

Utah Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

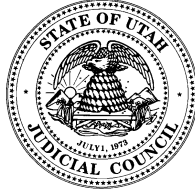
Thursday, April 16, 2026, 12:00 pm | 2 hours |

AGENDA

| | Topic | Presenter | Materials |
|--------------|---|--|---|
| 12:00 | Meeting begins | | |
| | <ul style="list-style-type: none"> Housekeeping, minutes Welcome new members: <ul style="list-style-type: none"> Dr. Carole Baraldi - Geriatrics Doug LeDoux – Court Visitor Program Judge Matthew Hansen – Second District | Judge Sanchez | <i>February 2025 – Minutes (draft)</i> |
| 12:15 | WINGS Discussion | | |
| | <ul style="list-style-type: none"> WINGS Committee Requirements <ul style="list-style-type: none"> Performance assessment Annual report to Judicial Council | Judge Sanchez Keri Sargent Shonna Thomas | <i>Performance Review (2026 Draft)</i> <i>Annual Report (2026 Draft)</i> |
| | <ul style="list-style-type: none"> GRAMP <ul style="list-style-type: none"> Attorney training - 4-part series May/June Attorney funding – next steps Court Visitor Program status | Shonna Thomas Keri Sargent Holly Thorson | |
| | <ul style="list-style-type: none"> G/C Manual & Test updates | Shonna Thomas | <i>DRAFT Exam Answer Key (adult)</i> <i>DRAFT Basic Guidelines (Minor)</i> |
| 1:30 | WINGS Updates | | |
| | <ul style="list-style-type: none"> Legislative session recap | Andrew Riggle Shonna Thomas | |
| | <ul style="list-style-type: none"> WINGS Subcommittees <ul style="list-style-type: none"> Forms workgroup <ul style="list-style-type: none"> Status of approved forms Up next - Clinical Evaluation Background disclosure subcommittee | Shonna Thomas | |
| 1:45 | Other Business | | |
| | <ul style="list-style-type: none"> New member request | Shonna Thomas Natasha Burningham | |
| | <ul style="list-style-type: none"> | | |
| 2:00 | Meeting adjourned | | |

Next meeting:

June 18, 2026



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 2, 2026

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Management Committee

FROM: Judge Coral Sanchez, WINGS Chair
Shonna Thomas, Court Program Administrator – GRAMP
Keri Sargent, Deputy District Court Administrator

RE: Performance Review - WINGS Committee

The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) committee is a problem-solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach and public education; and
- Enhance the quality of care and quality of life of vulnerable individuals.

WINGS conducts business in agreement with UCJA Rule 3-421 and has been a standing committee of the Judicial Council since 2022. WINGS currently has 30 stakeholders.

Recent updates to UCJA Rule 1-205(1)(D)(ii) indicate that standing committees are required to conduct a performance assessment at least every three years, and to present the outcome of that assessment to the Management Committee for review.

In accordance with this rule, a survey was sent to all WINGS stakeholders to evaluate the efficiency of the committee's work, identify any redundancies or need for consolidation with other committees, and determine if WINGS continues to serve its stated purpose.

The feedback from the committee questionnaire highlights several key themes:

- The committee continues to serve a critical role in protecting the rights of people with disabilities, by offering legislative recommendations to improve protections for vulnerable individuals and gathering a diverse group of stakeholders to identify gaps and navigate guardianship changes.

- Recent successes include educating judges, making forms more accessible, addressing attorney gaps, working to develop background checks for guardians, and conducting training presentations geared toward alternatives to guardianship.
- Meetings are well attended, subcommittees are formed as needed, and there is strong follow-through between meetings to keep tasks moving forward.
- Although the committee has been productive, some members note that efficiency could be improved with setting timelines and clear goals for projects, encouraging greater membership participation, and increasing WINGS’ presence at legislative sessions to connect with change-agents and promote funding measures.
- Some specific suggestions from stakeholders included inviting a representative from the Forms Committee directly to WINGS meetings, rather than maintaining a separate forms workgroup, and increasing professional representation by recruiting social workers, fiduciaries, estate attorneys, and medical support staff like PAs or NPs. Additionally, including family members of those under guardianship may provide crucial "in the trenches" perspectives.
- Despite some overlap, members agree WINGS should remain an independent committee due to its unique stakeholder composition and proven success in consistently meeting its stated objectives.

The results of the survey indicate clear support that this committee continues to be the best method for completing associated work in guardianship and conservatorship matters. Therefore, it is requested that the Management Committee recommend to the Judicial Council that WINGS remain a standing committee until the next performance review.

WINGS Executive Committee:

| | | |
|--------------------|-------------------------------------|--------------------------------------|
| Coral Sanchez | Judge, WINGS Chair | Third District Court |
| Brant Christiansen | Attorney/Partner | Lewis Hansen Law Firm |
| Nels Holmgren | Director | Division of Adult and Aging Services |
| Wendy Naylor | Director | Adult Protective Services |
| Andrew Riggle | Public Policy Analyst | Disability Law Center |
| Keri Sargent | Deputy District Court Administrator | Administrative Office of the Courts |
| Shonna Thomas | Program Administrator - GRAMP | Administrative Office of the Courts |
| Holly Thorson | Court Visitor Program | Administrative Office of the Courts |

WINGS Steering Committee:

| | | |
|--------------------|-------------------------------|-------------------------------------|
| Shane Bahr | District Court Administrator | Administrative Office of the Courts |
| Carole Baraldi | Medical Director, Geriatrics | George E. Whalen VA Medical Center |
| Sarah Box | Attorney | Utah Courts - Self Help Center |
| Deborah Brown | Retired Professional Guardian | Guardianship & Conservator Services |
| Natasha Burningham | Education Project Coordinator | Utah Parent Center |
| Megan Connelly | Access to Justice Director | Utah State Bar |

| | | |
|-------------------|------------------------------|-------------------------------------|
| Katie Cox | Attorney | Disability Law Center |
| Rob Denton | Attorney | Attorney at Law |
| Rob Ence | Director | Utah Commission on Aging |
| Wendy Fayles | Criminal Justice / Mentor | National Alliance on Mental Illness |
| Leslie Francis | Attorney | University of Utah Law School |
| Ann Humpherys | Lead LTC Ombudsman | Dept. of Health and Human Services |
| Doug LeDoux | Court Visitor Program | Administrative Office of the Courts |
| Rachelle Johnson | Probate Clerk | Fourth District Court |
| Eve Larsen | Case Manager Senior Services | Davis County Health Department |
| Alan Ormsby | State Director | AARP |
| Tanya Schmidt | Director | Office of Public Guardian |
| Bree Spaulding | Staff Attorney | Utah Legal Services |
| Katie Thomson | Judicial Case Manager | Third District Court |
| James Toledo | Program Manager | Utah Division of Indian Affairs |
| Todd Weiler | Utah State Senator | Utah Legislature |
| Kaye Lynn Wootton | Assistant Attorney General | Medicaid Fraud Control Unit |



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

April 13, 2026

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Judge Coral Sanchez, WINGS Chair
Shonna Thomas, Court Program Administrator – GRAMP

RE: WING Committee - Annual Report

The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) committee is a problem-solving body that relies on court-community partnerships to:

- Oversee guardianship practice in the Courts;
- Improve the handling of guardianship cases;
- Engage in outreach and public education; and
- Enhance the quality of care and quality of life of vulnerable individuals.

WINGS conducts business in agreement with UCJA Rule 3-421 and has been a standing committee of the Judicial Council since 2022. WINGS currently has 31 stakeholders.

WINGS 2025 Projects:

- Recommended changes to Utah Code § 75-5-303 that were approved by the Court's Legislative Liaison Committee. Suggested changes included updating the statutory criteria to conform with current medical standards and clarifying language on the requirements for attorneys and court visitors in guardianship proceedings. The recommended changes were introduced in the 2025 Legislative Session and passed in full, going into effect in May 2025.
- Worked on resource materials, forms, and training related to a new guardianship case type, Severe Intellectual Disability, passed during the 2025 Legislative Session.
- Updated and revised court forms related to guardianship and conservatorship, in partnership with the Forms Committee. In addition to addressing current forms, the committee created new forms for the emergency, temporary, and Adult-Child guardianship case types, which were approved by the Forms Committee in June and November 2025. Previously, petitioners interested in pursuing these types of guardianships had to use and modify the permanent guardianship forms.

- Presented at the Annual Judicial Conference in September 2025 on the topic of the new guardianship case type, Severe Intellectual Disability. The Presentation covered statutory differences with other case types, considerations for judges when petitions are received, and available resources to assist judges in making decisions on these cases.
- Conducted a Brown Bag training for judges in November 2025. The training covered general guardianship proceedings, statutory standards, including least restrictive alternatives, the use of attorneys and court visitors, and common challenges in guardianship cases.
- Completed work on major revisions to the Basic Guidelines to Serve as Guardian and Conservator of an Adult manual. In addition to bringing the manual up to date with Utah Code and rules, the committee used new court AI resources to ensure the content was at an appropriate reading level and accessible to court patrons. This was a multi-year project, culminating in final approval from the Judicial Council in December 2025. The committee will work on updating the guardianship qualifying exam in 2026.
- Worked on solutions to address the shortage of volunteer attorneys available to represent vulnerable adults in guardianship cases, WINGS provided support for a request to the Judicial Council to fund three attorneys to help the court meet the statutory obligations outlined in Utah Code § 75-5-303(2)(b), which was approved and included in court's requests to the Legislature during the 2026 session. This is an ongoing problem and need, and WINGS will continue to look toward additional possibilities and solutions.
- Developed a draft proposal to present to the Board of District Court Judges in pursuit of support to implement universal criminal background checks for prospective guardians and conservators. The committee will continue to work on this project in 2026.
- Participated in the national conversation surround guardianship and conservatorship to learn from national WINGS partners and share resources with others across the country.

Upcoming Projects:

- Building a partnership with the Utah Parent Center to produce updated and interactive training materials and resources to educate the public on alternatives to guardianship.
- Working with a coalition of attorneys experienced in guardianship law and procedure to update training materials for lawyers interested in volunteering for the Guardianship Signature Program, in conjunction with obtaining permission to offer CLE credits through the Utah Supreme Court's Board of Continuing Legal Education office.
- Creating forms and education resources for individuals pursuing guardianship of a minor, and improving the qualifying exams for adult and minor guardianship petitions.
- Working with the Education department to create an updated training presentation on guardianship and conservatorship for new judges.

WINGS would also like to formally express their gratitude to Judge Keith Kelly, who served as Chair of WINGS from September 2019 until his retirement from the Courts in September 2025. Judge Kelly’s investment and passion for improving guardianship processes and advocating for the rights of vulnerable individuals has been instrumental in helping WINGS support and advance the mission of the Court.

WINGS Executive Committee:

| | | |
|--------------------|-------------------------------------|--------------------------------------|
| Coral Sanchez | Judge, WINGS Chair | Third District Court |
| Matthew Hansen | Judge, WINGS Vice Chair | Second District |
| Brant Christiansen | Attorney/Partner | Lewis Hansen Law Firm |
| Nels Holmgren | Director | Division of Adult and Aging Services |
| Wendy Naylor | Director | Adult Protective Services |
| Andrew Riggle | Public Policy Analyst | Disability Law Center |
| Keri Sargent | Deputy District Court Administrator | Administrative Office of the Courts |
| Shonna Thomas | Program Administrator - GRAMP | Administrative Office of the Courts |
| Holly Thorson | Court Visitor Program | Administrative Office of the Courts |

WINGS Steering Committee:

| | | |
|--------------------|-------------------------------|-------------------------------------|
| Shane Bahr | District Court Administrator | Administrative Office of the Courts |
| Carole Baraldi | Medical Director, Geriatrics | George E. Whalen VA Medical Center |
| Sarah Box | Attorney | Utah Courts - Self Help Center |
| Deborah Brown | Retired Professional Guardian | Guardianship & Conservator Services |
| Natasha Burningham | Education Project Coordinator | Utah Parent Center |
| Megan Connelly | Access to Justice Director | Utah State Bar |
| Katie Cox | Attorney | Disability Law Center |
| Rob Denton | Attorney | Attorney at Law |
| Rob Ence | Director | Utah Commission on Aging |
| Wendy Fayles | Criminal Justice / Mentor | National Alliance on Mental Illness |
| Leslie Francis | Attorney | University of Utah Law School |
| Ann Humpherys | LTC Ombudsman Program Manager | Dept. of Health and Human Services |
| Doug LeDoux | Court Visitor Program | Administrative Office of the Courts |
| Rachelle Johnson | Probate Clerk | Fourth District Court |
| Eve Larsen | Case Manager Senior Services | Davis County Health Department |
| Alan Ormsby | State Director | AARP |
| Tanya Schmidt | Director | Office of Public Guardian |
| Bree Spaulding | Staff Attorney | Utah Legal Services |
| Katie Thomson | Judicial Case Manager | Third District Court |
| James Toledo | Program Manager | Utah Division of Indian Affairs |
| Todd Weiler | Utah State Senator | Utah Legislature |
| Kaye Lynn Wootton | Assistant Attorney General | Medicaid Fraud Control Unit |

ANSWER KEY:
**Guardian or Conservator
of an Adult**



**Developed in partnership with the
Administrative Office of the Courts and
Utah WINGS**

Revised: April 2026



1. What does a judge look at to decide if an adult is 'incapacitated'?

- A. Whether the person makes choices that other people disagree with.

Adults have the right to make unpopular choices as long as they understand the information and can care for themselves.

- B. If the person has a physical disability that requires using technology.

The law states that a person is not incapacitated if they can meet their needs using helpful technology or resources.

- C. The person's physical age and whether they are retired.

Age alone does not determine whether a person has the right to make their own choices.

- D. The person's ability to understand information and provide for their own safety and health.

Correct! Incapacity is based on functional struggles, such as being unable to communicate choices or handle essential needs like food and healthcare.

This is the most crucial determination a judge must make before ever appointing a guardian, as it justifies taking away an adult's legal right to make their own decisions.

Under the law, an adult is considered incapacitated if they are unable to handle the important tasks required to maintain their physical health, safety, self-care, or financial protection. This standard applies even if the person is using appropriate technological assistance to try and help themselves.

Incapacity is a formal judicial determination, and the judge measures it by looking at the person's specific "functional limitations". Rather than just looking at a medical diagnosis, the judge examines exactly what the person struggles to do in their daily life. Specifically, they look for an inability to:

- Understand Information: The person cannot receive, evaluate, or understand information.
- Communicate: The person cannot make or share their choices and decisions.
- Provide for Basic Needs: The person cannot obtain necessary things for themselves, such as food, a home, clothing, health care, or safety.

The Last Resort - even if a judge decides that an adult struggles with these things and is incapacitated, a court will only choose to appoint a guardian if the person requires ongoing care and supervision, and there is no other less restrictive alternative that can meet those needs.

2. When a court applies the 'Least Restrictive Alternative' rule, what is it trying to do?

- A. Find the cheapest way to care for the person.

While costs are important, this rule is about protecting legal rights and freedoms rather than saving money.

- B. Ensure the person's freedom is limited as little as possible while still keeping them safe.

Correct! The goal is to provide only the amount of help needed without taking away more rights than necessary.

- C. Automatically appoint a professional conservator instead of a family member.

This rule applies to the type of guardianship ordered, not necessarily the specific person chosen for the job.

- D. Make sure the guardian has the maximum amount of power over the person.

Giving maximum power would be the 'most restrictive' option, which the court tries to avoid.

The "Least Restrictive Alternative" is a guideline that guardians use to preserve a protected person's independence as much as safely possible. When you and the protected person are faced with a choice, you must pick the option that limits or restricts the person's freedom, rights, and ability to control their life the *least*.

Look carefully at the good things (benefits) and the dangers (risks) of every choice. You must constantly find a balance between two important things: letting the person be independent and make their own choices, and keeping the person safe, protected, and respected.

When assessing these choices, your objective is to effectively *manage* the risks, not necessarily to completely get rid of every single risk. Ultimately, the final choice you pick must be consistent with what the protected person wants, needs, and prefers.

3. Which of these is an example of an 'alternative' to guardianship that should be considered first?

- A. Power of Attorney

Correct! This legal tool allows a person to pick a helper to act on their behalf without a court taking away their overall rights.

- B. Petition for Full Guardianship

This is the legal process to start a guardianship, rather than an alternative to avoid one.

- C. Inventory Report

This is a mandatory financial document filed after a conservator has already been appointed by the court.

- D. Criminal Penalty

These are punishments for breaking the law, not tools used to help an adult make decisions.

Exploring alternatives like a Power of Attorney is a critical first step before ever pursuing a court-ordered guardianship. Guardianship is considered a very serious step because it legally takes away many of an adult's basic rights to make their own decisions. Other examples of alternatives that should be considered alongside a Power of Attorney include Supported Decision-Making agreements, Trusts, and Advance Health Care Directives.

4. Which alternative to guardianship is a legal arrangement where one person holds property for the benefit of another?

A. Representative Payee

A payee only manages specific government benefit payments, not a person's entire property or 'estate'.

B. Trust

Correct! This involves a settlor, a trustee to manage assets, and a beneficiary who receives the benefits.

C. HIPAA Form

This form is used specifically to allow the sharing of private medical information with others.

D. Living Will

A living will focuses on medical treatment wishes rather than holding or managing property.

A trust is an excellent alternative to a guardianship or conservatorship that helps manage a person's money without needing a judge to take away their right to make choices.

A very common arrangement is a living trust. In a living trust, the trust officially owns the money, but the person manages it for themselves, which is very similar to handling everyday savings and spending. If that person eventually passes away, the trust can be designed so that the money is then paid out to a new beneficiary.

There is also a something called a discretionary trust for a person with disabilities, or a Special Needs Trust. This is a highly useful planning tool for individuals with disabilities and their families because any government benefits the disabled person receives will usually not be cut back or reduced just because their money is put into this special trust. State agencies ignore this type of trust when figuring out if the person qualifies for their services. To legally count as this special type of trust, it must follow several rules, such as being created by a parent, grandparent, legal guardian, or court, and the beneficiary must be under 65 years old when it is created.

5. What is an 'Advance Health Care Directive'?

A. A list of all the bills the protected person owes to the hospital.

Financial debts are managed by a conservator and are not part of a healthcare directive.

- B. A document where a person writes down their medical wishes before they become incapacitated.

Correct! It allows an individual to choose an agent and state their preferences for treatment in advance.

- C. A special ID card that lets a person skip the line at the doctor's office.

These documents provide legal instructions for care, not special privileges or scheduling benefits.

- D. An insurance policy that pays for the guardian's medical bills.

Directives are about decision-making for the protected person, not payments for the guardian.

An Advance Health Care Directive is an incredibly important tool for planning ahead and ensures a person's medical wishes are honored even if they lose capacity. It is a formal way for an adult to express their wishes for health care treatment (including mental health and end-of-life decisions) in case they are ever unable to make or communicate those choices in the future. While it can be spoken out loud, it is highly recommended to write it down to make it more dependable.

Right inside the directive, a person can name a trusted helper called a health care agent. If a person becomes incapacitated, this agent is granted the power to make health care decisions on their behalf, based on what the person wanted.

The directive only starts working after a doctor officially decides you can no longer make your own health decisions. As long as the person is able to understand and communicate, they remain in complete control of their health choices.

If an advance health care directive exists, the guardian is legally required to use it to guide their decisions, or they must defer to the health care agent if one was appointed in the document.

6. What is the main goal of a 'Supported Decision-Making' agreement?

- A. To allow a helper to make the final decision for the adult.

In this arrangement, the adult keeps the final say, while the supporter only assists in the process.

- B. To give a guardian the power to sell the adult's house.

Selling property is a major legal power that usually requires a court-ordered conservatorship.

- C. To create a permanent trust that cannot be canceled.

Supported decision-making is a flexible agreement that the adult can revoke or cancel at any time.

- D. To help the adult get information and explore options so they can make their own choices.

Correct! This alternative focuses on giving help while preserving the person's right to self-determination.

Supported decision-making agreements are a powerful tool designed to ensure an adult maintains their right to make their own choices while getting the assistance they need. It is a formal arrangement where a person can choose trusted helpers, known as "supporters," to assist them with big decisions.

The main job of a supporter is to help the adult navigate the decision-making process. Under this agreement, a supporter is allowed to:

- Sit right next to the person while they are making choices.
- Find the necessary information needed so the person can make good choices.
- Provide ideas and explain information to the adult.
- Join in on talks with other people when decisions are being discussed.
- Help the adult tell other people what they have decided.

A supporter does not make the decision for the person. The adult retains ultimate control over their life and only receives the specific help or support that they actually want. A person can choose to start a supported decision-making agreement whenever they want to, and they can cancel (or revoke) it at any time. If they decide to cancel the agreement, they must put their decision in writing and send it to the people listed in the agreement. They must also make sure their supporters and anyone else who has a copy of the paperwork knows that the agreement has been canceled.

7. In Utah, which type of guardianship is the preferred choice under the law?

A. Emergency Guardianship

This specific role is limited to 30 days and is meant only for immediate, urgent situations.

B. Limited Guardianship

Correct! State law prioritizes this approach because it allows the protected person to keep as many rights and as much independence as possible.

C. Temporary Guardianship

While useful for short-term needs, this is not the standard preference for long-term care arrangements.

D. Full Guardianship

This option is intended only as a last resort when less restrictive measures are unable to ensure the person's safety.

This touches on a fundamental principle of guardianship: an adult's independence should be preserved as much as is safely possible. Taking away an adult's right to make their own choices is a very serious step. Because adults often only need help with a few specific choices rather than

everything in their lives, a guardianship should be restricted to only what is absolutely necessary. Because of this, Utah law requires the court to order a limited guardianship unless it is not enough to protect the person.

8. How does a 'Full Guardianship' differ from a 'Limited Guardianship'?

- A. A full guardianship gives the guardian power similar to a parent's power over a child.

Correct! This type of guardianship grants broad authority over almost all aspects of the person's life.

- B. A limited guardianship only allows the guardian to manage the person's money.

Money management is typically the role of a conservator, though a guardian might do it if no conservator exists.

- C. A full guardianship is required for any adult who has a disability.

Many adults with disabilities live independently or use limited guardianships that only cover specific needs.

- D. A full guardianship only lasts for 30 days.

Duration is not the defining difference; emergency guardianships are the ones limited to 30 days.

In a limited guardianship, the guardian only has the specific decision-making powers and jobs that are explicitly written down in the court order, and that the person retains control over the rest of their life and decision-making.

A full guardianship (also known as a "plenary" guardianship) is treated as a last resort. The court will only grant a full guardianship if it determines that the limited option will not be enough to keep the person safe. If a full guardianship is ordered, the guardian is given responsibility and power similar to what a parent has over a minor child.

9. If a court needs to act very quickly to help a person, they might appoint a helper for a short time. What is the maximum number of days an emergency guardian can serve?

- A. 60 days

This amount of time is usually given for filing reports after a year of service, rather than the limit for emergency appointments.

- B. 14 days

While the court often holds a meeting within this timeframe, the specific legal limit for the emergency role itself is longer.

- C. 90 days

This is the deadline for a conservator to file an inventory report, but it is too long for a short-term emergency appointment.

D. 30 days

Correct! The guidelines state that an emergency guardian is meant to help for up to 30 days until a hearing can be held.

The 30-day limit exists because an emergency guardianship is an extraordinary measure designed for immediate intervention, not as a long-term legal solution. When a situation requires the court to act incredibly fast to ensure a person's immediate care and custody, the court can appoint an emergency guardian.

Because taking away someone's right to make their own choices is a very serious step, this appointment is strictly limited to a maximum of 30 days. The sole purpose of this role is to keep the person safe just until the court has the time to hold a formal meeting (a hearing) to decide if a longer-term helper is actually required. If an emergency guardian is appointed, the court is legally required to hold a hearing within 14 days. This initial hearing begins the official process of determining whether the adult is truly "incapacitated" and in need of permanent protection.

If the person clearly needs help for more than 30 days, but the court is not yet ready to hold a full hearing to appoint a *permanent* guardian, the judge can authorize a temporary guardian.

10. Which type of guardian is appointed when help is needed for more than 30 days, but a final decision on a permanent helper hasn't been made yet?

A. Limited guardian

This refers to the amount of power a guardian has, rather than the length of time they are appointed for.

B. Temporary guardian

Correct! A temporary guardian serves for longer than an emergency guardian but only until the court has a full hearing for a permanent solution.

C. Public guardian

This is a specific office that provides guardianship services, not a term for a short-term, pre-hearing appointment.

D. Successor guardian

This person is chosen to take the place of a permanent guardian who has resigned or been removed.

The temporary guardian acts as a crucial bridge between an immediate emergency and a final, permanent court decision. Sometimes the court needs more time to hold a full, formal hearing to decide on a permanent guardian. A temporary guardian fills this gap, serving for longer than 30 days to ensure the adult is cared for while everyone waits for that final hearing to take place.

The court has flexibility when choosing who will fill this role. The judge can choose to convert an existing emergency guardian into the temporary guardian, or they can appoint a completely different person to take over the responsibilities.

While they are appointed, the temporary guardian is fully in charge of the protected person's care and custody. However, because they are only a provisional helper, they are subject to very specific boundaries:

- **No Leaving the State:** A temporary guardian is strictly prohibited from allowing the protected person to be removed from Utah until the court makes its final order.
- **Suspending Previous Guardians:** If the court appoints a temporary guardian while there is already a permanent guardian in place, the permanent guardian's authority is completely suspended for as long as the temporary guardian is in charge.
- **Strict Oversight:** Because they have not been permanently approved, a temporary guardian can be removed by the court at any time and must strictly obey all of the court's orders.

11. What is the primary difference between a guardian and a conservator?

A. A guardian is a family member, but a conservator must be a professional lawyer.

Any qualified person or group can be appointed to either role by the court.

B. A guardian manages the person's daily care, while a conservator manages their money.

Correct! The guardian is responsible for personal wellbeing and health, whereas the conservator handles the financial estate.

C. A guardian is for children, while a conservator is only for adults.

Both roles can apply to adults who need help making decisions or managing their lives.

D. A guardian manages property, while a conservator makes medical decisions.

This swaps the actual roles, as the conservator handles the property and the guardian handles medical care.

The distinction between these two roles comes down to whether you are managing the person or managing their property.

A guardian is chosen by the court to make decisions regarding the care and support of the protected person. If you are named the guardian, your primary responsibility is taking care of the person's everyday needs, which includes their health, safety, and wellbeing.

A conservator is appointed by the court specifically to manage the property and financial affairs (money) of the protected person. If you are named the conservator, your job revolves around making choices and providing support related to the protected person's estate and finances. In simple terms, a conservator helps take care of the *money*.

The court has the flexibility to appoint a guardian, a conservator, or both. These jobs can be handled by two completely different people, or the judge might choose the same person to do both jobs.

It is also important to note that if the court appoints a guardian but does *not* choose a separate conservator, the guardian usually has to take on the conservator's responsibilities. In this situation, the guardian manages both the protected person's daily life and their money. However, if a guardian

does not want the responsibility of handling the finances, they can ask the court to appoint a separate person to act as the conservator.

12. What is the main job of a court-appointed guardian?

- A. To act as the protected person's lawyer in all criminal court cases.

A guardian provides care and decision-making help but does not replace a professional legal advocate.

- B. To manage the protected person's bank accounts and investments.

Handling money and financial property is specifically the role of a conservator, not a guardian.

- C. To pay the protected person's bills using the guardian's own personal money.

Guardians are not required to use their own personal funds to support the person they are protecting.

- D. To make decisions about the care and personal well-being of the protected person.

Correct! Guardians are responsible for personal needs like housing, medical care, and daily support.

Because the court has determined that the protected person is "incapacitated" and struggles to get necessary things like food, shelter, or healthcare for themselves, the guardian steps in to manage these everyday needs.

Depending on the court order, a guardian's specific jobs usually include:

- Deciding where they live: You establish their "place of abode" and must make sure their living arrangements are safe and comfortable.
- Meeting basic needs: You are responsible for ensuring they have comfort, basic maintenance, proper nutrition (good food), and grooming (being clean).
- Managing healthcare: You give official consent for them to receive necessary medical care, treatments, or professional services.
- Enriching their life: You are in charge of setting up their school, social activities, and recreation (fun things to do).
- Protecting their belongings: You take care of their personal effects, such as their clothing, furniture, and vehicles.

It is important to remember that you do not automatically get to control every aspect of their life. The court order will explain exactly which areas you are allowed to make decisions in. Ultimately, your main goal as a guardian is to balance keeping the person safe and respected while encouraging them to be as independent as possible.

13. Which of these is a conservator specifically responsible for managing?

A. Deciding which doctors the protected person is allowed to see.

Medical and healthcare decisions usually fall under the authority of a guardian or health care agent.

B. The protected person's property, income, and financial affairs.

Correct! The court appoints a conservator specifically to protect and manage the 'estate' or wealth of the person.

C. The protected person's social calendar and daily hobbies.

Daily activities and social life are part of personal care, not financial estate management.

D. The protected person's religious choices and church attendance.

Religious beliefs and choices are personal rights that a financial manager does not control.

When a court appoints a conservator, they are officially put in charge of the protected person's "estate," which is a broad legal term for absolutely everything the person owns. According to the sources, this estate generally covers four main categories of property:

- **Income:** This includes all money coming in from wages, pensions, or government benefits like Social Security.
- **Real Property:** This covers physical land and buildings.
- **Personal Property:** This includes physical and financial items like cash, bank accounts, stocks, bonds, furniture, vehicles, jewelry, and art.
- **Digital Property:** This covers electronic assets like computer files, online cloud storage, website domain names, and personal passwords.

The primary responsibility of a conservator is to be a "smart manager" of these assets. The guidelines outline two main objectives for this role:

1. To stop the protected person's property from being harmed or lost.
2. To get or provide the money needed to support the protected person (and anyone else they are legally supposed to support).

The conservator must use reasonable care and skill to manage this estate so that the person's needs are met for the rest of their expected life. They must also handle all financial affairs with complete fairness and honesty, strictly avoiding any conflicts of interest or "self-dealing" where the helper might unfairly benefit from the protected person's wealth.

14. True or False - If a separate conservator has NOT been appointed by the court, the guardian may be responsible for some or all the conservator duties.

A. True

Correct! When the court does not select a specific person to manage money, those financial tasks often fall to the person looking after the individual's daily care.

B. False

The law allows for one person to hold both roles or for the guardian to handle financial matters if no one else is assigned to the task.

While the roles of guardian and conservator are distinct, the court often combines these responsibilities to ensure all of the protected person's needs are fully met.

If you find yourself in this combined role, your main job as the conservator is to use the protected person's money and property to pay for their support, care, and education. The law allows a guardian without a separate conservator to receive money and property owed to the protected person and to use it for the protected person's care. If there is extra money left over after their needs are met, you must carefully save or invest that excess money.

Taking on conservator duties also means taking on their required paperwork. If there is no separate conservator appointed, the guardian becomes responsible for filing the strict financial reports with the court. This includes:

- The Inventory Report: A one-time list of everything the protected person owns, which you must file within 90 days of your appointment.
- The Financial Accounting Report: A yearly report detailing how the protected person's money is being managed, which tracks their personal money, investments, and transactions over time.

Managing someone else's estate can be a complex and stressful responsibility. If you are appointed as a guardian but do not want the job of handling the protected person's money, you always have the right to ask the court to pick a different person to act as the separate conservator.

15. Which of these is a right that a protected person usually keeps?

A. The right to drive a car without a license.

All citizens must follow licensing laws; guardianship doesn't change traffic requirements.

B. The right to ignore all court orders.

Court orders are legally binding on all parties involved in the case.

C. The right to steal from the guardian.

Theft is a crime regardless of whether a person has a guardian or not.

D. The right to marry or divorce.

Correct! Unless a judge specifically takes it away, the person keeps the power to make these life choices.

Even under a guardianship, a person does not lose all of their fundamental freedoms. A protected person generally retains the power to make these choices for themselves, alongside other highly personal choices like choosing their religion, deciding who their friends are, and deciding whether to consume legal substances.

The rule is that a protected person keeps the power to make decisions about *all* parts of their life that the court did not specifically assign to the guardian. Therefore, unless a judge explicitly limits this right in a court order, the protected person is still fully allowed to engage in activities like getting married, traveling, working, or having a driver's license.

16. A person who is under guardianship (a protected person) generally keeps which of the following rights?

- A. The right to take the guardian's money for personal use.

Protected persons do not have a right to the guardian's personal finances; their own estate is kept separate.

- B. The right to choose their own religion and the right to vote.

Correct! These are fundamental rights that remain with the individual unless a court specifically orders otherwise.

- C. The right to live anywhere without telling the court.

The guardian must establish the person's place of residence and notify the court of any changes.

- D. The right to refuse all medical treatment even in a life-threatening emergency.

The guardian is often given the power to consent to necessary medical care to ensure the person's safety.

Regardless of whether the court ordered a limited or a full guardianship, there are specific rights that a protected person always keeps. Even with a guardian appointed to help them, the protected person retains the power to make big life decisions, which explicitly includes the right to choose their own religion. Similarly, the protected person still legally has the right to vote. As a guardian, your authority does not extend to the ballot box, and you may not vote for the protected person in an election.

17. Can a guardian use the protected person's money to pay themselves for 'room and board'?

- A. No, guardians are never allowed to live with the protected person.

Protected persons are allowed to live with their guardians, but the financial arrangements are regulated.

- B. Yes, they can take whatever amount they think is fair whenever they want.

Taking money without oversight can lead to exploitation or self-dealing charges.

- C. Only if the court approves the charge and an adult relative is notified.

Correct! Payments to the guardian for housing must be double-checked by a judge to prevent unfairness.

D. Yes, but only if they don't tell the court about it.

Hiding payments from the court is a major violation that can lead to fines.

This is an example of how the court prevents "self-dealing" and ensures that a protected person's money is always used fairly and transparently.

The person you are protecting is allowed to live with you, your spouse, your parents, or your children. While they can live with you, you cannot automatically dip into their funds to pay yourself rent or grocery money. The rules state that a guardian may not use funds from the protected person's estate to pay for the "room and board" furnished by the guardian or their immediate family without special permission. Taking their money to pay yourself without oversight could cross the line into a conflict of interest or "self-dealing," where you are using your position to financially benefit yourself.

If there is no separate conservator managing the estate, you can only legally charge the estate for room and board if two conditions are met:

1. Court Order: A judge must review the proposed charge and officially approve it.
2. Notifying Family: The court will only approve this charge after an official notice has been given to at least one adult relative of the protected person (specifically, the adult relative who is in the closest degree of kinship). This ensures that someone else in the family is aware of the financial arrangement and can speak up if they believe the charges are unfair.

There is a slight variation if the court has appointed a *separate* conservator to handle the money. In that case, you (the guardian) are entitled to receive "reasonable sums" for providing room and board, as long as you and the conservator communicate and both agree on an amount that is reasonable under the circumstances.

18. A guardian wants to move the protected person to a different apartment in the same city in Utah. Which of the following is true?

A. The guardian can move the person and only mention it in the next annual report.

A change of residence must be reported to the court clerk at the time of the move, not just once a year.

B. The guardian must notify the court and give them the new address.

Correct! While permission isn't needed, the court must always know where the protected person is living.

C. The guardian must ask for a Court Visitor to inspect the new home first.

A Court Visitor is only ordered by a judge if there is a problem or special question, not for every routine move.

D. The guardian must get a new court order before moving the boxes.

Court permission is not required for in-state moves, only for moves out of Utah.

Deciding where a protected person lives - legally referred to as establishing their "place of abode" - is one of your primary responsibilities as a guardian. The court's permission is not required to move the protected person to another residence as long as it remains within the state. But even though you do not need permission, you cannot move them without keeping the court informed. The law requires you to follow these steps when making the move:

- **The 10-Day Notice:** Unless there is a sudden emergency, you are legally required to file a notice of your intent to move the protected person at least 10 days before the move actually happens.
- **How to Report It:** You do not need a special form to report this change of residence; a simple letter or email will do. You just need to address it to the clerk of the court from your appointment letter and make sure to include the case number, the protected person's name, and their new address.
- **Tell Interested Persons:** In addition to notifying the court, you must also serve a copy of this notice to all "interested persons" (such as the person's family members).

It is important to remember the legal boundaries of your authority. While you can move them within the same city without permission, you **DO** need official court permission before you can move the guardianship and conservatorship case to a completely different state, or even to a different county within Utah.

19. Which of the following is something a guardian is NOT allowed to do without special court permission?

- A. Choose what kind of food the protected person eats for dinner.

Basic maintenance like providing nutrition is a standard duty of a guardian.

- B. Write or change the protected person's will.

Correct! Guardians are restricted from creating or altering legal documents that decide who gets property after death.

- C. Arrange for the person to attend a local social event.

Setting up social activities is part of providing for the person's comfort and care.

- D. Visit the person at their home to check on their safety.

Regular visits are a responsibility to ensure the protected person is well-cared for.

Because a guardian's primary job is focused on the day-to-day care, safety, and personal well-being of the protected person (like health, food, and shelter), estate planning falls outside their standard powers. Under Utah law, there is a specific list of actions a guardian may NOT do. Alongside prohibitions like punishing the person physically or sending them to a psychiatric hospital without a hearing, a guardian is explicitly forbidden from writing a will or changing a will the protected person has already made.

Even if a court has appointed a full guardian to manage their daily care, the adult can still legally make or change their own will or trust. To do so, they simply need to be aware of what property they own, who their family members are, and sign the document willingly. You can only take actions regarding their will if a judge gives you special, explicit permission in a court order to do so.

20. What is 'commingling,' which a conservator must strictly avoid?

- A. Talking to the guardian about the protected person's health.

Communication between a guardian and conservator is encouraged to coordinate care.

- B. Mixing the protected person's money with the conservator's own money.

Correct! Conservators must keep estate funds in a separate account to ensure the money is only used for the protected person.

- C. Investing the protected person's money in more than one bank.

Spreading investments can be a part of prudent management as long as the accounts are properly labeled.

- D. Letting the protected person meet with their friends at the park.

Allowing social association is a right of the protected person, not a financial violation.

Commingling is a serious violation of a conservator's fiduciary duty, and it simply means mixing the protected person's money or property with your own.

When you act as a conservator, you are in a position of trust and must use the protected person's property *only* for their benefit. To ensure this happens and to prevent any conflicts of interest or "self-dealing," you are required to keep their finances entirely separate from your own.

As a conservator, you must NOT:

- Put the protected person's estate funds into your own personal bank account.
- Use the estate's money to pay your own personal bills.
- Put your own name on the protected person's property as if you own it. (However, it is perfectly fine to put your name on an account if it clearly states you are on it specifically as the *conservator* for the protected person).

To make sure you never accidentally mix funds:

- **Open a Special Account:** You should open a special checking account dedicated solely to the guardianship or conservatorship. This separate account is where you should deposit all of the protected person's income and pay their bills.
- **Separate Your Records:** This rule applies to paperwork, too! You must never mix up the protected person's legal papers, tax information, or bills with your own personal papers. You are required to keep them in totally separate folders and files.

By keeping their money and records strictly separated, you protect the estate from misuse and protect yourself from any accusations of financial mismanagement.

21. A protected person wants to hang out with a friend the guardian doesn't like. What is the 'Right to Association'?

- A. The protected person can keep personal relationships unless a court says otherwise.

Correct! The protected person retains the right to see friends and family unless the court decides it is legally necessary to limit it.

- B. The guardian can ban any visitor they find annoying or unhelpful.

Guardians cannot restrict visitors based on personal dislike; it must be based on a court order or actual safety.

- C. The protected person is only allowed to talk to people who have the same religion.

Religion is a personal choice, and association rights are not limited by religious beliefs.

- D. The guardian must be present for every single conversation the person has.

Protected persons have a right to privacy and are not required to be supervised at all times.

The "Right to Association" is a very important protection that ensures an incapacitated adult can maintain their social and emotional connections. Even when a guardian is appointed, the protected person retains the right to make "big decisions" about highly personal matters, which includes choosing who their friends are. They have the right to maintain personal relationships with their relatives and acquaintances.

As a guardian, you are legally prohibited from unreasonably restricting the protected person's visitation with their family, relatives, or friends. This specifically means that the protected person can hang out with people that you, as the guardian, might not personally approve of, and you cannot stop them. Your personal dislike for a friend or acquaintance does not give you the authority to override the protected person's right to associate with them.

A guardian can only prohibit or restrict an association if a court officially decides that the relationship must be limited by law and gives you explicit permission through a court order. Unless a judge actively steps in to restrict a specific relationship, the protected person's social life and friendships remain their own choice.

22. What should a guardian or conservator do with receipts and bank statements?

- A. Throw them away immediately to keep the house clean.

Discarding financial evidence makes it impossible to prove the money was spent correctly.

- B. Give them to the neighbors so they can check the work.

Financial records are private and should only be shared with the court and interested parties.

- C. Only keep the ones that are for fun things like movies.

Every transaction, including routine bills and taxes, must be documented for the court.

- D. Keep them organized in files to prove how the money was used.

Correct! Good recordkeeping protects the fiduciary from being accused of stealing or mishandling funds.

Keeping meticulous records is one of your most important duties, and it directly relates to the penalties and "commingling" rules. Because you are managing someone else's life and money, you are required to show proof for every single time money was spent or earned. Receipts, bank statements, and vouchers serve as this immediate proof because they are created right when a transaction happens. When you file your annual Financial Accounting Report, you must actually send these bank statements and receipts along with the report to prove you handled the finances correctly. Furthermore, the court has the authority to ask to see these documents at any time.

Good recordkeeping means keeping documents neat and categorized. The guidelines recommend using separate folders and files for different categories, such as paid bills, bills that still need to be paid, tax information, letters, and legal papers. You must never mix up the protected person's papers with your own personal paperwork; they must be kept totally separate.

Good records do not just protect the estate - they protect *you*. If anyone ever questions how you managed the money, having an organized file of receipts and statements is your best defense. If you are careless with your files and cannot prove exactly how the person's money or property was used, the court can force you to pay that money back to the estate out of your own pocket, even if you know you spent it for the right reasons to help them.

23. If you are a guardian and the court also names a separate 'Conservator,' who do you talk to about paying bills?

- A. You must talk to the Conservator to agree on how to pay for the person's needs.

Correct! When two different people have these roles, they must work together to coordinate care and money.

- B. You never talk to them because you have different jobs.

Isolation between the roles would make it impossible to pay for the person's food or housing.

- C. You must ask the neighbors to decide who is right.

The roles are defined by the court, and disagreement should be settled through the legal system or mediation.

- D. You should just pay the bills with your own money and ignore the Conservator.

The Conservator's job is to use the protected person's assets for their support; guardians shouldn't use personal funds.

If the court appoints a separate conservator, that person takes on most of the responsibility for handling the estate, money, and property, while you (the guardian) focus on the protected person's daily care and support. As the guardian, you have the legal right to receive "reasonable money" from the conservator to cover the protected person's daily living costs. There are two main ways this can be set up:

- An Allowance: The conservator can provide you with a regular, set amount of money so you can pay the day-to-day bills yourself.
- Direct Payments: The conservator can choose to keep the money and pay the bills directly to the third parties or businesses that are owed money.

The guidelines require you and the conservator to talk directly to make sure you both understand your different jobs. Specifically, you need to reach an agreement on:

- The amount of money needed for daily costs and how often it will be paid.
- How to pay for "extraordinary expenses," which are big, surprise bills that fall outside the normal budget.
- Compensation for "room and board" if the protected person lives in your home, provided the amount you both agree on is reasonable under the circumstances.

Having a separate conservator changes your annual reporting duties. Because the conservator is the one in charge of the estate, you do not file a financial report with the court. Instead, you are required to report your financial actions directly to the conservator at least once a year. The conservator will then use your information to complete the official annual Accounting Report for the judge. You and the conservator should coordinate to pick a time to share your report that works well for both of you.

24. What should a conservator do if they find themselves in a 'Conflict of Interest'?

- A. They must avoid any situation where their personal interests conflict with the protected person's needs.

Correct! A conservator must always act solely for the benefit of the protected person, not themselves.

- B. They should use the protected person's money to help their own family business.

Using the estate to benefit oneself or one's own interests is a violation of the fiduciary duty.

- C. They should borrow money from the protected person's account as long as they pay it back.

Borrowing from the estate is considered self-dealing and is generally prohibited.

- D. They should hide the conflict so the judge doesn't get worried.

Fiduciaries must be transparent and honest with the court to protect the person's estate.

A conflict of interest happens when you have a personal reason, interest, or connection that might make it look like a financial decision benefits *you* instead of the protected person. Because your primary job is to be fair, honest, and work toward the protected person's welfare, goals, and wishes, you must actively avoid any situation where your own interests could clash with theirs.

Closely tied to a conflict of interest is the rule against self-dealing. This occurs when you try to take advantage of your position as a conservator to help yourself rather than the person you are supposed to be protecting.

Self-dealing can sometimes happen in ways that might seem innocent at first glance. Examples of self-dealing and conflicts of interest include:

- Living in the protected person's house or using their car for your own personal reasons.
- Paying for a family vacation using the protected person's money, if it covers family members who did not actually need to be there to provide care.
- Selling the protected person's property for less than its true fair market value, such as selling it cheaply to your own family members.
- Borrowing money or property from the estate for yourself.

To avoid these conflicts, you must follow one simple rule: you must use the protected person's money and property *only* for their benefit. You cannot loan or give away their money without special court permission, and you cannot use their income to support other people (even indirectly) unless the court approves it and it aligns with the protected person's own goals and needs.

25. When is the one-time 'Inventory' report due to the court?

- A. On the first anniversary of the appointment.

The first anniversary is the timeframe for annual status and accounting reports, not the initial inventory.

- B. Within 90 days after the court appointment.

Correct! The law requires a list of all assets to be filed within three months to establish a financial baseline.

- C. Within 30 days of being appointed.

Thirty days is the limit for emergency guardianships, not the standard inventory deadline.

- D. Only when the protected person passes away.

An inventory is needed at the beginning of the process to track what the person owns from the start.

The Inventory Report is a one-time requirement that sets the baseline for how the protected person's estate will be managed. It is a detailed list of everything the protected person owns, which includes their property and other assets, along with their actual or estimated values.

If the court appointed a conservator, it is their job to file the inventory. However, if the court only appointed a guardian and there is no separate conservator, the guardian is required to take on this responsibility and file the report. It must be submitted using a form approved by the Judicial Council.

Because this report is due within 90 days after the court officially appoints you, it is recommend starting your search for the person's property as early as possible. If you truly need more time, the court is allowed to extend the 90-day deadline for "good cause".

It is common to not find everything right away. If you discover additional property later on that was not included in your original list, you are required to create and file an updated (or "amended") Inventory report with the court.

The information you provide in this Inventory Report serves as the official starting point for the annual Financial Accounting Reports you will have to file in the future. The judge will review your submitted inventory, and if everything looks correct, they will officially approve it by signing an Order on Review.

26. What is a 'Financial Accounting Report'?

- A. A request to the court for a higher salary for the guardian.

While fees can be discussed, the primary purpose of the accounting is to track the protected person's assets.

- B. A plan for how the person will be cared for in the future.

A care plan focuses on future needs, while the accounting focuses on past financial transactions.

- C. A diary of the protected person's daily activities.

Daily activities are part of a Status Report, not a financial document.

- D. A report showing all money earned and spent by the estate during the year.

Correct! This report tracks the person's income, bills, and current bank balances to ensure no money is missing.

The Financial Accounting Report (often just called the "Accounting Report") is the official way the court keeps track of the protected person's money and ensures it is being managed correctly. This report tracks all the protected person's personal money, investments, and other assets over time.

Accuracy is incredibly important; the amount of money left over at the end of your previous year's report must be the exact amount you start with for the current year. For your very first report, your financial starting point is based on the initial one-time Inventory Report you filed when you were first appointed.

You cannot just write down numbers; you must prove them. When you file the Accounting Report, you are required to send it along with bank statements, receipts, and other documents to prove you handled every transaction correctly. If you purposefully fail to file this report, make a substantial misstatement, or cannot prove how you spent the money, the court can fine you up to \$5,000 or force you to pay the money back to the estate out of your own pocket.

Normally, the appointed conservator is responsible for filing this report. If the court only appointed a guardian and there is no separate conservator, the guardian takes on this financial duty and files the report. However, if you are the guardian and the court *did* appoint a separate conservator, you do not file this report with the court; instead, you must report your financial actions directly to the conservator at least once a year so they can complete the official filing.

The Accounting Report must cover a full 365 days, starting from the exact day of your appointment. You then have 60 days after that year finishes to complete and file the paperwork; you cannot turn the report in early.

If you are the parent of the adult protected person, you are generally exempt from filing this Accounting Report, unless the judge specifically orders you to submit it.

27. If you are the guardian, how often must you file a 'Status Report' about the person you are protecting?

A. Every six months.

While you must monitor them constantly, the formal report to the court is required less frequently.

B. Every two years.

Reporting every two years would not provide the court with enough regular oversight to ensure the person's safety.

C. Only when the court specifically asks for it.

The requirement to file is an automatic annual duty, not something that waits for a specific court request.

D. Once a year.

Correct! Guardians are required to provide an update on the person's health and living situation annually.

Filing the Status Report ensures the court stays informed about the protected person's well-being. While a conservator files reports about the money, the guardian files the Status Report to tell the court about the protected person's life. You must use this report to update the court on the person's physical condition, their daily activities, the care they are receiving, and their living arrangements (including listing who else lives in the household with them). The main goal of this report is to keep the court informed of any important changes or potential problems.

Because these reports contain sensitive personal and medical information, they are kept private, meaning only the people officially involved in the case are allowed to see them.

The report must cover a full 365-day period, and that year starts counting on the exact day the judge officially appointed you as the guardian. Because of this, the due dates are different for every guardian. The court gives you 60 days after your 365-day period ends to complete and turn in the report. You are not allowed to turn the Status Report in early. You must wait until the full 365-day period has completely finished before filing the paperwork.

If you ever want to change your reporting dates (for instance, to match a standard calendar year from January to December), you must ask the court for special permission to make that switch.

If you are the parent of the adult protected person, you are generally exempt from filing this Status Report, unless the judge specifically orders you to submit it.

28. What happens if a guardian or conservator fails to file their annual reports on time?

- A. The guardianship is automatically canceled.

Guardianship only ends when a court officially terminates it; it does not end because of a late report.

- B. The guardian must move into the protected person's house.

Living arrangements are decided based on care needs, not as a punishment for paperwork errors.

- C. The protected person is required to pay a late fee to the court.

The law specifically states that any penalties must be paid by the guardian, not by the protected person's estate.

- D. The guardian can be fined up to \$5000.

Correct! Judges can impose financial penalties for willful failure to file or for making big mistakes in reports.

If you fail to file your annual reports by the 60-day deadline, the fine is not usually imposed the very second you are late. Instead, the court will first send you a written notice officially informing you of your failure to file. After receiving this notice, the court grants you a grace period of two months to correct the mistake and submit the paperwork.

If that two-month grace period completely passes and you still willfully (purposefully) refuse to file the required report, the judge then has the authority to impose the penalty fine of up to \$5,000.

This same \$5,000 fine can also be triggered even if you turn the report in on time. A judge can impose the fine if you make a "substantial misstatement" (a very big mistake) on the forms you submit, or if you are guilty of "gross impropriety" (acting very wrongly) when handling the protected person's belongings or money.

If the judge does fine you, you must pay this penalty out of your own pocket. You cannot use the protected person's estate or money to pay for the fine.

29. If a person is unhappy with their guardian, can they ask the court to end the guardianship?

- A. No, once a guardian is appointed, it can never be changed.

Guardianships are intended to be flexible and can be modified if the person's needs change.

- B. Yes, they have the right to ask the court to check if the guardianship is still needed.

Correct! Protected persons can petition the court to change or terminate the guardianship at any time.

Guardianships do not have to be permanent. Sometimes, the reasons a person originally needed help will change, or they may even get better and regain their capacity to make decisions. Because of this, a protected person retains the right to ask the court to look at whether they still need a guardian. If they can now care for themselves, they can ask the court to change or completely end the guardianship as soon as possible.

If a protected person is unhappy with how their guardian is treating them or managing their affairs, they are not forced to stay silent. They have the explicit right to:

- Share concerns: They can ask the court questions and share any complaints they have about their guardian or what the guardian is doing.
- Check the guardian's activity: If there is a disagreement, the protected person can ask the court to step in and formally check the guardian's work.

Navigating the legal system can be intimidating, so the protected person is guaranteed help to ensure their voice is heard. They have the right to always have a lawyer to help them, even after a guardian has already been chosen. Additionally, they can have a trusted family member, doctor, or any other interested person speak on their behalf during court hearings.

If circumstances change - whether the protected person's capacity improves, worsens, or they need a different guardian - a formal request called a "Motion to Review or Change a Guardianship or Conservatorship" can be filed with the court to officially adjust or terminate the arrangement.

30. If a guardian wants to add a second person to help them, known as a 'Co-Guardian,' what must they do?

- A. They must file a Motion to Review or Change a Guardianship.

Correct! Adding a Co-Guardian is a change to the original court order, so the judge must review the request and the new person's qualifications.

- B. They must wait until the current guardian resigns.

A Co-Guardian can be added to work alongside the current guardian; the original guardian does not have to quit.

- C. The new person just needs to start helping with the annual reports.

Helping is fine, but to have legal power as a Co-Guardian, the court must formally appoint that person.

D. The original guardian can simply sign a paper giving that person power.

A guardian cannot delegate their court-appointed authority to another person without a judge's approval.

Because a guardianship is established by a strict court order, you cannot simply hire or informally appoint a co-guardian on your own; the court must formally approve the addition and ensure the new helper is fully qualified.

To start the process, the current guardian must officially ask the court to update the arrangement by filing a "Motion to Review or Change a Guardianship or Conservatorship of an Adult". Along with this primary motion, you must also submit a "Certificate of Service" and "Right to Object" forms to ensure all interested parties are properly notified of the requested change.

The court treats a new co-guardian just as seriously as the original guardian. Because they will share the same legal powers over the protected person's life, the proposed second person must prove they are qualified and ready to take on the responsibilities of the role. To do this, the new co-guardian is required to complete the exact same forms that you completed in your initial petition:

- **Certification of Completion of Testing:** A verified statement showing they have successfully taken and passed a court-approved examination on the rules and responsibilities of being a guardian.
- **Acceptance of Appointment:** A written document they must sign to officially confirm they accept the court's order to serve and protect the adult.
- **Private Information Record:** A completed and verified form provided by the Administrative Office that gives the court their necessary personal and contact details.

By requiring these specific steps, the court ensures that the new co-guardian is fully educated on their duties, legally bound to act in the protected person's best interest, and subject to the same strict judicial oversight as the primary guardian.

31. What is a 'Successor Guardian'?

A. A guardian who is very successful at making money.

Successor refers to the order of appointment, not the financial status of the guardian.

B. A person who is only a guardian for 24 hours.

Successors are typically permanent replacements, not extremely short-term helpers.

C. A new person chosen by the court to take over if the current guardian resigns.

Correct! If the first guardian can no longer serve, a successor is appointed to continue the care.

D. The lawyer who helps the protected person in court.

Lawyers advocate for the person, but they do not necessarily take over the role of guardian.

If you are appointed as a permanent guardian, you are generally expected to stay in that role until the court officially ends your appointment. However, life circumstances change, and if you want to stop being the guardian, you are allowed to resign, but you must get the court's permission first. You cannot simply quit and walk away.

If you resign, but the protected person is still incapacitated and needs help, the court will choose a new helper to take your place. This new person is called the successor guardian.

32. If a permanent guardian wants to stop doing their job, what is the first requirement they must meet?

- A. They can simply stop performing their duties once they find a successor.

Abandoning duties without court approval is not allowed, as the guardian remains responsible until the court officially removes them.

- B. They only need to tell the protected person's family they are finished.

While notifying the family is helpful, it does not legally end the guardian's responsibilities or the court-ordered appointment.

- C. They must wait until the protected person turns 21 years old.

Guardianship for an adult is based on the person's ability to make decisions (capacity), not reaching a specific age like 21.

- D. They must get official permission from the court to resign.

Correct! The court originally appointed the guardian, so only the court has the legal authority to approve their resignation and end their duties.

When you are chosen as a permanent guardian or conservator, you are fully expected to stay in that position until the court officially ends your appointment. If you decide you want to stop, you are absolutely allowed to resign, but you must have the court's permission first.

Regardless of your reason for leaving, you must keep performing your legal duties until the court officially removes you from the role. If you resign but the protected person still requires assistance, the court will select a new helper, known as a successor guardian, to take your place.

Once the court grants you permission to resign and your role officially concludes, you still have a few final required steps to properly close out your case:

- You must submit a Final Financial Accounting Report to the court detailing the protected person's money and property.
- You must formally hand over the estate's property to the new successor or return it directly to the protected person if the court decides they no longer need a guardian.
- Deliver all the records, receipts, and files you have been keeping to the new successor guardian so they can continue managing the person's care and estate seamlessly.

33. What happens to the guardian's role if the protected person's health improves and they regain the ability to make their own choices?

- A. The guardian can just hand over the money and stop reporting.

A guardian must keep doing their duties until the court officially removes them, or they could face penalties.

- B. The guardianship automatically ends on its own.

Even if capacity returns, the legal status remains until the court officially reviews and terminates the appointment.

- C. The guardian should wait until the next annual report to mention it.

If a person can care for themselves, the guardianship should be ended as soon as possible rather than waiting months for a yearly report.

- D. The guardian must file a motion to review or change the guardianship.

Correct! When a person's capacity changes, the guardian must ask the court to adjust the responsibilities or end the guardianship through a formal motion.

If the protected person's ability to make decisions (their capacity) improves, you cannot simply stop doing your job or independently decide to give them their legal rights back. Because the guardianship was created by a court order, only the court has the authority to change it.

The law actually requires you to actively work toward this goal. As a guardian, you are instructed to encourage the protected person to participate in decisions, act on their own behalf, and develop or regain the capacity to manage their own personal affairs. Furthermore, the protected person retains the right to advocate for themselves. They are allowed to ask the court to review, change, or end the guardianship as soon as possible if they feel they are able to care for themselves.

If the protected person's capacity improves, you are required to officially inform the court by filing a "Motion to Review or Change a Guardianship or Conservatorship of an Adult". Along with this specific motion, you must also submit a Certificate of Service, Right to Object forms, and a Proposed Order for the judge to review and sign.

A critical rule to remember is that no matter how much the person's health improves, you must keep performing your duties as a guardian until the court officially removes you or changes your responsibilities. You are legally bound to the original court order until the judge formally approves the termination or adjustment.

If the court reviews the motion and decides the protected person has fully regained capacity and no longer needs a guardian, your appointment will be officially terminated. Once that happens, you must formally return the estate's property back to the protected person and file a Final Status Report. If you were also acting as their conservator (or managing their money as a guardian), you must also file a Final Financial Accounting Report to close out the case.

34. What is the timeline for filing a Final Financial Accounting Report and Final Status Report after a guardianship ends or after a guardian or conservator is removed?

- A. Exactly one year after the last annual report was filed.

The final report is triggered by the end of the appointment, which might happen at any time during the year.

- B. Within 30 days of the removal.

The 30-day timeline applies to emergency guardians, but the final accounting for a permanent role has a longer window.

- C. The report is due immediately on the day of the court hearing.

While the decision happens at the hearing, the court gives the guardian or conservator a grace period to finalize the records.

- D. Within 60 days of the removal or termination.

Correct! The court allows 60 days to gather final records and complete the final reports once the role ends.

You must file a final accounting and status report if any of the following events occur:

- You resign (quit) or are removed from your role by the court.
- The protected person passes away.
- The court officially orders the guardianship or conservatorship to end.
- The court transfers the case to another state.

Normally, the appointed conservator handles the final accounting report, while the guardian handles the final status report. However, if the court only appointed a guardian and there is no separate conservator to manage the estate, the guardian must file the final accounting.

Just like your regular yearly reports, the court gives you 60 days to turn in this final paperwork. You do not need to find a new type of document; the final reports are completed using the exact same form as the regular reports. You simply mark the specific place on the form to indicate it is the "final" report.

Once the final reports are complete and your role is officially over, you are also required to formally hand over the remaining property and your records to your successor (if a new helper was appointed), back to the protected person (if they regained capacity), or to the personal representative of their estate if they have passed away.

35. A guardian wants to help the protected person be as independent as possible. What rule should they follow?

- A. The Principle of Strict Supervision.

Strict supervision focuses on control rather than allowing for the greatest degree of personal freedom.

- B. The Guardian-First Decision Model.

Decisions should be based on the protected person's values and wishes, not the guardian's personal preferences.

C. The Rule of Total Protection.

Total protection might unnecessarily limit a person's freedom and prevent them from learning skills.

D. The Least Restrictive Alternative.

Correct! This guideline ensures that choices limit the person's rights and freedom as little as possible while keeping them safe.

The "Least Restrictive Alternative" is a foundational guideline for any guardian and is crucial for preserving the protected person's dignity.

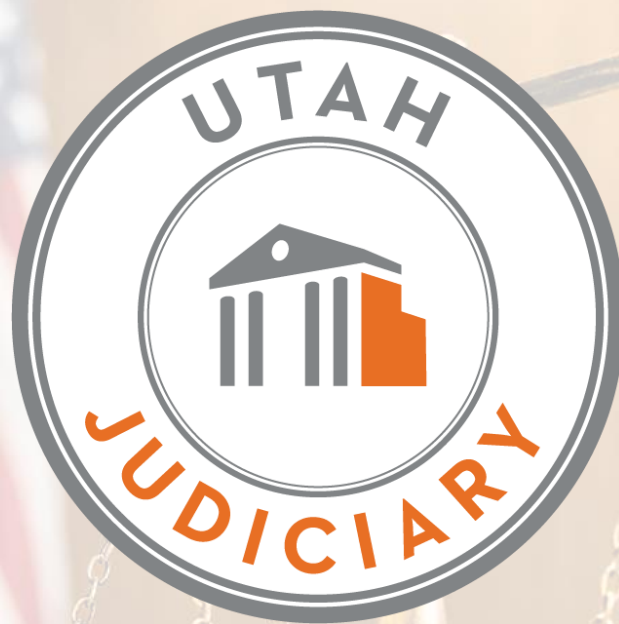
At its core, this rule dictates that whenever you and the protected person are deciding on a course of action, you must select the option that limits or restricts their freedom, rights, and ability to control their own life the *least*. The goal is to find an environment or mechanism that allows the person to live, learn, and work with as few limitations as possible, while still meeting their need for safety and care.

You are expected to apply the least restrictive alternative to many different parts of the protected person's daily life, including making choices about:

- Where the person lives.
- Who they spend time with.
- The medical or mental health care they receive.
- Where they work.
- What kind of training they get.

This rule directly supports a guardian's duty to encourage the protected person to be as independent and self-sufficient as possible. You are expected to let them make as many decisions for themselves as they safely can. By including them in choices and strictly prioritizing the options that preserve their freedom, you are successfully balancing their need for safety and protection with their fundamental right to live an independent life.

Basic Guidelines: Serving as Guardian or Conservator of a Minor



Developed in partnership with the
Administrative Office of the Courts and
Utah WINGS

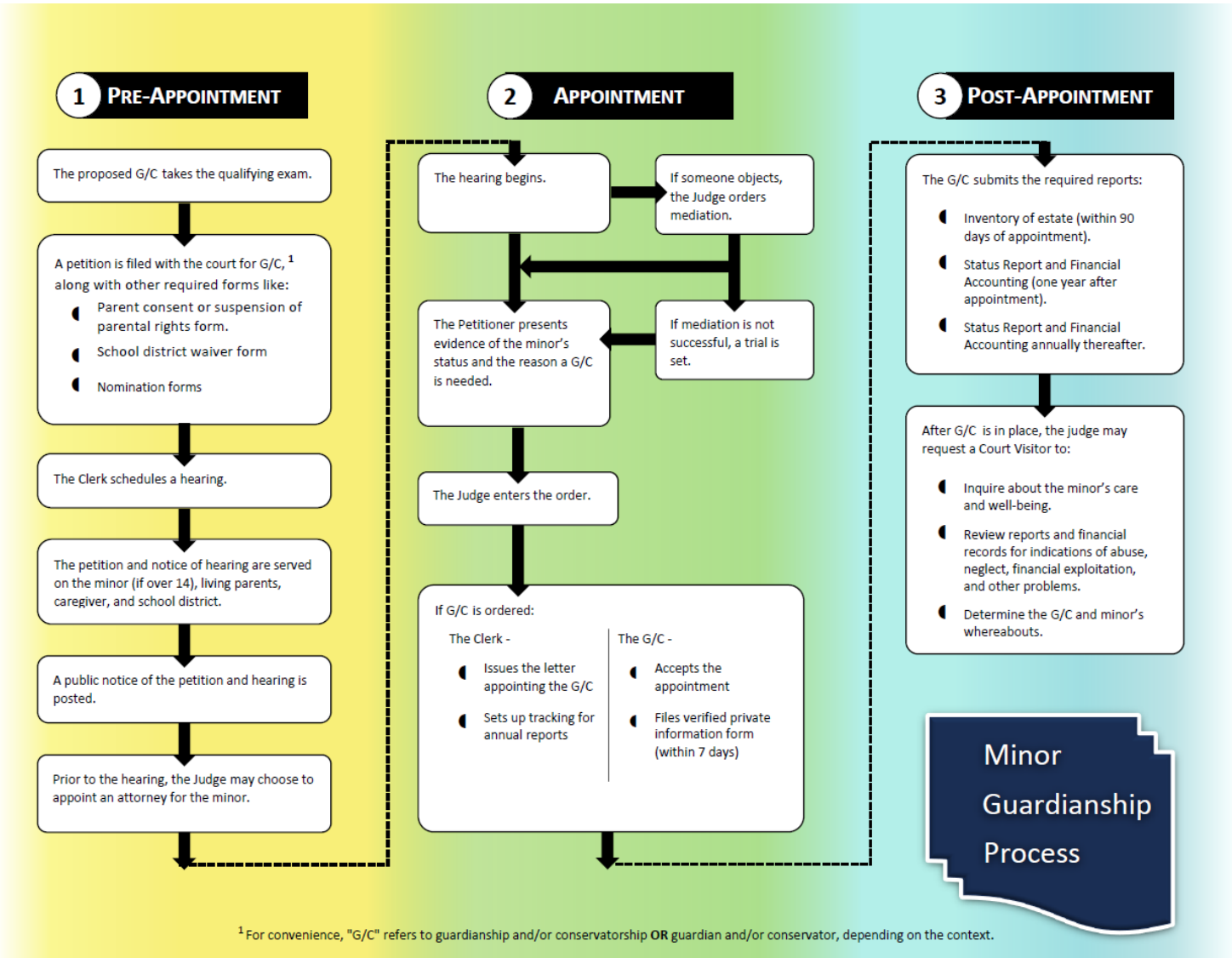
Created: April 2026



Table of Contents

| | |
|---|----|
| A. Summary of the Minor Guardianship Process | 3 |
| B. Introduction | 4 |
| What is a Guardian and a Conservator? | 4 |
| Alternatives to Guardianship or Conservatorship | 5 |
| How Long Will I Be a Guardian or Conservator? | 6 |
| C. Responsibilities and Restrictions | 6 |
| General Responsibilities as Guardian | 6 |
| General Responsibilities as Conservator | 8 |
| D. Reporting to the Court | 10 |
| Report Types | 11 |
| Annual Report Due Dates | 15 |
| Filing Required Reports | 16 |
| E. Criminal penalties | 18 |
| F. Other Considerations | 18 |
| Compensation | 18 |
| Liability | 18 |
| Conflict of Interest | 19 |
| Representative Payee | 19 |
| G. Resources | 20 |
| Appendix C – Changes in the Guardianship | 21 |
| Appendix D – Utah Code 75-5-209 | 22 |
| Appendix E – CJA Rule 6-501 | 24 |
| Glossary of Terms | 30 |

A. Summary of the Minor Guardianship Process



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



B. Introduction

Sometimes a person under the age of 18, known as a minor, needs someone other than a parent to serve as a caregiver. This caregiver will need to have the authority to make decisions for and on behalf of the minor. There are a few ways the caregiver might get this authority. One way is to be appointed by the court as the minor's legal guardian or conservator.

When a court names a **guardian** or a **conservator** of a minor, it takes away the right of other adults in the minor's life (like the parents) to make choices for the minor. Because of this, the court is careful about granting a guardianship. The court also monitors the guardians and conservators it appoints.

A court might appoint a guardian, a conservator, or both. These two jobs might be done by two different people, or the court might choose the same person for both jobs. If the court does not choose a conservator, then the guardian must take on some of the conservator's duties.

This handbook helps you learn what your **responsibilities** (jobs) are if you are thinking about asking the court to make you a guardian or conservator, or if the court has already appointed you.

This handbook does not teach you the steps for becoming a guardian or conservator. However, you can find the current rules for how a good guardian or conservator should act (standards and ethics) on the National Guardianship Association website.¹

This handbook gives you general information. It is not meant to take the place of getting **legal advice**. If you have questions that are specific to your situation, you should talk to your lawyer.

What is a Guardian and a Conservator?

The court can appoint a guardian, a conservator, or both.

- **Guardian:** A guardian is a person chosen by the court to make decisions about the care of the minor. The minor is considered to be a protected person, and is sometimes called a "ward."

Guardianship gives an adult who is not the child's parent the authority to make decisions about the child instead of the child's parents. Some examples of situations when you might ask the court for guardianship of a child are if you are:

- A relative, like a grandparent, who is raising a child and needs to enroll the child in school, handle the child's medical care, or sign the child up for services.

¹ <https://www.guardianship.org/standards/>

- A parent that wants to send their child to live with someone else like a relative or a friend for a long period of time (for example to go to school).

The guardian can be any responsible adult who is not the child's parent. The guardian does not need to be related to the child.

- **Conservator:** A conservator is a person chosen by the court to manage the money and finances of the minor, which can include assets the minor may be entitled to as a beneficiary of an estate, settlement, or trust.

A conservator is a person or group chosen by a court to make important decisions about a minor's money and belongings. The court may appoint a conservator if:

- the minor owns property that requires management or protection which cannot otherwise be provided;
- the minor's business affairs may be jeopardized; or
- a conservator is needed to obtain or provide funds for the minor's support and education.

Often a conservator is needed if the minor is about to receive an inheritance, government benefits, insurance or annuity benefits or damages as a result of a civil lawsuit.

If you are a guardian or conservator, you are in a **position of trust**. This means you have important legal duties and responsibilities (jobs) to the protected person. This position of trust is sometimes called a "fiduciary."²

Alternatives to Guardianship or Conservatorship

Guardianship through the court is not the only option for being the caregiver for a minor. Other options include:

- Power of Attorney - A parent can give another adult temporary authority to make decisions for their child with a power of attorney.
- Nomination - A parent can nominate someone to be the guardian for their child in the future, if something happens and a guardian is needed.
- School-Based Guardianship - A local school board can choose an adult in the district to be a child's guardian. Utah Code section 53G-6-303. Contact your local school to ask about this option.
- Adoption - Adoption terminates the parents' rights permanently and gives the rights to the child's new adoptive parents.

² Utah Code Section 75-1-201(17)

How Long Will I Be a Guardian or Conservator?

If you are chosen as a permanent guardian (or conservator), you are expected to stay in that role until the court officially ends your appointment.

Sometimes, the court may appoint a temporary guardian for a minor. This is someone who has the same responsibilities as a permanent guardian, but only serves in that role for a limited amount of time, usually less than 6 months.

If you are a permanent guardian and you want to stop, you can resign, but you must have the court's permission.

- If the minor has not yet reached age 18 the court can choose a new helper, called a successor guardian, to take your place.
- If you were doing two jobs, guardian and conservator, you can quit one job and keep the other.

Sometimes, the reasons why a person needed a guardian change. Maybe the person has reached the age of 18 and is no longer considered a minor, or maybe the minor has been adopted.

No matter the reason, you must keep doing your duties until the court officially removes you as the guardian or conservator.

When your job as guardian or conservator ends, there are required steps you must take:

- You must make a final report about the money and property (this is called a Financial Accounting Report).
- You must hand over the property to your successor³ (the new helper) or the minor who is now an adult.
- You can talk to your lawyer or the Court's Self-Help Center⁴ to learn the proper way to end the job and turn over the estate.

C. Responsibilities and Restrictions

General Responsibilities as Guardian

A guardian is a person chosen to take care of a child and their belongings.

Understanding the rules for a Guardian is very important. Utah law tells you what your job as a guardian involves. The court order explains exactly what your powers are, and if there are any limits.

³ Utah Code Sections 75-5-306, 75-5-307, and 75-5-415

⁴ <https://www.utcourts.gov/en/self-help/services/contact.html>

As a guardian, you might need to:

- Be in charge of the minor.
- Decide where they live.
- Take care of their needs by providing comfort, basic maintenance, and care.
- Set up their school and social activities.
- Care for their things like clothes and personal belongings (personal effects).
- Say "yes" (consent) for them to get necessary medical care or professional treatment.
- Say "yes" to marriage or adoption, but only if the court gives you the power to allow it. For adoption, the rights of the person's parents must already be taken away.

There are many things a guardian cannot do, unless the court specifically grants that power or you are also named the money helper (conservator).

As guardian, you may **NOT**:

- Agree to the minor's marriage, unless the court gives permission for you to consent to this.
- Agree to the adoption of a minor, unless the judge gives you special permission AND the parents have already lost their legal rights as parents.
- Hit or hurt the minor (physically punish them).
- Ignore the minor's needed healthcare.
- Leave the minor alone if they need care.

If a separate conservator has NOT been appointed, the guardian will need to manage the minor's money too:

- They can collect money that is meant to help the minor, but they must use this money to pay for the minor's everyday needs, like care and school.
- If there is any extra money left over, the guardian must save it carefully for the minor's future needs.
- The guardian cannot use the minor's money to pay themselves for their work unless a judge says it is okay.
- The guardian does not have to use their own money to take care of the minor.
- The guardian may be required to file an annual report with the court that covers both how the minor is doing and how the minor's money is being spent.

If the court chooses a separate conservator, that person has most of the job of handling money and property. If there is a conservator, you must talk to them to be sure both of you understand your different jobs.

General Responsibilities as Conservator⁵

If the court does not appoint a separate conservator, you may also have some or all the conservator's responsibilities too.

Being a conservator means you are in charge of taking care of someone else's money and property. The law has strict rules about how you must do this, and you have certain powers unless a judge says otherwise. You are expected to be very careful, smart, and responsible with the money, just like a trusted manager.

Taking care of a minor's money is a lot like taking care of an adult's money. You must make a budget and keep their belongings safe. The main things to keep in mind are:

- **Keep it Separate:** You must keep the minor's money and property separate from your own.
- **Use it Only for Them:** You must use their property only for their benefit.
- **Be Careful:** Manage their property the same way you would want someone else to manage your own money.

Most minors do not have a lot of wealth, but if they do, there may be extra rules you have to follow.

Some things you may have the power to do as conservator include:

- You can keep, buy, sell, fix up, or rent out houses, land, and other belongings.
- You can put money in a bank or invest it to help it grow.
- You can buy, sell, or manage stocks.
- You can pay the person's bills, settle their debts, and pay their taxes.
- If the minor's estate needs cash, you can borrow money or even use your own money to protect the estate (and get paid back later).
- You can buy insurance to protect the property from damage or loss.
- You can go to court to defend the estate from lawsuits.
- You can hand out money directly to the minor, their guardian, or their caretaker so they can buy the things the minor's needs
- You can hire professionals like lawyers, money advisors, or accountants to help you, and you are allowed to trust and follow their advice.

⁵ Utah Code Sections 75-5-424, 75-5-425, 75-5-428, and 75-2-209

- You can sign any official documents needed to get these jobs done.

As a conservator, you are NOT allowed to do certain things:

- Do not mix your money with the minor's money (called commingling).
- Do not use the minor's money to pay your personal bills.
- Do not put the minor's estate funds into your personal bank account.
- Do not borrow money or property from the minor's estate.
- Do not sell the minor's estate property for less than its fair market value (what it is truly worth). For example, you cannot sell property cheaply to family members.
- Do not put your own name on the minor's property as if you own it. It is okay to put your name on an account as the *conservator* for the minor, but not as the owner.

Restricted bank accounts

A conservator must make safe and smart choices with the minor's money. If there is not a lot of money to risk, or if a judge orders it, the money should be put into a special bank account called a "restricted account."

A restricted account means that you must get permission from the court before you can take any money out. If all the child's money is kept in this kind of account, the conservator may not have to fill out yearly financial reports for the court.

If the court chooses a separate guardian, that guardian has the right to get money from you for the minor's daily costs. You can either pay the guardian an allowance, or you can choose to pay the bills directly to the people or businesses owed money.⁶ You should talk with the guardian to agree on the amount and timing of these payments.

Financial decisions

When the court chooses a guardian, the guardian usually manages both the minor's daily life *and* their money. When the guardian handles the money, they are also acting as the conservator.

If you are a guardian and do not want the job of handling the money, you can ask the court to pick a different person to be the conservator.

Your main job is to use the minor's money and property to pay for their support, care, and education. If the minor has extra money after all their needs are paid for, the conservator should save or invest that excess money.⁷

⁶ Utah Code Section 75-5-312 and 75-5-424

⁷ Utah Code Sections 75-5-312 and 75-5-424

Steps for Managing the Accounts:

- Open a special checking account just for the guardianship or conservatorship. This is where you put income and pay bills.
- Write down a complete description of every time money moves (each transaction).
- If too much money starts to build up in the checking account, move the extra money to a savings or investment account that earns interest.
- If you need to pay a special, large bill from the savings account, you must move that money into the checking account first before paying the bill.

If you have specific questions about money or property, you should ask your lawyer or a financial expert for help. You can also find a Budget Worksheet template on the court's website to help you prepare a budget for the minor.⁸

Rights and Responsibilities of Parents⁹

The appointment of a guardian or conservator does not fully end a parent's rights and responsibilities for their minor child. The legal parents are still required or allowed to do some things, even if the court has ordered someone else to be guardian or conservator:

- Parents remain responsible for child support.
- Parents retain the right to consent to adoption.
- Parents retain the right to determine the child's religion.
- Parents retain the right to reasonable parent-time unless restricted by the court.

D. Reporting to the Court

You must file reports every year about the minor's home life and their money. You must be able to show proof for every time money was spent or earned. This proof can come from good recordkeeping. Good recordkeeping includes:

- Keep receipts and vouchers, like a receipt when you buy something or a bill for a service received. Saving these helps you write your reports later. The court might ask to see them at any time.
- Use folders and files to keep documents neat. You should have separate files for things like legal papers, tax information, bills that are paid, bills that need to be paid, letters, and other papers about the person you are helping.

⁸ <https://www.utcourts.gov/en/self-help/case-categories/gc/budgeting.html>

⁹ Utah Code Sections 75-5-209 and 80-1-102(70)(a)

- Do not mix up the minor’s papers with your personal papers. Keep them totally separate, and save copies of all papers that the court gives you or that you give to the court.
- If you are the guardian, you should keep a journal or diary. Use this diary all year long to write down important things the minor does or big events that happen, especially if nobody else wrote it down.
- If the minor lives somewhere else, write down the dates you go to visit them.

Good records are important because they protect you if someone ever asks questions about how you managed the estate. If you do not keep good records, you might have to pay money yourself.

If you cannot show the court how you spent the minor’s money or used their property, the court can make you pay that money back to the minor’s estate. This is true even if you know you used the money correctly to help them.

Report Types

Most guardians and conservators have to turn in reports every year. If the guardian or conservator is not the parent, they are required to file these reports.¹⁰

The table below shows a summary of the required reports and the person in charge of doing them:

| Report | Filed By | Due Date / Timeframe |
|---------------------------------------|--------------|---|
| Inventory | Conservator* | Within 90 days after the appointment |
| Status of the Protected Person | Guardian | Within 60 days after the anniversary of the appointment |
| Financial Accounting | Conservator* | Within 60 days after the anniversary of the appointment |
| Final Financial Accounting | Conservator* | Upon resignation or removal of the conservator (or guardian), or upon termination of appointment. |

** Filed by the guardian if no conservator has been appointed.*

¹⁰ Utah Code Sections 75-5-312, 75-5-417, and CJA Rule 6-501

What Happens If Rules Are Broken?

A judge can make a guardian or conservator pay a fine of **\$5,000** if they do certain things wrong:

- If they purposefully do not file a report.
- If they make a very big mistake in the report they turn in.
- If they act wrongly while handling the minor's money or belongings.

CJA Rule 6-501 explains what needs to be included in each required report, who must get a copy of the report, how someone can disagree with (object to) a filed report, and when reporting is not required.¹¹

Inventory Report

You need to create this special report one time. This report is called an Inventory.¹² You must file this report within 90 days after the court chooses you to be the conservator (or the guardian, if there is no conservator).

To complete the Inventory, you need to find and make a list of everything the minor owns. Once you have the whole list, you must prepare the Inventory Report. Then, you need to file it with the court. If you find more property later on that wasn't in your first list, you must create and file an updated (amended) Inventory report.

When is the Inventory Report Due?

After you are appointed by the court, you have 90 days to finish and file the Inventory Report. Because of this, the due dates are different for everyone.

Example:

If you became the guardian or conservator on June 1st, your Inventory Report would be due no later than August 29th.

Report on the Status of the Protected Person (“Status Report”)

If you are a guardian, you must write a report for the court every year about the person you are protecting, the minor in this case. This yearly report is called the Status Report.¹³

The Status Report tells the court about the minor's care and how they are living. It also shows what the minor is doing. It helps the court know about changes or possible problems. These reports are private, meaning only the people involved in the case can see them.

¹¹ <https://legacy.utcourts.gov/rules/view.php?type=ucja&rule=6-501>

¹² Utah Code Section 75-5-418

¹³ Utah Code Section 75-5-312

What is covered in the Status Report?

The Status Report must cover a full 365 days. This 365-day period starts on the exact day you were named the guardian. Because of this, the due dates are different for everyone.

Example:

If you became the guardian on June 1, 2024, your report must include every day from June 1, 2024, until May 31, 2025.

The next year, the report would cover June 1, 2025, to May 31, 2026, and so on.

When is the Status Report Due?

The court gives guardians 60 extra days to complete the Status Report after the 365 days are finished.

Example:

Using the example above (the report covers until May 31, 2025), the final deadline to give the report to the court would be July 30, 2025.

Important: You are not allowed to turn in the Status Report early, before the full 365 days have passed.

These due dates are very important and will usually stay the same throughout the entire time you are the guardian, unless you ask the court to change them. If you are not sure when your report is due, you can ask the clerk at the courthouse for the correct dates.

Financial Accounting Report (“Accounting Report”)

If you are a conservator, or the guardian if there is no conservator, you have to report to the court every year on the minor’s income and assets. This report is called the Accounting Report.¹⁴

The starting point for the Accounting Report is based on information you provided in the Inventory Report. The reports track the minor’s personal money, investments, and other things they own over time.

It is important to make sure all the money is tracked correctly. The amount of money left over at the end of last year must be the exact amount you start with this year.

To prove that you have handled the money correctly, you must send the Accounting Report along with bank statements, receipts, and other papers about the minor’s money.

¹⁴ Utah Code Sections 75-5-312 and 75-5-417

What is covered in the Accounting Report?

The report must cover a full 365 days. This year starts on the day the court named you as the guardian or conservator. Because of this, the due date for the report is different for everyone.

Example:

If you became the guardian or conservator on June 1, 2024, your report must include every day from June 1, 2024, until May 31, 2025.

The next year, the report would cover June 1, 2025, to May 31, 2026, and so on.

When is the Accounting Report Due?

The court gives guardians 60 extra days to complete the Accounting Report after the 365 days are finished.

Example:

Using the example above (the report covers until May 31, 2025), the final deadline to give the report to the court would be July 30, 2025.

Important: You are not allowed to turn in the Accounting Report early, before the full 365 days have passed.

These dates are very important and will usually stay the same for as long as you are in charge. If you are unsure about your deadlines, you can ask the clerk at the courthouse for the right dates.

Accounting Report When There is a Separate Conservator

If you are only the guardian AND the court named a separate conservator, you do not give an accounting report to the court. Instead, you must report to the conservator how you managed the minor's money.¹⁵

You should talk with the conservator to agree on a time that works well for both of you to share your report.

Final Financial Accounting Report

The conservator - or the guardian if there is no conservator - must file a final accounting if any of these things happen:

- The guardian or conservator quits or is removed by the court.
- The minor dies, is adopted, or turns 18.
- The guardianship or conservatorship ends by order of the court.
- The court transfers the case to another state.

¹⁵ Utah Code Section 75-5-312

This final report needs to cover all the money transactions from the date the last report covered until the day the guardianship or conservatorship officially ends.¹⁶

The final accounting is done using the same form as the regular annual accounting. There is a place on the form to mark it as the final accounting.

When is the Final Accounting Report Due?

After you are approved by the court to no longer serve as conservator (or guardian, if there is no conservator), you have 60 days to finish and file the Final Accounting Report. Because of this, the due dates are different for everyone.

Example:

If you stop serving as the guardian or conservator on June 1st, your Final Financial Accounting Report would be due no later than July 30th.

Annual Report Due Dates

Annual reports must cover an entire full year (365 days).

This year begins counting from the exact day you were made guardian or conservator by the judge (this is called your date of appointment).

You must turn in these reports within 60 days of that starting day, every year.

For example:

- You are appointed as guardian or conservator on May 1, 2021.
 - You must file the one-time Inventory by July 30, 2021.
 - The Status and Accounting Reports are due by June 30, 2022.
 - Every year after, the Status and Accounting Reports are due by June 30.
 - The Status and Accounting Reports are late if they are turned in on July 1st or later.
 - This is repeated every year until the guardianship or conservatorship is terminated.

You can ask the court to change when you need to turn in your reports. For example, you might ask to switch to a calendar year (January 1st to December 31st) or any other 12-month period that is easier for you.¹⁷

If the court agrees to change the dates, your first report after the switch will be for a shorter amount of time.

¹⁶ Utah Code Section 75-5-419 and CJA Rule 6-501

¹⁷ CJA Rule 6-501

Here is an example to show how this works:

- You are appointed on August 17th.
- You then ask the court if you can report using a calendar year.
- If the court says yes, your very first report will only cover the time from August 17th until the end of that current year.
- After that first, short report, all of your reports later on will cover the full calendar year, running from January 1st to December 31st.

Filing Required Reports

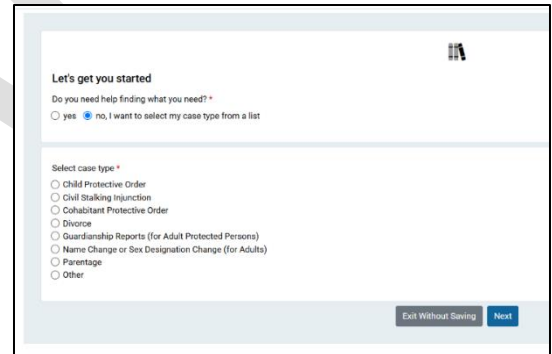
You can fill out your report in two different ways: by hand or online.

1. Doing the Report by Hand:

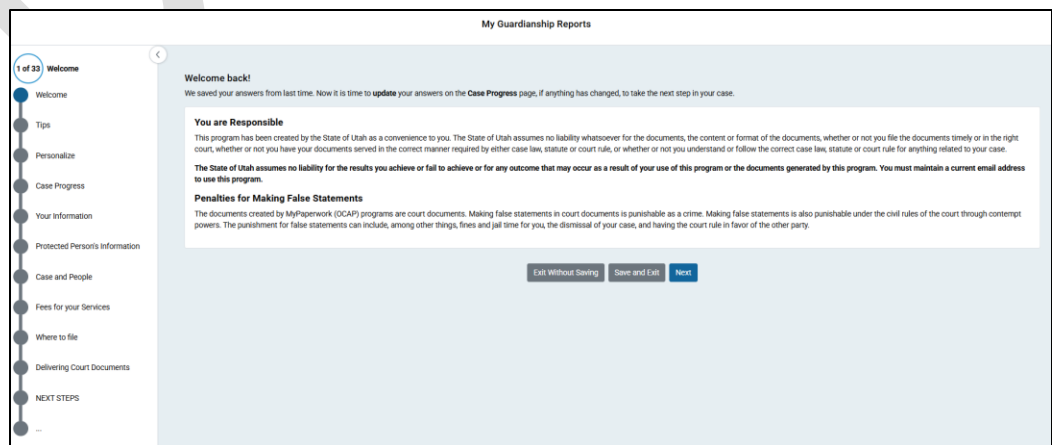
- You need to find the right report form on the court's website.¹⁸
- You must print those papers.
- Then, you complete the information needed.
- Finally, you turn the forms in (file them) at the court.

2. Doing the Report Online:

- Go to the MyPaperwork website.¹⁹
- If you don't have an account already, you need to sign up to create one.
- Choose the option called "Guardianship Reports." (see figure 1)
- Follow all the directions on the screen. (see figure 2)
- Once you have finished every item on the list, you must print the document.
- Then, you turn it in (file it) at the court.



Figures 1 & 2:
Examples from MyPaperwork website.



¹⁸ <https://www.utcourts.gov/en/self-help/case-categories/gc/reports.html>

¹⁹ <https://apps.utcourts.gov/InterviewWEB/#/qi/ua/GI0385>

Where to File Your Report?

You must file your papers with the court that first chose you to be the guardian (made the appointment).

If the minor moves to a different county, you are allowed to ask the court to move your reports to that new county.²⁰

Who Gets Copies of Your Report?

When you turn in your documents, you also need to send a copy to certain people, along with a notice that tells them they have the right to complain or disagree (object). This is called "serving" the documents.

You must serve copies on these people:

- The minor (if they are old enough to understand the proceedings).²¹
- The minor's guardian or conservator (if the judge picked different people for those jobs).
- The minor's parents.
- Anyone else who is officially asked to be notified.²²

You can send these documents using mail, email, or by delivering them by hand.

What Happens After You File?

After you have filed your reports and any other papers that support them (supporting documentation), they will be sent to the judge to look over (review). The judge has several choices for what to do next:

- The judge may approve the report.
- The judge might ask you for more information.
- The judge might set a hearing (a meeting).
- The judge might order a Court Visitor.²³

If anyone complains about your report (objects to the filing) or if the judge has more questions, the court clerk will set up a hearing. You and the other people involved will be told when and where this hearing will happen.

²⁰ Utah Code Sections 75-5-205, 75-5-302, and 75-5-403

²¹ Utah Code Section 75-5-405

²² Utah Code Section 75-5-406

²³ <https://www.utcourts.gov/en/about/courts/dist/gramp/cvp.html>

E. Criminal penalties

People who are trusted to take care of someone else's money or well-being are sometimes called fiduciaries.

If you are a fiduciary, you must be very careful, especially about breaking the law. If you do certain wrong things, you can be found criminally liable. This means you could get into trouble with the police and courts.

In Utah, you can get in trouble if you do these kinds of bad things to the person you are supposed to protect:

- Stealing money or using it unfairly (this is called financially exploiting them).
- Not taking care of them (this is called neglecting them).
- Hurting their body or their feelings (this is called physical or emotional abuse).

There are many laws that talk about how a trusted person should act. Because these penalties are so serious, if talk to your lawyer if you have specific questions.

F. Other Considerations

Compensation

Sometimes, a family member is a guardian or conservator and chooses not to be paid for their work. However, if the court agrees, a guardian or conservator is allowed to receive a fair payment from the money belonging to the minor.

To figure out if the pay is fair (reasonable²⁴), the court looks at a few things:

1. The type of help you gave.
2. How good you are at the job (your skill).
3. If the time and money you spent were necessary or justified.

You must always keep accurate records of everything you do.

Liability

You are not legally responsible for things the minor may do.²⁵

You do not have to pay for things the minor does (like if a minor committed a crime while under guardianship). You are also not responsible if you take actions that are reasonable and help the minor.

²⁴ Utah Code Section 75-5-414

²⁵ Utah Code Section 75-5-209

When you manage the minor's money and belongings, you will not be blamed if you act like a careful person handling someone else's property.

However, you must pay if you personally make a mistake or are careless and it harms the minor.²⁶

To stop problems from happening, you should understand your job, use common sense, and make good decisions.

The court may ask for an insurance policy called a bond to keep the minor's money safe.²⁷ The court can decide not to require this bond if there is a good reason. The minor's estate pays for this insurance. The bond protects the person if your mistake causes the estate to lose money.

To figure out how much the bond should cost, you must add up the total value of the minor's stuff that you manage and then add one year's estimated income.

Conflict of Interest

Guardians and conservators have important rules they must follow when they manage the money and things of a person who is protected. You must always try to avoid situations where there could be a conflict of interest or self-dealing.

Conflict of Interest happens when the guardian has a personal reason (an interest) in the minor's money that might seem helpful to the guardian or harmful to the minor.

Self-Dealing is when the guardian tries to use their job to help themselves instead of helping the person they are protecting.

Self-dealing can sometimes happen in ways that seem innocent. For example, using any of the minor's property just for you, or paying for a family vacation with only the minor's money.

You must not loan or give away the minor's money or things unless you get special permission first.

You must only use the minor's money for their benefit.

Representative Payee

If the minor gets payments or income from an agency, like the Social Security Administration, the agency will choose someone to manage those payments, called a representative payee.

The job of the representative payee is separate from the job of a court-appointed guardian or conservator.

²⁶ Utah Code Section 75-5-429

²⁷ Utah Code Sections 75-5-411 and 75-5-412

If you want to be the representative payee, you must ask the agency that sends the money. In most cases, the agency will choose the person who is already the court-appointed guardian or conservator. However, the agency that gives the benefits can choose any person it chooses to be the representative payee.

Once chosen by the agency, the representative payee has the power to receive and handle the benefit payments for the minor.

If the minor's estate is limited to payments from a state or federal agency that requires an annual accounting, like the Social Security Administration, you may file with the court a copy of the agency's form rather than the court form.

G. Resources

| | |
|---|---|
| PROTECTIVE SERVICES | Child and Family Services: <u>Call:</u> 1-855-323-3237 <u>Website:</u> https://dcfs.utah.gov/ |
| COMMUNITY SERVICES | Children’s Service Society of Utah - GRANDfamilies: <u>Call:</u> 801-326-4409 <u>Website:</u> https://cssutah.org/ |
| LEGAL RESOURCES | Utah Legal Services: <u>Call:</u> 801-328-8891 <u>Website:</u> http://www.utahlegalservices.org/ |
| COURT RESOURCES | Self Help Center: <u>Call:</u> 888-683-0009 <u>Text:</u> 801-742-1898 <u>Website:</u> https://www.utcourts.gov/selfhelp/contact/ <u>Email:</u> selfhelp@utcourts.gov |
| INFORMATIONAL RESOURCES | National Guardianship Association <u>Website:</u> https://www.guardianship.org/find-a-guardian/ |
| ** In case of an emergency, call local law enforcement or 911. | |

Appendix C – Changes in the Guardianship

For more information on the options below, visit the court’s webpage titled, “**Changing or Ending a Guardianship or Conservatorship.**”²⁸

| IF... | Provide the following to the Court |
|--|---|
| If the Minor is deceased | <ul style="list-style-type: none"> Any proof of death (i.e., death certificate, obituary) Motion to terminate a guardianship or conservatorship of a minor A final accounting, along with the Certificate of Service, Right to Object, and Order on Review forms |
| If the Guardian or Conservator is deceased | <ul style="list-style-type: none"> Provide proof of death of the guardian or conservator Contact information for the minor or for the person temporarily responsible for the minor’s |
| If the Minor has turned 18 years old | <ul style="list-style-type: none"> Motion to terminate a guardianship or conservatorship of a minor A final accounting, along with the Certificate of Service, Right to Object, and Order on Review forms |
| If the Minor has been adopted | <ul style="list-style-type: none"> Proof of adoption Motion to terminate a guardianship or conservatorship of a minor A final accounting, along with the Certificate of Service, Right to Object, and Order on Review forms |
| If the Guardian or Conservator no longer has contact with the Minor | <ul style="list-style-type: none"> Motion to terminate a guardianship or conservatorship of a minor A final accounting, along with the Certificate of Service, Right to Object, and Order on Review forms |

²⁸ <https://www.utcourts.gov/en/self-help/case-categories/gc/change-or-end.html#accordion-e8ad48a79b-item-667c58f564>

Appendix D – Utah Code 75-5-209

Powers and duties of guardian of minor -- Residual parental rights and duties -- Adoption of a ward.

- (1) For purposes of this section, "residual parental rights and duties" is as defined in Section [80-1-102](#).
- (2) Except as provided in Subsection [\(4\)\(a\)](#), a guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of the parent's unemancipated minor, including the powers and responsibilities described in Subsection [\(3\)](#).
- (3) A guardian of a minor:
 - (a) must take reasonable care of the personal effects of the guardian's ward;
 - (b) must commence protective proceedings if necessary to protect other property of the guardian's ward;
 - (c) subject to Subsection [\(4\)\(b\)](#), may receive money payable for the support of the ward to the ward's parent, guardian, or custodian under the terms of a:
 - (i) statutory benefit or insurance system;
 - (ii) private contract;
 - (iii) devise;
 - (iv) trust;
 - (v) conservatorship; or
 - (vi) custodianship;
 - (d) subject to Subsection [\(4\)\(b\)](#), may receive money or property of the ward paid or delivered by virtue of Section [75-5-102](#);
 - (e) except as provided in Subsection [\(4\)\(c\)](#), must exercise due care to conserve any excess money or property described in Subsection [\(3\)\(d\)](#) for the ward's future needs;
 - (f) unless otherwise provided by statute, may institute proceedings to compel the performance by any person of a duty to:
 - (i) support the ward; or
 - (ii) pay sums for the welfare of the ward;
 - (g) is empowered to:
 - (i) facilitate the ward's education, social, or other activities; and
 - (ii) subject to Subsection [\(4\)\(d\)](#), authorize medical or other professional care, treatment, or advice;
 - (h) may consent to the:
 - (i) marriage of the guardian's ward, if specifically authorized by a court to give this consent; or

- (ii) adoption of the guardian's ward if the:
 - (A) guardian of the ward is specifically authorized by a court to give this consent; and
 - (B) parental rights of the ward's parents have been terminated; and
 - (i) must report the condition of the minor and of the minor's estate that has been subject to the guardian's possession or control:
 - (i) as ordered by court on petition of any person interested in the minor's welfare; or
 - (ii) as required by court rule.
 - (4) (a) Notwithstanding Subsection [\(2\)](#), a guardian of a minor is not:
 - (i) legally obligated to provide from the guardian's own funds for the ward; and
 - (ii) liable to third persons by reason of the guardian's relationship for acts of the ward.
 - (b) Sums received under Subsection [\(3\)\(c\)](#) or [\(d\)](#):
 - (i) may not be used for compensation for the services of a guardian, except as:
 - (A) approved by court order; or
 - (B) determined by a duly appointed conservator other than the guardian; and
 - (ii) shall be applied to the ward's current needs for support, care, and education.
 - (c) Notwithstanding Subsection [\(3\)\(e\)](#), if a conservator is appointed for the estate of the ward, the excess shall be paid over at least annually to the conservator.
 - (d) A guardian of a minor is not, by reason of giving the authorization described in Subsection [\(3\)\(g\)\(ii\)](#), liable for injury to the minor resulting from the negligence or acts of third persons, unless it would have been illegal for a parent to have given the authorization.
- (5) A parent of a minor for whom a guardian is appointed retains residual parental rights and duties.
- (6) If a parent of a minor for whom a guardian is appointed consents to the adoption of the minor, the guardian is entitled to:
- (a) receive notice of the adoption proceeding pursuant to Section [81-13-207](#);
 - (b) intervene in the adoption; and
 - (c) present evidence to the court relevant to the best interest of the minor as described in Subsection [81-13-207\(11\)](#).
- (7) If a minor for whom a guardian is appointed is adopted subsequent to the appointment, the guardianship shall terminate when the adoption is finalized.

Appendix E – CJA Rule 6-501

Reporting requirements for guardians and conservators

Intent:

To set forth the testing requirements for guardians and conservators and to establish standards and procedures for inventories, reports, and accountings that guardians and conservators are required to file under the Utah Uniform Probate Code.

Applicability:

This rule applies to individuals seeking appointment as guardians and conservators and individuals who are appointed by the court as guardians and conservators.

Statement of the Rule:

(1) Definitions.

(1)(A) “Accounting” means the annual accounting required by Utah Code section 75-5-312 and section 75-5-417 and the final accounting required by Utah Code section 75-5-419.

(1)(B) “Interested person” means the respondent, if he or she is not a minor, the respondent’s guardian and conservator, the respondent’s spouse, adult children, parents and siblings, and any other person interested in the welfare, estate, or affairs of the respondent who requests notice under Utah Code section 75-5-406. If no person is an interested person as previously defined, then interested person includes at least one of the respondent’s closest adult relatives, if any can be found. For purposes of minor guardianship, interested persons include the persons listed in Utah Code section 75-5-207.

(1)(C) “Inventory” means the inventory required by Utah Code section 75-5-418.

(1)(D) “Serve” means any manner of service permitted by the Utah Rules of Civil Procedure.

(1)(E) “Protected person” means a minor or an incapacitated person for whom the court appoints a guardian or an individual for whom the court appoints a conservator.

(1)(F) “Report” means the inventory, accounting, or annual report on the status of the protected person under Utah Code sections 75-5-209 and 75-5-312, and the final accounting under sections 75-5-210 and 75-5-419

(1)(G) “Respondent” means a person who is alleged to be incapacitated and for whom the appointment of a guardian or conservator is sought.

(2) Exceptions.

(2)(A) Paragraph (3) does not apply to the following:

(2)(A)(i) a guardian certified under Utah Code section 75-5-311;

(2)(A)(ii) the Office of Public Guardian; or

(2)(A)(iii) a conservator issued a permit under Utah Code section 7-5-2.

(2)(B) Paragraphs (6), (7), (8), (9), and (10) do not apply if the guardian or conservator is a parent of the protected person.

(2)(C) Paragraphs (6)(C) and (8)(C) do not apply to the guardian of a minor if the minor's estate consists of funds that are deposited in a restricted account, which requires judicial approval for withdrawal, or if there is no estate.

(2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the minor reaches the age of majority, or 2) no structured settlement payments are to be made until the minor reaches the age of majority.

(3) Examination and private information record.

(3)(A) Before the court enters an order appointing a guardian or conservator, the proposed guardian or conservator must file:

(3)(A)(i) a verified statement showing satisfactory completion of a court-approved examination on the responsibilities of a guardian or conservator; and

(3)(A)(ii) a completed and verified Private Information Record form provided by the Administrative Office.

(3)(B) The guardian or conservator must continue to keep the court apprised of any changes to the guardian or conservator's contact information.

(4) Recordkeeping.

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

(5) Filing and service of required reports and proposed Order on Review

(5)(A) The guardian or conservator will file with the court the reports required by paragraphs 6, 7, 8, 9, and/or 10 using the appropriate Council-approved form or a form that substantially conforms to the format and content of the Council form.

(5)(A)(i) A corporate fiduciary will attach its internal report or accounting, if any, as an exhibit to the Council form.

(5)(A)(ii) If the protected person's estate is limited to a federal or state program requiring an annual accounting, the guardian may file a copy of that accounting instead of the Council form.

(5)(B) The annual status report and annual accounting must contain sufficient information to put interested persons on notice of all significant events and transactions during the reporting period.

(5)(C) Along with the required report, the guardian or conservator will also file the Council-approved Order on Review of Guardian or Conservator Report ("Order on Review") as a proposed document.

(5)(D) The guardian or conservator must serve a copy of the required report on all interested persons in accordance with the Utah Rules of Civil Procedure. The required report must include the following language at the top right corner of the first page, in bold type: You have the right to object to this report within 28 days of service. If you do not object within that time, your objection may be waived.

(6) Inventory.

(6)(A) Within 90 days after the appointment, the conservator must file with the appointing court the inventory required by Utah Code section 75-5-418 in accordance with paragraph 5. The inventory must be in substantially the same form as the inventory form approved by the Council, including the required attachments. The court may extend the time for filing the inventory for good cause.

(6)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the inventory is in order, the judge must approve it by signing the Order on Review.

(6)(C) If there is no conservator, the guardian must file the inventory required of a conservator under Utah Code section 75-5-312.

(7) Annual status reports.

(7)(A) The guardian must file with the appointing court a report on the status of the protected person no later than 60 days after the anniversary of the appointment in accordance with paragraph 5.

(7)(A)(i) The status report must be in substantially the same form as the status report form approved by the Council, including the required attachments.

(7)(A)(ii) The guardian must file the report with the court that appointed the guardian unless that court orders a change in venue under Utah Code section 75-5-313.

(7)(A)(iii) The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the guardian. The guardian may not file the report before the close of the reporting period. For good cause the court may extend the time for filing the report, but a late filing does not change the reporting period.

(7)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the report is in order, the judge must approve it by signing the Order on Review

(8) Annual accounting.

(8)(A) The conservator must file with the appointing court an accounting of the estate of the protected person no later than 60 days after the anniversary of the appointment in accordance with paragraph 5.

(8)(A)(i) The accounting must be in substantially the same form as the accounting form approved by the Council, including the required attachments.

(8)(A)(ii) The conservator must file the accounting with the court that appointed the conservator unless that court orders a change in venue under Utah Code section 75-5-403.

(8)(A)(iii) The reporting period is yearly from the appointment date unless the court changes the reporting period on motion of the conservator. The conservator may not file the accounting before the close of the reporting period. For good cause the court may extend the time for filing the accounting, but a late filing does not change the reporting period.

(8)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds that the accounting is in order, the judge must approve it by signing the Order on Review.

(8)(C) If there is no conservator, the guardian must file the accounting required of a conservator under Utah Code section 75-5-312.

(9) Final accounting.

(9)(A) The conservator must file with the court a final accounting of the estate of the protected person with the motion to terminate the appointment in accordance with paragraph 5.

(9)(B) The court may conduct a hearing even though no objection is filed. If the court finds that the accounting is in order, the court must approve it by signing the Order on Review.

(10) Objections.

(10)(A) If an interested person objects to a report, the person must file a written objection with the court and serve a copy on all interested persons within 28 days from the date of service of the report. A request to submit must be included with the objection. 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 and request to submit in the court record.

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

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

(10)(D) If an objection is filed, the court must conduct a hearing unless the court determines that a hearing is not necessary. If the court determines that a hearing is not necessary, the court must issue a minute entry or order stating why a hearing is not necessary.

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

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

(11) Waiver. If an interested person does not object to a report within 28 days of service, the interested person waives any objection unless:

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

(11)(B) the time for objection is extended by the court under the Utah Rules of Civil Procedure. If the request for an extension is made before the time has run, the court may extend the time for good cause. If the request is made after the time has run, the court may extend for excusable neglect.

(12) Report approval.

(12)(A) Approval. The court must examine and approve the report as required by Utah Code sections 75-5-312 and 75-5-417. Approving a report means the judge has reviewed it, to the court's knowledge notice has been given to every person

entitled to notice, no objection has been received, the report meets the requirements set forth by the report form, and the court has not requested additional information or scheduled a hearing. Such approval does not foreclose a valid claim permitted under paragraphs (11)(A) or (11)(B), nor does it start an appeal time.

(12)(B) Notice to interested persons. When a court approves a report, the court must sign and enter the Order on Review. When a court does not approve a report, the court must indicate on the Order on Review, or in another minute entry or order, the reasons for non-approval, any additional actions required, and serve it on all interested persons entitled to notice.

(13) Report on a minor.

Under Utah Code section 75-5-209, a person interested in the welfare of a minor may petition the court for a report from the guardian on the minor's welfare or the minor's estate. If the court orders a status report from the guardian, the status report must be in substantially the same form as the status report form for guardianships of adults approved by the Council, including the required attachments.

Glossary of Terms

| | |
|---------------------------------------|---|
| Acceptance of appointment | A written document signed by the guardian/conservator confirming acceptance of the order to serve as guardian/conservator of the minor. This document must be filed with the court. |
| Affidavit | A written and sworn statement witnessed by a notary public or other official with the authority to administer oaths. Affidavits may be admitted into evidence. |
| Agent | An adult appointed by another adult (“the principal”) in a power of attorney, executed according to law. The agent’s legal authority is limited to the authority granted by the principal. |
| Annual accounting | The yearly financial report of the minor’s estate that the guardian—or conservator if one has been appointed—must file with the court. |
| Annual report | Report required to be completed and filed with the court every year, within 60 days from the anniversary of the date the guardian or conservator was appointed. Annual reports include the Status Report and the Financial Accounting report. |
| Appointment | The designation of a person by the court to be a guardian or conservator and to discharge the duties of that office. |
| Bond | Insurance that the court may require that covers the minor’s estate. Paid for by the minor’s estate. |
| Certified copy | A certified copy of a court order is dated, signed, and stamped by the Clerk of Court certifying that the copy is a true copy of the original court order. A certified copy is a photocopy of the original, but it will have an original stamped or embossed seal of the court and clerk’s signature. |
| Chambers | A judge’s private office in the courthouse. |
| Closed hearing | A hearing that can be attended only by those with a direct interest in the proceeding. The public cannot attend. Any party in a guardianship / conservatorship proceeding may request closed hearings. Most hearings are open or public hearings and anyone may attend. |
| Code of Judicial Administration (CJA) | The rules established by the Utah Judicial Council governing administrative practices and procedures of the state judiciary. |
| Conservator | A person or institution appointed by the court to manage the property and financial affairs (“estate”) of a minor. A guardian is a person or institution appointed by a court to make decisions about the care of another person |

| | |
|-----------------------------|--|
| | who is in need of continuing care and protection, such as a minor child or an incapacitated adult. Sometimes the same person is appointed to both roles. If no conservator is appointed, the guardian has some of the responsibility of a conservator. |
| Conservatorship | The court proceeding to appoint a conservator and any subsequent proceedings. A conservatorship exists when the court has appointed a conservator for a person in need of protection. |
| Court visitor | 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. The judge may appoint a visitor to inquire about and observe a minor's circumstances to provide a more complete and nuanced picture of that person's life. |
| Emergency guardianship | An extraordinary court proceeding that may result in the appointment of an emergency guardian to provide for the immediate care and custody of a person for a specified period not longer than 30 days. If an emergency guardian is appointed, the court must hold a hearing within 14 days and begin the process to determine the respondent's incapacity. |
| Estate | All of the minor's assets and liabilities, including all real property (land) and personal property (things). |
| Evidence | Testimony, records, documents, material objects, or other things presented at a hearing to prove the existence or nonexistence of a fact. |
| Fiduciary | A person who has assumed a special relationship to another person or another person's property, such as a trustee, administrator, executor, lawyer, or guardian/conservator. The fiduciary must exercise the highest degree of care to maintain and preserve the person's rights and/or property which are within his/her charge. |
| Financial accounting report | The yearly financial report of the minor's estate that the guardian—or conservator if one has been appointed—must file with the court. |
| Final accounting report | The last financial accounting that must be filed with the court by the guardian or conservator upon the death of the minor, resignation of the guardian or conservator, or termination of the guardianship/conservatorship. |
| Guardian | A person or institution appointed by a court to make decisions about the care of another person who is in need of continuing care and protection, such as a minor child or an incapacitated adult. A conservator is person or institution appointed by the court to manage the property and financial affairs ("estate") of a minor. Sometimes the same person is appointed to both roles. If no conservator is appointed, the guardian has some of the responsibility of a conservator. |

| | |
|--|---|
| Guardian ad litem | A lawyer appointed by a court to look after the interests of a minor child during court proceedings, or to look after the interests of an adult in conservatorship proceedings. |
| Guardianship | The court proceedings to appoint a guardian and any subsequent proceedings. A guardianship exists when the court has appointed a guardian for an incapacitated person. |
| Hearing | A formal proceeding (generally less formal than a trial) with issues of law or of fact to be heard and decided. |
| Interested person | As defined in the Utah Uniform Probate Code, an "interested person" includes heirs, devisees, children, spouses, creditors, beneficiaries, and any others having a property right in or claim against a trust or the estate of a decedent, or minor. It also includes persons having priority for appointment as personal representative, other fiduciaries representing interested persons, a settlor of a trust, if living, or the settlor's legal representative, if any, if the settlor is living but incapacitated. The court can determine who is an interested person in a particular case, so the meaning may vary from one case to the next. |
| Inventory | A detailed list of property and other assets with their estimated or actual values. A guardian or conservator must file an inventory with the court within 90 days after appointment. |
| Jurisdiction | The legal authority of a court to hear and determine a case. Jurisdiction also means the power of the court over the persons involved in a case and over the subject matter of the case. |
| Letters of guardianship or conservatorship | The document issued by the court authorizing the appointment of the guardian/conservator and the extent of the powers of the guardian/conservator to act on behalf of the minor. |
| Minor | A child under the age of 18 who, by law, does not have the capacity to manage his or her affairs. |
| Notice | Written notification that a petition for appointment of a guardian has been filed and the date, time and location of the hearing. The notice will also include a description of the respondent's rights and possible effects if the petition is granted. |
| Objection | To oppose some statement, claim, or procedure in a trial or other proceeding. For example, in guardianship proceedings, an interested person may object to (oppose) the appointment of a particular guardian or the claim that the respondent is incapacitated or the request that guardian should have certain authority. |

| | |
|--|--|
| Parens patriae | A Latin phrase meaning literally “parent of the country” and used to refer traditionally to the role of the sovereign as guardian of persons under legal disability, such as minor children or incapacitated adults. |
| Petition | A document filed to initiate a case, setting forth the alleged grounds for the court to take jurisdiction and asking the court to grant the petitioner’s request. |
| Petitioner | The person who files the petition, asking the court to do something. In guardianship proceedings, the petitioner is often, although not always, the person asking to be appointed as guardian. |
| (Durable) Power of attorney | A written document in which one person, as principal, appoints another as agent, and gives that agent authority to do certain specified acts or kinds of acts, on behalf of the principal. Completing a power of attorney document does not require a court proceeding. The principal should sign the document before a notary public. |
| Private, public, and protected records | Most records filed in the district courts and justice courts are "public" records, meaning that anyone who asks can view the record and make a copy of it. Many public records are available on the court's website. Some records are "private," meaning that only the parties, their lawyers, and a few others can view and copy the record. Less common are "protected" records, meaning also that only the parties, their lawyers and a few others can view and copy the record. Records in guardianship and conservatorship proceedings are private, except that the court’s orders and letters of appointment are public. |
| Protected person | The person in a guardianship proceeding who has been determined by the court to be a minor, or an adult deemed to be legally incapacitated and in need of a guardian. Also, the person in a conservatorship proceeding who has been determined by the court to be in need of a conservator. |
| Representative payee | <p>If an agency, such as the Veteran’s Administration or the Social Security Administration, pays benefits to the protected person who has been found by the court to be incapacitated, the agency must appoint a representative payee to receive the payments. This appointment is separate from the court-appointed guardian and conservator.</p> <p>Any person wishing to serve as the representative payee must apply to the agency that provides the benefits. In most cases, the agency will appoint the court-appointed guardian or conservator as representative payee. However, the agency providing the benefits has the authority to appoint any person it chooses to be the protected person’s representative payee. Once appointed by the agency, the representative payee has the authority to receive and handle the benefits for the protected person.</p> |
| Respondent | The person who responds to a petition. In a guardianship/conservatorship proceeding, the minor or the person alleged to be incapacitated and in need of protection. |

| | |
|-------------------------------|---|
| Serving papers | Serving papers—also called service of process—means delivering a copy of the papers filed with the court to the other parties and interested persons. Court rules require that all parties and interested persons be served with a copy of all papers filed and be given time to respond. |
| Standard of proof | There are three standards of proof in most court proceedings: (1) Beyond a reasonable doubt (the highest standard) means that the evidence must be firmly convincing about the truth of the fact to be proved. This standard applies in all criminal and juvenile delinquency cases. (2) Preponderance of the evidence (the lowest standard) means that the evidence must show that the fact to be proved is more likely true than not true. This standard applies in most civil cases. (3) Clear and convincing evidence (a middle standard) means that the evidence must leave no serious doubt about the truth of the fact to be proved. This standard applies in some civil cases, including deciding whether a person is incapacitated. |
| Status report | The guardian's yearly report to the court on the well-being of the protected person. The annual report shows the protected person's status and care and alerts the court to any changes. |
| Statute | A law passed by the Utah state legislature. |
| Temporary guardian | Until the full hearing and order of the court, a temporary guardian is charged with the care and custody of the minor and must not permit the minor to be removed from the state. The authority of any permanent guardian previously appointed by the court is suspended so long as a temporary guardian has authority. A temporary guardian may be removed at any time, and must obey the court's orders. |
| Trust | A transaction in which the owner (called the trustor or settlor) of real property (land) or personal property (things) gives ownership to a trustee, to hold and to manage for the benefit of a third party (called the "beneficiary"). |
| Trustee | A fiduciary in whom an estate, interest, or power is vested, under an express or implied agreement, to hold and to manage for the benefit of another. |
| Utah Code | The collection of all statutes enacted by the Utah legislature. |
| Utah Rules of Civil Procedure | The rules governing court procedures in all actions of a civil nature. |
| Venue | The county, city or geographical area in which a court with jurisdiction may hear and determine a case. A change of venue, that is, a change to a court in a different area, may be requested under some circumstances. |



The mission of the Utah State Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.
www.utcourts.gov

DRAFT