financial accounting form. Additional assistance can be found by contacting the court's Self Help Center (<https://www.utcourts.gov/selfhelp/contact/>).

General Information – Page 1	
<input type="checkbox"/>	Fill in the contact information block, with the information of the <u>person completing the report</u> .
<input type="checkbox"/>	Mark the role(s) of the person completing this report.
<input type="checkbox"/>	List the district, county, and courthouse address where the case is <u>currently</u> filed.
<input type="checkbox"/>	Choose the type of financial accounting report you are completing. <ul style="list-style-type: none"> ○ IF you are the appointed guardian, and someone else has been appointed as conservator, select “<i>Guardian Financial Accounting to Conservator.</i>” ○ IF you are the appointed conservator OR you are the guardian and no conservator has been appointed, select “<i>Guardian/Conservator Financial Accounting to the Court.</i>”
<input type="checkbox"/>	List the protected person’s name, case number, and the name of the judge <u>currently</u> overseeing the guardianship.
<input type="checkbox"/>	Enter the contact information of the guardian / conservator IF it is different from the contact information listed at the top of the form. This section can also be used to indicate a co-guardian or co-conservator.
Overview - Page 2	
1	Mark the type of report you are completing. <ul style="list-style-type: none"> ○ It is your FIRST report IF the guardianship has been in place one year and/or you have not previously completed this report. ○ It is your NEXT report IF the guardianship has been in place for two or more years AND you have previously completed an accounting report. ○ It is your FINAL accounting report IF one of the following conditions exist*: <ul style="list-style-type: none"> – The guardian or conservator resigns or is removed. – The protected person dies. – The court ends the guardianship or conservatorship because the protected person regains capacity. – The court transfers the guardianship/conservatorship to another state. <p>(*https://www.utcourts.gov/howto/family/gc/reports.html)</p>

<p>2</p>	<p>Indicate the date range this report covers.</p> <p>Each financial accounting report is intended to cover 365 days (except the final report). The first accounting report starts on the day guardianship was appointed. The next report starts the following year, on the same day.*</p> <p><u>EXAMPLE:</u></p> <ul style="list-style-type: none"> • Guardianship appointed on May 10, 2020 • First accounting report covers May 10, 2020 – May 9, 2021 • Next accounting report covers May 10, 2021 – May 9, 2022 • All future accounting reports cover from May 10 – May 9 <p>(* IF you requested and were approved to have the due date for reports changed, follow the pattern above, with the new due date instead of the date of appointment.)</p>
<p>3</p>	<p>Select one option.</p> <p>Check the box that matches the type of compensation you received as guardian or conservator. Where indicated, list the amount received or still owed.</p>
<p>4</p>	<p>Select one option.</p> <p>Check the box that indicates whether you loaned money to the protected person. IF you loaned money, indicate the amount.</p>
<p>5</p>	<p>Select one option.</p> <p>At times, a guardian/conservator may serve as a paid caregiver for the protected person, <i>in addition</i> to the role of guardian/conservator. IF you served as a paid caregiver, list the amount received.</p>
<p>6</p>	<p>Select one option.</p> <p>If submitting the estate plan with this report, make sure to attach the document.</p>
<p>Balance Summary</p>	
<p>7</p>	<p>The Balance Summary offers a snapshot of the protected person’s financial situation:</p> <ul style="list-style-type: none"> • Income and Expenses –refers to the money received and spent during the reporting year on behalf of the protected person. • Assets and Liabilities - the assets and debts the protected person had in the reporting year. <p>The information in the Balance Summary will come from completing Worksheets A – D that follow.</p> <p>Skip this section for now, and return to it as directed when completing each Worksheet.</p>

Income and Expenses	
8	<p>This section is for listing the money received and spent by and on behalf of the protected person.</p> <p>Complete Worksheets A and B.</p>
<p>Worksheet A - Income</p> <p>a) List all income/money received by the protected person in the reporting year.</p> <p>b) The worksheet includes common income items. If money was received that does not fit into one of these items, list it under the “Other” line.</p> <p>c) Add all income rows and list the amount in the Total box.</p> <p>d) Copy the Total to the Amount box on the Balance Summary Line 1.</p>	
<p>Worksheet B - Expenses</p> <p>a) List all expenses paid on behalf of the protected person in the reporting year.</p> <p>b) The worksheet includes common expense items. If an expense does not fit into one of these items, list it under the “Other” item line.</p> <p>c) Add all expense rows and list the amount in the Total box.</p> <p>d) Copy the Total to the Amount box on the Balance Summary Line 2.</p>	
9	<p>If an expense listed is past due or not paid in full, provide a description of the item and the status of the amount owed.</p> <p>Leave blank if not applicable.</p>
10	<p>If any of the protected person’s funds were used for the benefit of someone else, provide a description, including the amount used and why.</p> <p>Leave blank if not applicable.</p>
Assets and Liabilities	
11	<p>This section is for listing the assets the protected person owns and debts the protected person is responsible for paying.</p> <p>Complete Worksheets C and D.</p>
<p>Worksheet C – Assets</p> <p>Assets refer to money, property, or other items that the protected person owns.</p> <p>(Note: Income differs from assets; income refers to money that “comes in” periodically.)</p>	

- a) List amounts for all assets owned by the protected person in the reporting year.

TIP:

Starting Balance refers to the asset's worth at the beginning of the reporting period. This should match the Ending Balance from the previous Financial Accounting report.

Gain/Loss Amount refers to an increase or decrease in the value of the asset during the reporting period.

Ending Balance is the difference between the Starting Balance and the Gain/Loss Amount.

The Ending Balance may be higher if the asset increased in value, or lower, if the asset lost value. It may also be the same, if the asset's value did not change during the reporting period.

- b) This worksheet is split into common asset categories. If the protected person owns an asset not listed, include it under "Other" in the most appropriate category.
- c) Add each column together, and list in the Total boxes at the bottom of the worksheet.
- d) Copy the Totals to the boxes on the **Balance Summary Line 3**.

Worksheet D – Debts / Liabilities

Debts refer to a financial obligation in which payments are made until the obligation is fully paid off.

(Note: Expenses differ from debts. Expenses are recurring items, and are often found as part of a monthly budget. For example, a monthly mortgage payment is an expense; the full amount owed on the mortgage loan is a debt.)

- a) List all debts owed by the protected person in the reporting year.

TIP:

Starting Balance refers to the full amount owed at the beginning of the reporting period. This should match the Ending Balance from the previous Financial Accounting report.

Gain/Loss Amount refers to an increase or decrease in the debt amount during the reporting period.

Ending Balance is the difference between the Starting Balance and the Gain/Loss Amount.

The Ending Balance may be higher if the debt increased (e.g., interest accrued), lower if the debt decreased (e.g., payments toward the debt principal). It may also be the same, if the debt amount did not change during the reporting period.

- b) The worksheet is split into common debt categories. If the protected person has a debt not listed, include it under “Other” in the appropriate category.
- c) Add each column together, and list the amounts in the Total boxes at the bottom of the worksheet.
- d) Copy the Totals to the boxes on the **Balance Summary Line 4**.

Final Steps

- Return to the **Balance Summary** (page 3).
Each line should now have totals listed, from completing Worksheets A – D.
 - Subtract Line 2 from Line 1, to get the Total for **Income and Expenses**.
 - Subtract Line 4 from Line 3, for each column, to complete the Total boxes for **Assets and Liabilities**.
- Sign and date the last page of the report.
- Before submitting, make sure you have attached all applicable bank statements, account statements, tax assessments, or other supporting documentation.
- When filing this report, complete the following additional forms:
 - Notice of Right to Object.
(Required if there are interested persons who must be served with a copy of the Financial Accounting Report.)
 - Guardian and Conservator Certificate of Mailing.
(Required if there are interested persons who must be served with a copy of the Financial Accounting Report.)

Copies of these forms can be found here:
<https://www.utcourts.gov/howto/family/gc/reports.html>

Effective 5/8/2018

75-5-303 Procedure for court appointment of a guardian of an incapacitated person.

<p>(1) An incapacitated person or any person interested in the incapacitated person's welfare may petition for a finding of incapacity and appointment of a guardian.</p>	
<p>(2)</p> <ul style="list-style-type: none">(a) Upon the filing of a petition, the court shall set a date for hearing on the issues of incapacity.(b) Unless the allegedly incapacitated person has counsel of the person's own choice, the court shall appoint an attorney to represent the person in the proceeding the cost of which shall be paid by the person alleged to be incapacitated, unless the allegedly incapacitated person and the allegedly incapacitated person's parents are indigent.(c) If the court determines that the petition is without merit, the attorney fees and court costs shall be paid by the person filing the petition.(d) If the court appoints the petitioner or the petitioner's nominee as guardian of the incapacitated person, regardless of whether the nominee is specified in the moving petition or nominated during the proceedings, the petitioner shall be entitled to receive from the incapacitated person reasonable attorney fees and court costs incurred in bringing, prosecuting, or defending the petition.	<p>(b) – the wording here is inconsistent with the wording in Code 75-5-407 (dealing with conservators), which says, “<i>Unless the person to be protected has already retained counsel...</i>”</p> <p>What capacity must the respondent have in order to <u>choose</u> their own attorney?</p>
<p>(3) The legal representation of the incapacitated person by an attorney shall terminate upon the appointment of a guardian, unless:</p> <ul style="list-style-type: none">(a) there are separate conservatorship proceedings still pending before the court subsequent to the appointment of a guardian;(b) there is a timely filed appeal of the appointment of the guardian or the determination of incapacity; or(c) upon an express finding of good cause, the court orders otherwise.	
<p>(4) The person alleged to be incapacitated may be examined by a physician appointed by the court who shall submit a report in writing to the court and may be interviewed by a visitor sent by the court. The visitor also may interview the person seeking appointment as guardian, visit the present place of abode of the person alleged to be incapacitated and the place it is proposed that the person will be detained or reside if the requested appointment is made, conduct other investigations or observations as directed by the court, and submit a report in writing to the court.</p>	<p>Confusion over what is meant by a “physician appointed by the court.”</p>

<p>(5)</p> <p>(a) The person alleged to be incapacitated shall be present at the hearing in person and see or hear all evidence bearing upon the person's condition. If the person seeking the guardianship requests a waiver of presence of the person alleged to be incapacitated, the court shall order an investigation by a court visitor, the costs of which shall be paid by the person seeking the guardianship.</p>	<p>Define what is meant by "in person"?</p> <p>A respondent cannot be excused from the hearing if the respondent does not have counsel (per (5)(d)). Does this need to be made clearer?</p>
<p>(b) The investigation by a court visitor is not required if there is clear and convincing evidence from a physician that the person alleged to be incapacitated has:</p> <p>(i) fourth stage Alzheimer's Disease;</p> <p>(ii) extended comatosis; or</p> <p>(iii)</p> <p>(A) an intellectual disability; and</p> <p>(B) an intelligence quotient score under 25.</p>	<p>Fourth stage Alzheimer's and an IQ score of 25 are not legitimate criteria. Update medical criteria to language used in diagnoses.</p> <p>NOTE - medicine is not sufficiently standardized so that any kind of diagnosing system could be used, because not all providers will write notes in the same way.</p> <p>Suggested language (per WINGs member Dr. Michelle Miranda, Clinical Neuropsychologist):</p> <p>(b) The investigation by a court visitor is not required if there is clear and convincing evidence from a physician that the person alleged to be incapacitated has:</p> <p>(i) A progressing neurodegenerative (dementing) disease causing dependence for basic activities of daily living (dressing/eating/etc.)</p> <p>(ii) extended comatosis</p> <p>(iii) A severe intellectual disability causing dependence for basic activities of daily living (dressing/eating/etc.)</p>
<p>(c) The person alleged to be incapacitated is entitled to be represented by counsel, to present evidence, to cross-examine witnesses, including the court-appointed physician and the visitor, and to trial by jury. The issue may be determined at a closed hearing without a jury if the person alleged to be incapacitated or the person's counsel so requests.</p>	<p>Discuss including clarifying language that addresses the issues surrounding Court Visitors being called to testify.</p>
<p>(d) Counsel for the person alleged to be incapacitated, as defined in Subsection 75-1-201(22), is not required if:</p> <p>(i) the person is the biological or adopted child of the petitioner;</p> <p>(ii) the value of the person's entire estate does not exceed \$20,000 as</p>	<p>NOTE – the way the statute is written, if an individual is excused from the hearing under the medical criteria listed in 5b, the attorney requirement <u>cannot</u> be waived, per 5d.</p>

<p>established by an affidavit of the petitioner in accordance with Section 75-3-1201;</p> <ul style="list-style-type: none">(iii) the person appears in court with the petitioner;(iv) the person is given the opportunity to communicate, to the extent possible, the person's acceptance of the appointment of petitioner;(v) no attorney from the state court's list of attorneys who have volunteered to represent respondents in guardianship proceedings is able to provide counsel to the person within 60 days of the date of the appointment described in Subsection (2);(vi) the court is satisfied that counsel is not necessary in order to protect the interests of the person; and(vii) the court appoints a visitor under Subsection (4).	<p>Top line, add language: "Counsel for the person alleged to be incapacitated, as defined in Subsection 75-1-201(22), is not required if each of the following criteria are met:"</p> <ul style="list-style-type: none">(i) is there value in adjusting/adding criteria to account for parents caring for adult children between the ages of 18-21 with incapacity?(iii) – this means that if the respondent has been excused from the hearing, per (5)(a), counsel cannot be waived. Should this be made clearer?(iv) – What does this look like? If is expressed only during the hearing? To a Court Visitor?(v) – The 60 days language is confusing and should be clarified.(vi) – keep the "and" and the end of the sentence, in addition to adding the redline language above.
---	---

Amended by Chapter 455, 2018 General Session