

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.~~

16
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.~~

19
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.~~

23
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.~~

27
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.

47 |
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

61 |
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.

66 |
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.

84 |
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.~~

110
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;~~

115
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 (4) 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.

127
128 ~~(6)~~(B) The annual report and annual accounting must include the Judicial Council-approved

129 | report coversheet, which must be filed as a proposed document.

130 |
 131 | (6)(C) The guardian, conservator, or both must serve a copy of the report, inventory, and
 132 | accounting under Rule 5 of the Utah Rules of Civil Procedure on all interested persons. The
 133 | annual report and annual accounting must include the following language at the top right
 134 | corner of the first page, in bold type: **You have the right to object to theis report or**
 135 | **accounting within 28 days of service. If you do not object within that time, your**
 136 | **objection may be waived.**

137 |
 138 | **(76) Annual sStatus reports.**

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

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

152 |
 153 | ~~(76)(GB) If an interested person objects, the person shall specify in writing the entries to~~
 154 | ~~which the person objects and state the reasons for the objection. The person shall file the~~
 155 | ~~objection with the court and serve a copy on all interested persons. If an objection is filed,~~
 156 | ~~the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no
 157 | objection is filed. If the judge finds that the report is in order, the judge shallmust approve it.

158 |
 159 | (67)(DC) If there is no conservator, the guardian shallmust file the inventory and accounting
 160 | required of a conservator under Utah Code Section 75-5-312.

161 |
 162 | **(87) Inventory reports.**

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

168 |
 169 | ~~(7)(B) The conservator shall serve a copy of the inventory on all interested persons with~~
 170 | ~~notice that the person may object within 30 days after the notice was served.~~

171 |

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

178 |
179 | **(98) Annual accounting reports.**

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

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

193 |
194 | ~~(98)(CB) If an interested person objects, the person shall specify in writing the entries to~~
195 | ~~which the person objects and state the reasons for the objection. The person shall file the~~
196 | ~~objection with the court and serve a copy on all interested persons. If an objection is filed,~~
197 | ~~the judge shall conduct a hearing.~~ The judge may conduct a hearing even though no
198 | objection is filed. If the judge finds that the accounting is in order, the judge shall~~must~~
199 | approve it.

200 |
201 | **(109) Final accounting.**

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

204 |
205 | ~~(9)(B) The conservator shall serve a copy of the accounting on all interested persons with~~
206 | ~~notice that the person may object within 30 days after the notice was served.~~

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

214 |

215 (11) Objections.

216 (11)(A) If an interested person objects to a report or accounting, the person must file a
217 written objection with the court and serve a copy on all interested persons within 28 days
218 from the date of service of the report or accounting. A request to submit must be included
219 with the objection. The court may for good cause, including in order to accommodate a
220 person with a disability, waive the requirement of a writing and document the objection and
221 request to submit in the court record.

222
223 (11)(B) The objection must specify in writing the entries to which the person objects and
224 state the reasons for the objection.

225
226 (11)(C) An objection to a report or accounting may not contain a request to remove or
227 substitute the guardian or conservator. Any request for removal or substitution of the
228 guardian or conservator must be filed as a separate petition consistent with Utah Code
229 Section 75-5-307 or 75-5-415.

230
231 (11)(D) If an objection is filed, the court must conduct a hearing unless the court determines
232 that a hearing is not necessary. If the court determines that a hearing is not necessary, the
233 court must issue a minute entry or order stating why a hearing is not necessary.

234
235 (11)(E) At the hearing, the court may require the guardian or conservator to supplement or
236 amend the report or accounting if the court determines there is good cause for the objection.

237
238 (11)(F) If the court determines that the objection is unfounded or is filed in bad faith, the
239 court may deny the objection and approve the report or accounting.

240
241 (12) Waiver. If an interested person does not object to a report or accounting within 28 days of
242 service, the interested person waives any objection unless:

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

244
245 (12)(B) the time for objection is extended by the court under Rule 6 of the Utah Rules of Civil
246 Procedure. If the request for an extension is made before the time has run, the court may
247 extend the time for good cause. If the request is made after the time has run, the court may
248 extend for excusable neglect.

249
250 (13) Report approval.

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

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

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

Effective May/November 1, 2022~~18~~