

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

2 **Intent:**

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

4 **Applicability:**

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

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

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

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

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

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

17 **Statement of the Rule:**

18 (1) Examination and private information record.

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

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

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

32 **(3) Definitions.**

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

35 (3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity
36 to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children,
37 parents and siblings and anyone requesting notice under Utah Code Section 75-5-406. If no person is an

38 interested person, then interested person includes at least one of the ward's closest adult relatives, if any
39 can be found.

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

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

42 (3)(E) "Report" means the annual report on the status of the ward required by Utah Code Section 75-
43 5-209 and Section 75-5-312.

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

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

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

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

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

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

56 (6) Status reports.

57 (6)(A) The guardian shall file with the appointing court a report on the status of the ward no later than
58 60 days after the anniversary of the appointment. The guardian shall file the report with the court that
59 appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313.
60 The reporting period is yearly from the appointment date unless the court changes the reporting period on
61 motion of the guardian. The guardian may not file the report before the close of the reporting period. For
62 good cause the court may extend the time for filing the report, but a late filing does not change the
63 reporting period.

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

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

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

73 (7) Inventory reports.

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

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

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

84 **(8) Accounting reports.**

85 (8)(A) The conservator shall file with the appointing court an accounting of the estate of the ward no
86 later than 60 days after the anniversary of the appointment. The conservator shall file the accounting with
87 the court that appointed the conservator unless that court orders a change in venue under Utah Code
88 Section 75-5-403. The reporting period is yearly from the appointment date unless the court changes the
89 reporting period on motion of the conservator. The conservator may not file the accounting before the
90 close of the reporting period. For good cause the court may extend the time for filing the accounting, but a
91 late filing does not change the reporting period.

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

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

99 **(9) Final accounting.**

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

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

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