

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  
8 to the purpose of attending school.

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

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

15       Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is  
16 deposited in an account requiring judicial approval for withdrawal or if there is no estate.  
17 A person interested in the minor may request an accounting under Utah Code Section  
18 75-5-209.

19       Statement of the Rule:

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

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

29       (2) The guardian shall keep contemporaneous records of significant events in the life  
30 of the ward and produce them if requested by the court. The conservator shall keep  
31 contemporaneous receipts, vouchers or other evidence of income and expenses and

32 produce them if requested by the court. The guardian and conservator shall maintain  
33 the records until the appointment is terminated and then deliver them to the ward, if  
34 there is no successor, to the successor guardian or conservator, or to the personal  
35 representative of the ward's estate.

36 (3) Definitions.

37 (3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-  
38 5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-  
39 5-419.

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

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

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

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

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

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

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

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

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

59 (5) The report, inventory and accounting shall contain sufficient information to put  
60 interested persons on notice of all significant events and transactions during the  
61 reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court

62 may direct that a report or accounting be prepared with content and format as it deems  
63 necessary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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