

Guardian Who is Also a Conservator Exam

Questions for the guardian who is the conservator	True	False
1) A guardian is responsible for the care of a ward.		
2) A conservator is responsible for the property and financial affairs of a ward.		
3) The appointment order contains a statement of your powers, rights and duties.		
4) As guardian, you are required to make reports to the court only when there is a significant change in your ward's condition.		
5) As conservator, you must file a complete inventory of the property owned by the ward within 180 days of your appointment.		
6) Every year within 60 days after the anniversary of your appointment you must file an accounting with the court.		
7) The reports that you have to make must be made on court forms.		
8) After you prepare a report your only responsibility is to file it with the court.		
9) The court may impose a penalty for failure to file a required report.		
10) When you are uncertain about your responsibilities the best course is to consult a lawyer.		
11) You should record financial transactions made on behalf of your ward on a monthly basis.		

<p>12) You should open a separate bank account in your name to manage your ward's money.</p>		
<p>13) As long as you are honest, you may manage your ward's property in the same manner as you manage your own money.</p>		
<p>14) When making decisions about your ward's care, you should do as you think best.</p>		
<p>15) If you can no longer carry out the responsibilities of a guardian and conservator you should ask someone else to take over for you.</p>		
<p>16) The Division of Aging and Adult Services provides information on resources for seniors and adults with disabilities.</p>		

Guardian Who is Also a Conservator Exam Answers

Answers for the guardian who is the conservator	True	False
1) A guardian is a person appointed by a court to make decisions about the care of another, who is called a “ward.” (Page 3)	X	
2) A conservator is the trustee of a ward’s estate. As such, a conservator makes investment decisions. (Page 3)	X	
3) Your appointment order and letters of guardianship and conservatorship issued by the court should specify the nature of your appointment. Your powers and duties are limited to those described in the appointment order. (Page 4)	X	
4) You must make status reports to the court showing how your ward is doing and alerting the court to any changes every year within 60 days after the anniversary of your appointment. (Page 5)		X
5) You must file a complete inventory of your ward’s property with the court within <u>90</u> days of your appointment. Your first task is to locate and identify all of the property. Begin as soon as possible after your appointment or even before the appointment is final. (Page 5)		X
6) An accounting of the year’s income and expenses and of the changes in the value of the property in the estate must be filed every year. (Page 5)	X	
7) You’re right. Reports can be prepared online at www.utcourts.gov/ocap/guardian_conservator_reporting/ . You will be asked specific questions and the answers you provide will automatically produce the required forms. In addition, paper copies of the forms are available at the clerk’s office in the court house. (Page 6)	X	
8) You must send copies of the report along with a notice of the right to object to the following: <ul style="list-style-type: none"> • the ward if he or she can understand them • the ward’s husband or wife • the ward’s adult children • the ward’s parents • the ward’s brothers and sisters and • anyone requesting notice under Rule 6-501. (Pages 6-7) 		X
9) The court may impose a fine on you. The court will review all reports and order a hearing if more information is necessary. (Page 6)	X	

10) The best course is to consult a lawyer. To find a lawyer, you could ask friends and acquaintances for a recommendation, contact the Utah State Bar, www.utahbar.org or 801-531-9077, or call Utah Legal Services, 801-328-8891 or 1-800-662-4245, to discover whether you qualify for their assistance. (Page 3)	X	
11) You should record financial transactions at the time you make them. It is very important to have accurate and detailed records of all transactions made on behalf of your ward. (Page 4)		X
12) All bank accounts should be opened in the name of the guardianship or conservatorship. You must never commingle your personal funds with those of your ward. (Page 8)		X
13) You must invest and manage your ward's property as a prudent investor would, using reasonable care, skill and caution. (Page 10)		X
14) The question that you should ask yourself is "What would my ward do?" As long as your ward's wishes are not contrary to his or her best interest, they should be respected. (Page 10)		X
15) You must request the court's permission to resign from one or both roles by filing a Motion to Terminate. If your request is granted, the court will appoint someone to replace you. (Page 4)		X
16) The Division of Aging and Adult Services provides a great deal of information for adults with disabilities and seniors and for those who care for them. You can get more information at 801-538-3910 or www.daas.utah.gov . (Page 15)	X	

Page numbers refer to the Basic Guidelines For Court-Appointed Guardians and Conservators, which is available on the web at:
<http://www.utcourts.gov/howto/seniors/BasicGuidelines-2007.pdf>

After you have completed this exam and understand the responsibilities of your appointment, complete the following Declaration of Completion of Testing and file it with the court along with your petition.

Name _____

Address _____

Phone _____

Fax _____

E-mail _____

I am the Guardian Conservator

I am the attorney for Guardian Conservator
My Utah State Bar number is _____

In the _____ Judicial District Court _____ County, Utah

Court Address: _____

IN THE MATTER OF:

(Ward).

DECLARATION OF COMPLETION OF TESTING

Case Number _____

Judge _____

I have successfully completed the court approved examination on the authority and responsibilities of guardians and conservators.

I declare under criminal penalty of Utah Code Section 46-5-101 (class B misdemeanor for knowingly making false written statement) that this document is true and correct.

Date

Sign here ► _____

(Type or Print Name Here)