

6. Reporting Requirements

A. General Reporting Information

- Q20: As guardian or conservator, do I have annual reporting responsibilities?
 - Q21: What are the guardianship and conservatorship packets?
 - Q22: How do I know what type of guardian or conservator I am?
 - Q23: What should I do if my ward receives assets during the year, or I discover new assets?
 - Q24: What happens if I forget to file a report?
 - Q25: What should I do if my annual reports will be late?
 - Q26: This seems a little overwhelming; do I really need to file all of these forms every year?
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Q20: As guardian or conservator, do I have annual reporting responsibilities?

A20: Every year after receiving Letters of guardianship or conservatorship, **no later than 30 days** after the anniversary of your appointment, you need to complete and submit the forms found in your respective guardianship or conservatorship Packet. Completed forms must be submitted to the court that appointed you. The court will send you a notice 45 days before your due date to remind you, so it is important to keep a current mailing address with the county court in which the guardianship is filed.

Q21: What are the guardianship and conservatorship packets?

A21: Beginning in 2013, required annual reporting forms are bundled in five distinct packets (A, B, C, D, E), specific to each type of guardianships or conservatorships:

1. Guardian with control of the ward's assets ? use Packet A.
2. Guardian with a Court-Approved Budget ? use Packet B.
3. Conservator ? use Packet C.
4. Both guardian and conservator ? use Packet D.
5. Guardian without control of the ward's assets ? use Packet E.

The packets are designed to simplify the reporting process for guardians and conservators,

and to provide the information which courts are required by law to collect. The packets did not change deadlines for filings or most information users must report.

Q22: How do I know what type of guardian or conservator I am?

A22: The court will specify what type of guardianship or conservatorship it has created. The type of guardianship or conservatorship should be designated at the top of your Orders Appointing Guardians and Conservators and Approved Monthly Budgets (if applicable), and in your Letters of Guardianship or Conservatorship.

Q23: What should I do if my ward receives assets during the year, or I discover new assets?

A23: If additional assets worth more than \$500 are received during the year, you must file a Notice of Newly Discovered Assets form within 30 days.

Q24: What happens if I forget to file a report?

A24: If you fail to file any of the required reports on time, then you will receive an Order to Show Cause. This means you will be required to appear in court to explain why the report was not filed.

Q25: What should I do if my annual reports will be late?

A25: If you know that you will not get your annual reports in on time, put the following in writing and send it to the court:

- The name of your ward;
- The case number;
- Why you cannot get the reports in on time;
- When you will have the reports filed; and
- Your name, address and phone number.

Q26: This seems a little overwhelming; do I really need to file all of these forms every year?

A26: Yes. However, some of the annual reporting requirements may be waived for good cause shown if the guardian petitions the court. The procedure for waivers is found in UCCR § 6-1445.01.

B. Full Annual Accounting Reports

- Q27: If I am appointed solely as a guardian (with no mention of being appointed a conservator), with possession or control over some or all of my ward's financial transactions, property, or assets, do I still need to file an Updated Annual Inventory and Accounting every year?
 - Q28: What if I am a guardian who does not have any possession or control over my ward's financial transactions, property, or assets; do I still need to file both an Updated Annual Inventory and Account every year?
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Q27: If I am appointed solely as a guardian (with no mention of being appointed a conservator), with possession or control over some or all of my ward's financial transactions, property, or assets, do I still need to file an Updated Annual Inventory and Accounting every year?

A27: Yes. Guardians are required to complete an Updated Inventory and Accounting every year. If you have control over *all* of your ward's financial transactions, property, or assets, you must file a complete Updated Inventory and Accounting each year. If you only have control over *some* of your ward's financial transactions, property, or assets, then you need to file an Updated Inventory and Accounting of the ward's financial transactions, property, or assets over which you do have control.

Remember to refer to your Order of Appointment to see what the court has specified as your responsibilities to your ward and for reporting.

Q28: What if I am a Guardian who does not have any possession or control over my ward's financial transactions, property, or assets; do I still need to file both an Updated Annual Inventory *and* Accounting every year?

A28: This question asks about two different annual report forms: the Updated Annual Inventory and the Annual Accounting. *All* guardians are required to complete an Updated Inventory every year, regardless of whether you control the ward's assets or not. Keep in mind that the Updated Inventory of the ward's assets (such as bank accounts, property, vehicles, etc.) is based on information and knowledge that you have that is reasonably available to you concerning the ward.

Guardians do *not* need to file an Annual Accounting along with the Updated Inventory if you

are not handling financial transactions or managing the Ward's funds, since you do not have control over their financial transactions, property, or assets.

A guardian may apply to the court for an order stating the guardian shall have no authority over the estate of the ward. If this order is approved, the annual filing of the Updated Inventory may be waived by the court. However, if such a guardian becomes a Representative Payee or has control of other assets of the ward, the guardian must notify the court within 7 days of becoming a Representative Payee and shall apply to the court to have the guardian's Letters appropriately modified and file an Annual Accounting with the court. UCCR § 6-1442.02.

Refer to your Order of Appointment to see what the court has specified as your responsibilities to your ward and for reporting.

C. Court-Approved Budget Reports

- Q29: If I have been ordered to file a Court-Approved Budget, what forms must I file?
 - Q30: If I use the Court-Approved Budget process, do I still have to complete the Annual Accounting?
 - Q31: When is the budget approved?
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Q29: If I have been ordered to file a Court-Approved Budget, what forms must I file?

A29: A guardian or conservator may request the court allow them to file a Court-Approved Budget each year that summarizes the expenses expected for the coming year. Individuals under such court approval must use Packet B. The budget can allow for payments such as rent, room, board, and fees at the end of the annual reporting period. The guardian must file a report summarizing the payments made, including any beyond the estimate, a copy of the last bank statement, and an inventory at the end of the year, as well as request a budget for the next year. The budget might not require the same level of detail that the Annual Accounting has and may help streamline the process, especially for wards that do not have significant assets.

Q30: If I use the Court-Approved Budget process, do I still have to complete the Annual Accounting?

A30: Generally the budget takes the place of Annual Accounting. But if the court determines that filing an Annual Accounting is necessary, it can still order it. The budget forms are in many ways similar to the Annual Accounting.

Q31: When is the budget approved?

A31: The court can authorize the budget at a hearing after providing notice to all interested parties. If there has been a waiver of notice and hearing signed by all interested parties, the court may enter the order without a separate hearing.
