

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

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3 **Intent:**

4 To establish standards and procedures for annual reports and accountings that guardians and
5 conservators are required to file under ~~the requirements sufficient to satisfy~~ the Utah Uniform
6 Probate Code.

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8 **Applicability:**

9 This rule applies to individuals seeking appointment as guardians and conservators and
10 individuals who are appointed by the court as guardians and conservators. ~~with the following~~
11 ~~exceptions:~~

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

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

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

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

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

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28 **Statement of the Rule:**

29 (1) Definitions.

30 (1)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312
31 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.

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33 (1)(B) "Interested person" means the respondent, if he or she is not a minor, the
34 respondent's guardian and conservator, the respondent's spouse, adult children, parents
35 and siblings, and any other person interested in the welfare, estate, or affairs of the
36 respondent who requests notice under Utah Code Section 75-5-406. If no person is an
37 interested person, then interested person includes at least one of the respondent's closest
38 adult relatives, if any can be found. For purposes of minor guardianship, interested persons
39 include the persons listed in Utah Code Section 75-5-207.

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

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43 | (1)(D) “Serve” means any manner of service permitted by Utah Rule of Civil Procedure 5.

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

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

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

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55 | **(2) Exceptions.**

56 | (2)(A) Paragraph (4) does not apply to the following:

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58 | (2)(A)(i) a guardian licensed under Utah Code Section 75-5-311(1)(a);

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

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62 | (2)(A)(iii) a conservator licensed under Utah Code Section 7-5-2.

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

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67 | (2)(C) Paragraph (7)(C) does not apply to the guardian of a minor if the minor’s estate
68 | consists of funds that are deposited in a restricted account, which requires judicial approval
69 | for withdrawal, or if there is no estate.

70 |
71 | (2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of
72 | receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the
73 | minor reaches the age of majority, or 2) no structured settlement payments are to be made
74 | until the minor reaches the age of majority.

75 |
76 | **(3) Examination and private information record.**

77 | (3)(A) Before the court enters an order appointing a guardian or conservator, the proposed
78 | guardian or conservator ~~shall~~must file a verified statement showing satisfactory completion
79 | of a court-approved examination on the responsibilities of a guardian or conservator.

80 |
81 | (3)(B) ~~After~~Before the court enters ~~an~~the order of appointment, the proposed guardian or
82 | conservator ~~shall~~must file ~~within 7 days~~ a completed and verified Private Information Record
83 | form provided by the Administrative Office of the Courts.

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85 | (3)(C) The guardian or conservator ~~shall~~must continue to keep the court apprised of any

86 changes to the guardian or conservator's contact information.

87

88 ~~(42)~~ **Recordkeeping.** The guardian ~~shall~~must keep contemporaneous records of significant
89 events in the life of the ~~ward~~protected person and produce them if requested by the court. The
90 conservator ~~shall~~must keep contemporaneous receipts, vouchers or other evidence of income
91 and expenses and produce them if requested by the court. The guardian and conservator
92 ~~shall~~must maintain the records until the appointment is terminated and then deliver them to the
93 ~~ward~~protected person, if there is no successor, to the successor guardian or conservator, or to
94 the personal representative of the ~~protected person~~ward's estate.

95

96 ~~(3)~~ **Definitions.**

97 ~~(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312 and~~
98 ~~Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.~~

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

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

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

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

108 ~~(F) "Ward" means a minor or an incapacitated person for whom the court appoints a~~
109 ~~guardian or a protected person for whom the court appoints a conservator.~~

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111 ~~(54)~~ **Report forms.** Subject to the requirements of Paragraph ~~(65)~~:

112 ~~(54)~~(A) forms substantially conforming to the Judicial Council-approved forms ~~produced by~~
113 ~~the Utah court website~~ are acceptable for content and format ~~for the report and accounting~~
114 ~~filed under the Utah Uniform Probate Code;~~

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116 ~~(54)~~(B) a corporate fiduciary may file its internal report or accounting; and

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118 ~~(54)~~(C) if the ~~ward~~protected person's estate is limited to a federal or state program requiring
119 an annual accounting, the fiduciary may file a copy of that accounting.

120

121 ~~(65)~~ **Information required in reports, cover sheet, and service.**~~Report information.~~

122 ~~(6)~~(A) The annual report, ~~inventory,~~ and annual accounting ~~shall~~must contain sufficient
123 information to put interested persons on notice of all significant events and transactions
124 during the reporting period. Compliance with Paragraph (5) is presumed sufficient, but the
125 court may direct that a report or accounting be prepared with content and format as it deems
126 necessary.

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128 ~~(6)~~(B) The annual report and annual accounting must include the Judicial Council-approved

129 | Order on Review of Guardian or Conservator Report (“Order on Review”), which must be
 130 | filed as a proposed document.

131 |
 132 | (6)(C) The guardian, conservator, or both must serve a copy of the report, inventory, and
 133 | accounting under Rule 5 of the Utah Rules of Civil Procedure on all interested persons. The
 134 | annual report and annual accounting must include the following language at the top right
 135 | corner of the first page, in bold type: **You have the right to object to this report or**
 136 | **accounting within 28 days of service. If you do not object within that time, your**
 137 | **objection may be waived.**

138 |
 139 | **(7) Annual sStatus reports.**

140 | (67)(A) The guardian ~~shall~~must file with the appointing court a report on the status of the
 141 | ~~ward~~protected person no later than 60 days after the anniversary of the appointment. The
 142 | status report must be in substantially the same form as the status report form approved by
 143 | the Utah Judicial Council, including the required attachments. The guardian ~~shall~~must file
 144 | the report with the court that appointed the guardian unless that court orders a change in
 145 | venue under Utah Code Section 75-5-313. The reporting period is yearly from the
 146 | appointment date unless the court changes the reporting period on motion of the guardian.
 147 | The guardian may not file the report before the close of the reporting period. For good cause
 148 | the court may extend the time for filing the report, but a late filing does not change the
 149 | reporting period.

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

153 |
 154 | ~~(7)(CB) If an interested person objects, the person shall specify in writing the entries to~~
 155 | ~~which the person objects and state the reasons for the objection. The person shall file the~~
 156 | ~~objection with the court and serve a copy on all interested persons. If an objection is filed,~~
 157 | ~~the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no
 158 | objection is filed. If the judge finds that the report is in order, the judge ~~shall~~must approve it.

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 160 | (67)(DC) If there is no conservator, the guardian ~~shall~~must file the inventory and accounting
 161 | required of a conservator under Utah Code Section 75-5-312.

162 |
 163 | **(87) Inventory reports.**

164 | (87)(A) Within 90 days after the appointment, the conservator ~~shall~~must file with the
 165 | appointing court the inventory required by Utah Code Section 75-5-418. The inventory must
 166 | be in substantially the same form as the inventory form approved by the Utah Judicial
 167 | Council, including the required attachments. ~~For good cause t~~The court may extend the time
 168 | for filing the inventory for good cause.

169 |
 170 | ~~(7)(B) The conservator shall serve a copy of the inventory on all interested persons with~~
 171 | ~~notice that the person may object within 30 days after the notice was served.~~

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173 ~~(87)(CB) If an interested person objects, the person shall specify in writing the entries to~~
174 ~~which the person objects and state the reasons for the objection. The person shall file the~~
175 ~~objection with the court and serve a copy on all interested persons. If an objection is filed,~~
176 ~~the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no
177 objection is filed. If the judge finds that the inventory is in order, the judge shall~~must~~ approve
178 it.

179
180 **(98) Annual accounting reports.**

181 (98)(A) The conservator shall~~must~~ file with the appointing court an accounting of the estate
182 of the ward~~protected person~~ no later than 60 days after the anniversary of the appointment.
183 The accounting must be in substantially the same form as the accounting form approved by
184 the Utah Judicial Council, including the required attachments. The conservator shall~~must~~ file
185 the accounting with the court that appointed the conservator unless that court orders a
186 change in venue under Utah Code Section 75-5-403. The reporting period is yearly from the
187 appointment date unless the court changes the reporting period on motion of the
188 conservator. The conservator may not file the accounting before the close of the reporting
189 period. For good cause the court may extend the time for filing the accounting, but a late
190 filing does not change the reporting period.

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

194
195 ~~(98)(CB) If an interested person objects, the person shall specify in writing the entries to~~
196 ~~which the person objects and state the reasons for the objection. The person shall file the~~
197 ~~objection with the court and serve a copy on all interested persons. If an objection is filed,~~
198 ~~the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no
199 objection is filed. If the judge finds that the accounting is in order, the judge shall~~must~~
200 approve it.

201
202 **(109) Final accounting.**

203 (109)(A) The conservator shall~~must~~ file with the court a final accounting of the estate of the
204 ward~~protected person~~ with the motion to terminate the appointment.

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

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209 ~~(109)(CB) If an interested person objects, the person shall specify in writing the entries to~~
210 ~~which the person objects and state the reasons for the objection. The person shall file the~~
211 ~~objection with the court and serve a copy on all interested persons. If an objection is filed,~~
212 ~~the judge shall conduct a hearing.~~ The judge court may conduct a hearing even though no
213 objection is filed. If the judge court finds that the accounting is in order, the judge court
214 shall~~must~~ approve it.

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(11) Objections.

(11)(A) If an interested person objects to a report or accounting, 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 or accounting. 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.

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

(11)(C) An objection to a report or accounting 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.

(11)(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.

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

(11)(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 or accounting.

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

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

(12)(B) the time for objection is extended by the court under Rule 6 of 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.

(13) Report approval.

(13)(A) Approval. The court must examine and approve reports 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

258 | appeal time.

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260 | (13)(B) Notice to interested persons. When a court approves a report, the court must note
261 | that approval on the Judicial Council-approved Order on Review and place the Order on
262 | Review in the case file. When a court does not approve a report, the court must indicate on
263 | the Order on Review, or in an order, the reasons for non-approval, any additional actions
264 | required, and serve the Order on Review or order on all interested persons entitled to notice.

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266 | (14) Report on a minor. Under Utah Code Section 75-5-209, a person interested in the welfare
267 | of a minor may petition the court for a report from the guardian on the minor's welfare or the
268 | minor's estate. If the court orders a report from the guardian, the status report must be in
269 | substantially the same form as the status report form for guardianships of adults approved by
270 | the Utah Judicial Council, including the required attachments.

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272 | *Effective May/November 1, 2022~~18~~*