

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

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

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

31       (3) Definitions.

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

34       (3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and mental capacity  
35 to understand the proceedings, the ward's guardian and conservator, the ward's spouse, adult children,  
36 parents and siblings and anyone requesting 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 ward's closest adult relatives, if any  
38 can be found.

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

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

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

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

45 (4) Subject to the requirements of Paragraph (5):

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

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

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

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

55 (6)(A) The guardian shall file with the appointing court a report on the status of the ward no later than  
56 60 days after the anniversary of the appointment. The guardian shall file the report with the court that  
57 appointed the guardian unless that court orders a change in venue under Utah Code Section 75-5-313.  
58 The reporting period is yearly from the appointment date unless the court changes the reporting period on  
59 motion of the guardian. The guardian may not file the report before the close of the reporting period. For  
60 good cause the court may extend the time for filing the report, but a late filing does not change the  
61 reporting period.

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

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

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

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

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

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

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

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

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

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

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

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

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