

Checklist to petition for the appointment of a conservator for an adult

- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self Help Center. See <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
 - Attach a copy of any document referred to in the form.
 - Keep a copy of all documents for your records.
 - Attend all court hearings.
 - Some forms may not apply in your case.
 - Check with your court about local requirements.

(1) Coversheet

- Print your name, address, phone number and email address and those of the other parties and attorneys (if known).
- Because you are not requesting damages, check “Tier 2. No monetary damages are requested.”
- On page 2, check the box next to “Conservatorship.” If you are also filing a petition to appoint a guardian, check the box next to “Guardianship.” This determines your filing fee. If you are filing both petitions at the same time, you will have to pay only one filing fee.

(2) Petition to Appoint a Conservator for an Adult

- Print your name and contact information at the top of the first page. Mark whether you are the petitioner or the attorney for the petitioner.
- Print the county name and the court address in the blank lines.
- Print the name of the person for whom you are seeking the conservator. This person is known as the respondent.
- The judicial services representative will assign a case number and a judge when the case is filed.
- Paragraph (1): Print the name of the proposed conservator and the name of the respondent on the blank lines.
- Paragraph (2): Paragraph (2) is required. Make sure that it is true before proceeding.

- Paragraph (3): If the respondent is 18 or older, the court has jurisdiction.
- Paragraph (4): Mark the correct box to show whether the respondent resides in or has property in the county.
- Paragraph (5): Paragraph (5) is required. Make sure that it is true before proceeding.
- Paragraph (6): The proposed conservator has priority for appointment as determined under Utah Code Section 75-5-410. The list in this paragraph reflects that priority. Mark all of the correct boxes about the proposed conservator's relationship to the respondent. If the proposed conservator is an interested person other than one listed, mark the last box and describe that relationship or interest on the blank line.
- Paragraph (7): Mark the correct box to show whether there is any person who would have a priority in Paragraph (6) higher than the proposed conservator. Or whether there are good reasons not to follow the priority list. If there is a person who would have a priority higher than the proposed conservator, describe why the proposed conservator should be appointed before others who are higher.
 - For example, if the proposed conservator is the respondent's adult child and the respondent is not married and has not nominated anyone to be conservator, then the proposed conservator has the highest priority. But if, in that example, the respondent is married, the respondent's spouse has a higher priority than the respondent's adult child.
- Paragraph (8): If someone has power of attorney for the respondent, print that person's name on the blank line. If not, print "no one." "Power of attorney" means that the respondent has named the person as someone who has authority to make decisions for the respondent.
- Paragraph (9): List any other guardianship or conservatorship orders that are in place or cases that are pending in this or any other state.
- Paragraphs (10) – (14): Print the required information about the persons listed. (In paragraph (11) "nearest" means nearest in kinship, like the respondent's spouse, brother, or cousin.)
- Paragraph (15): Estimate as best you can the value of the respondent's assets.
- Paragraph (16): Estimate as best you can the respondent's monthly income from all sources.
- Paragraph (17): In order for the judge to appoint a conservator, the respondent must be unable to manage his or her property and affairs effectively. Check the correct boxes to show why the respondent is unable to manage his or her property and affairs effectively.

- Paragraph (18): Mark the correct box to show whether the respondent's inability to manage his or her property and affairs effectively will cause the property to be harmed or whether funds are needed for the support, care, and welfare of either the respondent or those entitled to be supported by the respondent.
- Paragraph (19): You must describe facts which show, more likely than not,
 - the cause, selected in Paragraph (17), of the respondent's inability to manage his or her property and affairs effectively.
 - that the respondent's inability to manage his or her property and affairs effectively will cause the property to be harmed or that the funds are needed for the support, care, and welfare of either the respondent or those entitled to be supported by the respondent.
 - Describe those facts on the blank lines and attach supporting documents to help prove those facts.
- Paragraph (20): Print the name of the proposed conservator on the blank line. Mark the correct box to show whether the conservator should serve with or without a bond. If you are requesting that the conservator post a bond, print the amount of the bond on the blank line. The amount of the bond should be the sum of the assets estimated in Paragraph (15) plus one year's income estimated in Paragraph (16). The rest of this paragraph is required. Make sure that it is true before proceeding.
- Attach Schedule A, any physicians' statements and evaluations, any witnesses' affidavits and any other documents and forms.
- Date and sign the form.
- File the original form and attachments with the judicial services representative.
- The judicial services representative will assign a judge, a case number and a hearing date and time.
- Make and serve a copy of the Notice of Hearing on everyone named in Schedule A.

(3) Schedule A

- Schedule A is a list of all of the categories of people who must be served with a copy of the Notice of Hearing.
- Print your name and contact information at the top of the first page. Mark whether you are the petitioner or the attorney for the petitioner.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.

- Print the names and contact information of the people described in the form. If there is no individual in a category — for example, if the respondent is not married — leave those lines blank. If there are more individuals in a category than there is space — for example, if there are more than four persons who have requested notice — attach additional sheets of paper and describe the category for those individuals. If an individual who would have been served has died, identify that person and mark the box next to “deceased.”
- Some individuals have to be served personally and some by first class mail. The clerk will post notice of the hearing in three public places. All of this has to be done at least 10 days before the hearing.
- Date and sign the form.
- File the original form along with the petition with the judicial services representative.

(4) Notice of Hearing

- Print your name and contact information at the top of the first page.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
- On the blank line print the name and address of the person who will be served with the notice.
- On the blank line print the name of the proposed conservator.
- On the blank lines print the date and time for the hearing. The room name or number if there is one and the name of the judge. The judicial services representative will give you this information when you file the petition.
- Date and sign the form.
- File the original form along with the petition with the judicial services representative.
- Make and serve a copy of the Petition to Appoint a Conservator for an Adult and the Notice of Hearing on everyone named in Schedule A.

(5) Proof of Service

- Once you have served everyone named in Schedule A, you must file with the court proof that you have served them.
- The respondent must be personally served by a method permitted by [URCP 4](#). The respondent’s spouse and parents must be personally served if they can be found in Utah. For anyone who is personally served, complete and file a Proof of Service form.

- Everyone else can be served by first class mail or other method permitted by [URCP 5](#). For anyone served by first class mail or other method, complete and file a Certificate of Service form. Several people can be named on one form.
- For more information and forms, see our webpage on [Proof of Service](http://www.utcourts.gov/howto/service/service_of_process.html#Proof) (http://www.utcourts.gov/howto/service/service_of_process.html#Proof)

(6) Witness Affidavit

- This form is not required, but the petitioner must present evidence which shows, more likely than not,
 - the cause of the respondent's inability to manage his or her property and affairs effectively selected in Paragraph (19) of the petition,
 - that the respondent's inability to manage t property and affairs effectively will cause the property to be harmed or that the funds are needed for the support, care, and welfare of either the respondent or those entitled to be supported by the respondent.
 - An affidavit is a statement of fact made under oath or affirmation before a notary public, court clerk, or other person authorized to administer an oath. The person completing the affidavit (affiant) may complete the form anywhere, but must not date and sign it except before a notary public, court clerk, or other person authorized to administer an oath.
- Print the affiant's name and contact information at the top of the first page. Mark whether the affiant is the petitioner, respondent, interested person or a witness.
 - Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition.
 - Paragraph (1): Describe the affiant's relationship to the respondent. For example, spouse, child, friend, etc.
 - Paragraph (2): The affiant should write their own statement, using their own words. Print clearly.
 - Take the document and photo identification to a notary public, court clerk or other person authorized to administer an oath. That person will administer an oath or affirmation and have the affiant date and sign the document in their presence. That person will also countersign the document.
 - If the affiant is a witness for a party or interested person, s/he should give the completed document to that person to file with the court.
 - If the petitioner is the affiant, the affidavit can be filed and served with the petition. If you do this, list the affidavit, along with the other documents being served, on the Proof of Service form or the Certificate of Service form.

- File the original affidavit and Certificate of Service form with the judicial services representative.

(7) Report on Clinical Evaluation

- Although this form is not required, an evaluation and report by a physician probably will be. If the petitioner wants the examiner to use the report form:
 - Deliver to the examining physician:
 - a copy of the order (if the examination is ordered by the judge) along with any instructions from the judge;
 - blank report form “Report on Clinical Evaluation” for the examining physician to complete; and
 - instructions to the physician who examines and evaluates the respondent.
 - The physician will evaluate the respondent, complete the report form, and deliver the report to the person who requested the examination.
 - That person must:
 - File the original form with the judicial services representative.
 - Serve the respondent’s attorney.
 - Complete and file the certificate of service, unless the form is served with the petition.

(8) Request for Notice

- The petitioner does not file this form, but any interested person might. The petitioner must serve notice of any future hearings on anyone who has filed a request for notice.

(9) Objection to the Petition

- The petitioner does not file this form, but any interested person might.

(10) Attend the Hearing

- Be sure to attend the hearing.

(11) Proposed Findings of Fact and Conclusions of Law and Proposed Order

- There are two documents: the Findings of Fact and Conclusions of Law; and the Order, and they are usually prepared together. However they might be completed at different times, depending on how the case is decided.
- If no one has objected to the conservatorship, have the Findings of Fact, Conclusions of Law and Order ready for the judge at the hearing.

- Print your name and contact information at the top of the first page. Mark whether you are the petitioner or respondent or the attorney for the petitioner or respondent.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the petition. Note that in the order the “respondent” is now referred to as the “protected person.”
- If no one has objected to the conservatorship, complete the rest of the Findings of Fact, Conclusions of Law and Order so that they agree with the petition and have the Findings of Fact, Conclusions of Law and Order ready for the judge at the hearing.
- If someone has objected to the conservatorship, do not complete the rest of the documents unless you are told to do so. Either the judge will complete the rest of the documents or tell one of the parties to do so.
- Attach any required documents or forms.
 - If there is a hearing, the judge will decide the issues and will tell one of the parties to prepare the Findings of Fact, Conclusions of Law and Order. Listen carefully to the judge’s decision. The documents must agree with that decision, and you may have to prepare them.
- If you are told to prepare the Findings of Fact, Conclusions of Law and Order, complete all of them except the judge’s signature. What you write in the documents must agree with what the judge decided.
- Date and sign the proposed Findings of Fact, Conclusions of Law and Order under the phrase: “approved as to form.”
- Within 15 days after being told to prepare the documents, serve them on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- The other party has 5 days in which to object.
- File the original Findings of Fact, Conclusions of Law and Order and the Certificate of Service with the judicial services representative after the time to object has ended.

(12) Notice of Order

- If you prepared the order, or if the judge says you have to serve the signed order:
 - Print your name and contact information at the top of the form. Mark whether you are the petitioner or respondent or the attorney for the petitioner or respondent.
 - Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order.

- Attach the Findings of Fact, Conclusions of Law, and Order.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and any attachments on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form and attachments with the judicial services representative.

(13) Forms for [conservatorship and Conservatorship Pre-appointment Test](#)

- Rule 6-501 requires that, before a person can be appointed as conservator, the person must take a test about their authority and responsibilities and file a Certificate of Completion with the court. The law does not require a test for a professional conservator or a parent appointed as conservator of their child, however a judge may require completion of the test by anyone appointed as conservator.
- The test is not meant to screen anyone out of their role as conservator; it is meant to reinforce some of the responsibilities of the office. It is permitted to complete the test before appointment and file the form with the petition.
- The form must be completed and filed before the court enters its order appointing a conservator.
- For more information and forms, see our website:
(http://www.utcourts.gov/howto/seniors/g_and_c.asp)

(14) Acceptance of Appointment

- Print your name and contact information at the top of the first page.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order.
- Mark the correct box to show whether you are accepting the appointment as conservator or conservator or both.
- Paragraphs (2) through (5): Recognize the significance of these paragraphs. By accepting the appointment you are agreeing to do these things. You may be assuming other responsibilities not stated here.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party by one of the methods described in the certificate of service. [URCP 5](#) governs service.
- File the original form with the judicial services representative.

(15) Letter of Conservatorship

- Print your name and contact information at the top of the form. Mark whether you are the petitioner or the attorney for the petitioner.
- Print the county name and the court address on the blank lines. Complete the heading exactly as it appears in the order.
- Print the conservator's name on the blank line.
- Present the form to the judicial services representative, and s/he will date and sign the form.
- The letter is evidence of your authority to make decisions for the protected person. You should have at least one certified copy of the order with you at all times, but it may be convenient to have the court make several certified copies.
- Some people and organizations that provide services for the protected person—such as banks, medical care providers, residential facilities, etc.—may need a copy of the letter for their records. They may need a photocopy, which you or they can make. They may need a certified copy. Only the court can make a certified copy. If you have several certified copies, give them one. If you give them your last certified copy, you will have to return to the court to get more.