

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

2
3 **Intent:**

4 To set forth the testing requirements for guardians and conservators and to establish standards
5 and procedures for annual inventories, reports, and accountings that guardians and conservators
6 are required to file under the Utah Uniform Probate Code.
7

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.
11

12 **Statement of the Rule:**

13 **(1) Definitions.**

14 (1)(A) "Accounting" means the annual accounting required by Utah Code Section 75-5-312
15 and Section 75-5-417 and the final accounting required by Utah Code Section 75-5-419.
16

17 (1)(B) "Interested person" means the respondent, if he or she is not a minor, the respondent's
18 guardian and conservator, the respondent's spouse, adult children, parents and siblings, and
19 any other person interested in the welfare, estate, or affairs of the respondent who requests
20 notice under Utah Code Section 75-5-406. If no person is an interested person as previously
21 defined, then interested person includes at least one of the respondent's closest adult
22 relatives, if any can be found. For purposes of minor guardianship, interested persons include
23 the persons listed in Utah Code Section 75-5-207.
24

25 (1)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.
26

27 (1)(D) "Serve" means any manner of service permitted by Utah Rule of Civil Procedure 5.
28

29 (1)(E) "Protected person" means a minor or an incapacitated person for whom the court
30 appoints a guardian or an individual protected person for whom the court appoints a
31 conservator.
32

33 (1)(F) "Report" means the inventory, accounting, or annual report on the status of the
34 protected person under Utah Code Sections 75-5-209 and 75-5-312, and the final accounting
35 under Sections 75-5-210 and 75-5-419
36

37 (1)(G) "Respondent" means a person who is alleged to be incapacitated and for whom the
38 appointment of a guardian or conservator is sought.
39

40 **(2) Exceptions.**

41 (2)(A) Paragraph (34) does not apply to the following:
42

43 (2)(A)(i) a guardian ~~certified licensed~~ under Utah Code Section 75-5-311(1)(a);

44
45 (2)(A)(ii) the Office of Public Guardian; or

46
47 (2)(A)(iii) a conservator ~~issued a permit licensed~~ under Utah Code Section 7-5-2.

48
49 (2)(B) Paragraphs (6), (7), (8), (9), and (10) do not apply if the guardian or conservator is a
50 parent of the protected person.

51
52 (2)(C) Paragraph (7)(C) does not apply to the guardian of a minor if the minor's estate consists
53 of funds that are deposited in a restricted account, which requires judicial approval for
54 withdrawal, or if there is no estate.

55
56 (2)(D) Paragraph (9) does not apply to a conservator who is appointed for the purpose of
57 receiving a personal injury settlement for a minor if 1) no funds are to be distributed until the
58 minor reaches the age of majority, or 2) no structured settlement payments are to be made
59 until the minor reaches the age of majority.

60
61 **(3) Examination and private information record.**

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

64
65 ~~(3)(A)(i)~~ a verified statement showing satisfactory completion of a court-approved
66 examination on the responsibilities of a guardian or conservator; and

67
68 ~~(3)(A)(ii) (3)(B) Before the court enters an order of appointment, the proposed guardian or~~
69 ~~conservator must file~~ a completed and verified Private Information Record form provided
70 by the Administrative Office of the Courts.

71
72 ~~(3)(C)~~ The guardian or conservator must continue to keep the court apprised of any changes
73 to the guardian or conservator's contact information.

74
75 **(4) Recordkeeping.** The guardian must keep contemporaneous records of significant events in
76 the life of the protected person and produce them if requested by the court. The conservator must
77 keep contemporaneous receipts, vouchers or other evidence of income and expenses and
78 produce them if requested by the court. The guardian and conservator must maintain the records
79 until the appointment is terminated and then deliver them to the successor guardian or
80 conservator, to the protected person, ~~if there is no successor~~ guardian or conservator, ~~to the~~
81 ~~successor guardian or conservator,~~ or to the personal representative of the protected person's
82 estate.

83
84 ~~(5) Report forms. Subject to the requirements of Paragraph (6):~~

85 ~~(5)(A) forms substantially conforming to the Judicial Council approved forms are acceptable~~

86 for content and format;

87
88 ~~(5)(B) a corporate fiduciary may file its internal report or accounting; and~~

89
90 ~~(5)(C) if the protected person's estate is limited to a federal or state program requiring an~~
91 ~~annual accounting, the fiduciary may file a copy of that accounting.~~

92
93 ~~(56) Information required in reports, Filing and service of required reports and proposed~~
94 ~~Order on Review cover sheet, and service.~~

95
96 ~~(5)(A) The guardian or conservator shall file with the court the reports required by Paragraphs~~
97 ~~6, 7, 8, 9, and/or 10 using the appropriate Judicial Council-approved form or a form that~~
98 ~~substantially conforms to the format and content of the Judicial Council form.~~

99
100 ~~(5)(A)(i) A corporate fiduciary shall attach its internal report or accounting, if any, as an~~
101 ~~exhibit to the Judicial Council form.~~

102
103 ~~(5)(A)(ii) If the protected person's estate is limited to a federal or state program requiring~~
104 ~~an annual accounting, the guardian may file a copy of that accounting instead of the~~
105 ~~Judicial Council form.~~

106
107 ~~(56)(A)(B) The annual status report and annual accounting must contain sufficient information~~
108 ~~to put interested persons on notice of all significant events and transactions during the~~
109 ~~reporting period. Compliance with Paragraph (54) is presumed sufficient, but the court may~~
110 ~~direct that a report or accounting be prepared with content and format as it deems necessary.~~

111
112 ~~(56)(B)(C) Along with the required report, the guardian or conservator shall also file the~~
113 ~~Judicial Council-approved Order on Review of Guardian or Conservator Report ("Order on~~
114 ~~Review") The annual report and annual accounting must include the Judicial Council-~~
115 ~~approved Order on Review of Guardian or Conservator Report ("Order on Review"), which~~
116 ~~must be filed as a proposed document.~~

117
118 ~~(56)(C)(D) The guardian, or conservator, or both must serve a copy of the required report,~~
119 ~~inventory, and accounting under Rule 5 of the Utah Rules of Civil Procedure on all interested~~
120 ~~persons in accordance with Rule 5 of the Utah Rules of Civil Procedure. The required annual~~
121 ~~report and annual accounting must include the following language at the top right corner of~~
122 ~~the first page, in bold type: You have the right to object to the this report or accounting~~
123 ~~within 28 days of service. If you do not object within that time, your objection may be~~
124 ~~waived.~~

125
126 ~~(68) Inventory.~~

127 ~~(68)(A) Within 90 days after the appointment, the conservator must file with the appointing~~
128 ~~court the inventory required by Utah Code Section 75-5-418 in accordance with Paragraph 5.~~

129 The inventory must be in substantially the same form as the inventory form approved by the
130 ~~Utah Judicial~~ Council, including the required attachments. The court may extend the time for
131 filing the inventory for good cause.

132
133 ~~(6)~~(B) The judge may conduct a hearing even though no objection is filed. If the judge finds
134 that the inventory is in order, the judge must approve it by signing the Order on Review.

135
136 ~~(6)(C) If there is no conservator, the guardian must file the inventory required of a conservator~~
137 ~~under Utah Code Section 75-5-312.~~

138
139 **(7) Annual status reports.**

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

143
144 (7)(A)(i) The status report must be in substantially the same form as the status report form
145 approved by the ~~Utah Judicial~~ Council, including the required attachments.

146
147 (7)(A)(ii) The guardian must file the report with the court that appointed the guardian unless
148 that court orders a change in venue under Utah Code Section 75-5-313.

149
150 (7)(A)(iii) The reporting period is yearly from the appointment date unless the court
151 changes the reporting period on motion of the guardian. The guardian may not file the
152 report before the close of the reporting period. For good cause the court may extend the
153 time for filing the report, but a late filing does not change the reporting period.

154
155 (7)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds
156 that the report is in order, the judge must approve it by signing the Order on Review—

157
158 ~~(7)(C) If there is no conservator, the guardian must file the inventory and accounting required~~
159 ~~of a conservator under Utah Code Section 75-5-312.~~

160
161 **~~(8)~~ Annual accounting.**

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

165
166 (8)(A)(i) The accounting must be in substantially the same form as the accounting form
167 approved by the ~~Utah Judicial~~ Council, including the required attachments.

168
169 (8)(A)(ii) The conservator must file the accounting with the court that appointed the
170 conservator unless that court orders a change in venue under Utah Code Section 75-5-
171 403.

172
173 (8)(A)(iii) The reporting period is yearly from the appointment date unless the court
174 changes the reporting period on motion of the conservator. The conservator may not file
175 the accounting before the close of the reporting period. For good cause the court may
176 extend the time for filing the accounting, but a late filing does not change the reporting
177 period.
178

179 (89)(B) The judge may conduct a hearing even though no objection is filed. If the judge finds
180 that the accounting is in order, the judge must approve it by signing the Order on Review.
181

182 (8)(C) If there is no conservator, the guardian must file the accounting required of a
183 conservator under Utah Code Section 75-5-312.
184

185 (940) **Final accounting.**

186 (940)(A) The conservator must file with the court a final accounting of the estate of the
187 protected person with the motion to terminate the appointment in accordance with Paragraph
188 5.
189

190 (940)(B) The court may conduct a hearing even though no objection is filed. If the court finds
191 that the accounting is in order, the court must approve it by signing the Order on Review.
192

193 (104) **Objections.**

194 (104)(A) If an interested person objects to a report ~~or accounting~~, the person must file a written
195 objection with the court and serve a copy on all interested persons within 28 days from the
196 date of service of the report ~~or accounting~~. A request to submit must be included with the
197 objection. The court may for good cause, including in order to accommodate a person with a
198 disability, waive the requirement of a writing and document the objection and request to submit
199 in the court record.
200

201 (104)(B) The objection must specify in writing the entries to which the person objects and state
202 the reasons for the objection.
203

204 (104)(C) An objection to a report ~~or accounting~~ may not contain a request to remove or
205 substitute the guardian or conservator. Any request for removal or substitution of the guardian
206 or conservator must be filed as a separate petition consistent with Utah Code Section 75-5-
207 307 or 75-5-415.
208

209 (104)(D) If an objection is filed, the court must conduct a hearing unless the court determines
210 that a hearing is not necessary. If the court determines that a hearing is not necessary, the
211 court must issue a minute entry or order stating why a hearing is not necessary.
212

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

215

216 (104)(F) If the court determines that the objection is unfounded or is filed in bad faith, the court
217 may deny the objection and approve the report ~~or accounting~~.

218

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

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

222

223 (112)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil
224 Procedure. If the request for an extension is made before the time has run, the court may
225 extend the time for good cause. If the request is made after the time has run, the court may
226 extend for excusable neglect.

227

228 (123) **Report approval.**

229 (123)(A) **Approval.** The court must examine and approve ~~reports the report~~ as required by
230 Utah Code sections 75-5-312 and 75-5-417. Approving a report means the judge has
231 reviewed it, to the court's knowledge notice has been given to every person entitled to notice,
232 no objection has been received, the report meets the requirements set forth by the report form,
233 and the court has not requested additional information or scheduled a hearing. Such approval
234 does not foreclose a valid claim permitted under paragraphs (11)(A) or (11)(B), nor does it
235 start an appeal time.

236

237 (123)(B) **Notice to interested persons.** When a court approves a report, the court ~~must note~~
238 ~~that approval on the Judicial Council approved~~ must sign and enter the Order on Review ~~and~~
239 ~~place the Order on Review in the case file~~. When a court does not approve a report, the court
240 must indicate on the Order on Review, or in another minute entry or order, the reasons for
241 non-approval, any additional actions required, and serve ~~the Order on Review or order~~ it on all
242 interested persons entitled to notice.

243

244 (134) **Report on a minor.** Under Utah Code Section 75-5-209, a person interested in the welfare
245 of a minor may petition the court for a report from the guardian on the minor's welfare or the
246 minor's estate. If the court orders a status report from the guardian, the status report must be in
247 substantially the same form as the status report form for guardianships of adults approved by the
248 Utah Judicial Council, including the required attachments.

249

250 *Effective November 1, 2023*²