

Instructions for the Conservator's Annual Report

**Court employees may not help you fill out this form.
Do not include these instructions when you file the completed form.**

Purpose

The Conservator's Report supplies the Court with a summary of the expenditures made from the protected individual's estate, and a picture of their financial wellbeing. It should provide details on how the estate was managed during the year. Attach additional pages as needed. The annual report should include a list of the contact information for all of the interested parties: see the Conservator's Confidential Information Form and instructions.

Unless otherwise directed by the Court, the annual report is due on the anniversary of the Letters of Conservatorship. Fillable forms are available on the North Dakota State Court's website: <http://www.ndcourts.gov/> on the Self Help tab. If you have not yet submitted a Beginning Inventory report to the court, please include that form with this annual accounting.

Note: if you have any other decision-making authority (in addition to financial authority) for the protected person, you should complete the Annual Report of Guardianship instead of this report. The Guardianship report requests additional information that must be submitted to the court.

Confidentiality of the Protected Individual

Pursuant to Rule 3.4 of the North Dakota Supreme Court, reports should not contain the following identification information: social security numbers, taxpayer identification numbers, birthdates, financial account numbers, or the name of an individual known to be a minor. The following examples are acceptable substitutions: the last four digits of a social security or financial account number, the year of an individual's birth, and a minor's initials.

- **Top of Form**

If the Court has not completed the top of the forms for you:

- a. Enter the county and district court names.
- b. Fill in legal name of the protected individual (see note above for minors.)
- c. Enter the case number from the Letters of Conservatorship.

- **Protected Individual and Conservator Information**

1. Complete the current address, age and phone number of the protected person.
2. Fill in the information for the conservator. Add co-conservators or guardians on the next page. Include address, phone numbers, and emails for each.

- **Notice to the Protected Individual**

This report should be presented and explained to the protected person. This individual or anyone interested in the protected person's welfare, may petition the court to make changes in the conservatorship.

- **Notice to the Conservator**

Financial authority may be shared with others; work with co-guardians and co-conservators to complete this report. If the protected individual has federally appointed representatives managing their Social Security, Veteran's or other benefits, please attach reports provided by those fiduciary representatives. Also, be sure that co-conservators or co-guardians receive a copy of your accounting.

- **Conservator's Annual Report**

This section of the report will provide personal and legal information about the protected individual to the Court, such as whether or not the individual has dependents. Use the comments section to summarize how you have exercised your decision-making authority, and note any financial problems or potential problems. Describe out-of-the-ordinary circumstances such as pending lawsuits or changes in insurance policies.

- **Financial Accounting of the Estate**

1. Enter the report period. For the first annual report, the beginning date will be the date of appointment of conservatorship. The end date will be the end of the month 12 months later (unless otherwise directed by the court), and will be due 30 days after that month-end. The following year's report will have a beginning period date of the first of the month following the month-end of last year's report.

Annual report period example: if the Letters of Conservatorship are dated April 16, 2019, that is the beginning date of the first annual report. The end date will be March 31, 2020. The report will be due on April 30, 2020. The beginning date of the second annual report will be April 1, 2020 and the end date will be March 31, 2021. Note that the court may order different annual reporting dates.

The reporting period can be adjusted to meet the unique needs of the estate and conservators; however, if the protected individual also has a guardian, the reporting period for the Financial Accounting needs to coincide with the reporting period of the guardian's Annual Wellbeing Report.

2. Fill in the blanks for the income and expenditures of the protected person's estate.
 - **#1: beginning balance:** if this is the first annual accounting report, the beginning balance will be the total of the "Cash, checking accounts" section of the Beginning Inventory report. These are the accounts that you or other authorized people use to pay expenses for the protected individual's care. If this is not the first annual accounting, the beginning account balance will be the ending balance from the prior year's Financial Accounting.

- **#2: income and deposits** will include all income as well as transfers into the checking account(s) from other accounts such as savings or trusts. Total all of the income and deposits on the line at the bottom of this section.
- **#3: the expenses and withdrawals** section is where you will list all of the payments made this year on behalf of the protected individual, and any transfers out to other accounts. Any large or unusual expenses should be described in the comments. The “Personal needs” category includes clothing, hygiene and beauty products, first aid, and similar products and services. Total all of the expenditures on the line at the bottom of this section.
- **#4: the ending balance** is the sum of the beginning balance plus the total of all deposits, and the subtraction of all the expenditures. The ending balance amount will be the beginning balance for next year’s report. This balance should match the protected person’s total checking and spending account balances on the end date of this financial accounting report period.
- **#5:** the current asset listing is similar to an inventory report. All of the protected person’s assets and current values should be listed here. New assets acquired should be explained in the comments.
- **#6:** list all assets that have been sold or disposed of since the last report to the Court. Please include the purpose for the disposal, the person or company that received the asset, and where the income was deposited. This information is helpful for the Court to monitor reductions in the estate. Disposals should be described in the comments section.
- **#7:** all of the protected person’s debt should be listed. Any significant new debt acquired should be explained in the comments.
- **#8:** this space should be used to explain large or unusual expenditures and asset disposals. You may also discuss debt arrangements, loss of income or assets, plans for future asset management, or other information of interest to the Court. Describe out-of-the ordinary events such as accidental property damage or insurance settlements. Attach additional pages if needed.
- **Forms Certification and Submission (see efilings below)**
 1. The Annual Report must be notarized before submission; please sign the forms in front of a notary. A notary public is available at each district court and may be available at your local bank or credit union.
 2. Submit the original signed forms to your clerk of district court. Submit copies to the protected individual and other interested persons.

3. If you are unable to submit your annual report by the due date, please contact your district court. An Order to Show Cause hearing will be scheduled to safeguard the protected individual's wellbeing if thorough and timely annual reports are not filed on their behalf.

- **Efiling reports – for conservators with access to File & Serve**

Please note the differences in the Security level for each component.

a) Annual Report and Financial Accounting

Filing Code: select "Guardian or Conservatorship Annual Report"

Filing Description: enter "Conservator's Annual Report"

Security: Public

b) Confidential Information Form

Filing Code: select "Confidential Information Form"

Filing Description: enter "Conservator's Annual Report"

Security: Confidential