

## Video 6

### How to Complete the Conservator's Inventory

Welcome to the New Mexico Court's guide to completing the Conservator's Inventory. In this video we'll discuss in detail how to fill out this report.

The Conservator's Inventory is an initial report that must be filed with the court within 90 days from when the court enters an Order appointing you as conservator. For example, if you are appointed conservator on March 1st, it would be due by May 30th.

Since the judge has decided that the protected person cannot handle their own finances, it is likely that the protected person's financial records will be disorganized or missing. The Conservator's Inventory will help you develop a clear understanding of the protected person's finances at the time you are appointed as conservator. Good sources of information are income tax returns, bank statements, and credit card bills. A thorough inventory identifies the protected person's property that you, as the conservator, are responsible for.

Remember, do not submit any supporting documents in the report, such as bank statements or appraisals, but keep them organized so that you can show them to the judge if asked. The law requires you keep these records for seven years. Remember that if the judge required you, as conservator, to post a bond when you were appointed, you must also provide proof of this bond every year. When you file the Conservator's Report, you should also file the Notice of Bonding, Form 4-995, and the Statement of Bond, Form 4-995.1. For more information on bonding, watch the *Overview of the Conservator's Reports and Bonding Requirements*.

#### **THE CONSERVATOR'S INVENTORY**

Let's look at how to fill out the Conservator's Inventory:

For the cover page, be sure to fill in all the blanks with the information you should already have, including the judicial district and the case number. Although it is the first page of this form, do not fill in the "Net Asset Summary" part until *after* you've completed Sections II and III of the inventory.

Section I asks for information about the protected person.

Section II, asks for information about the value of all of the protected person's property. The value should be on the date the court appointed you as conservator. The values of bank accounts, investments, and life insurance policies on that date should be easy to find out. The value of vehicles is easily found online. You may need to find a professional appraiser for real estate and other types of property, such as jewelry or other valuables that exceed \$500 each. Don't forget to include the method you used for determining value, and try to use the same valuation method every year.

Section III deals with real estate debts and other loans and money owed by the protected person. You must investigate how much the protected person owes as of the date the court appointed you conservator. Check credit card bills and bank and mortgage statements for clues indicating money that is paid out on a regular basis. You may need to call the companies for more information if you find evidence that the protected person might have a debt or loan. You may be

## Video 6

### How to Complete the Conservator's Inventory

asked to provide proof to the lender that you have the power and authority to get this information about the protected person. You can provide a copy of the Letters of Conservatorship as proof of your authority.

Sub-Section D in Section III, Judgment/Liens, refers to money the protected person owes as a result of a lawsuit and other legal actions.

Section IV requires you to think about the big picture – can the protected person live on their current income? If the person's expenses are greater than their income, what steps can you take to make sure that their needs can be met now and in the long term? Your plan for doing so could mean selling property or applying for public benefits. Remember to consider the protected person's preferences as much as possible when making these important decisions. You may want to get the judge's approval before making any significant financial decision, like selling the protected person's home or other property.

Following Section IV, you must sign and affirm that the information in the report is true. If you are serving as co-conservator with another person, only one of you needs to sign—but both of you are responsible for what is reported. Make sure that you know what is in the report, and that you agree with the co-conservator's answers.

At the end, sign the reports. When you sign, you are promising that the information in the report is true. If you are serving as co-conservator with another person, only one of you needs to sign—but both of you are responsible for what is reported. Make sure that you know what is in the report, and that you agree with the co-conservator's answers.

After signing, don't forget to turn to the cover page again, and fill out the "Net Asset Summary," or the total amount of assets and the total amount of debt. If you are using Adobe Acrobat or Adobe Reader to fill out the form, the information in subsections A and B in the "Net Assets Summary" will auto-fill after you complete the corresponding sections in this form.

Do not submit any supporting documents with the report, such as bank statements or appraisals, but keep them organized so that you can show them to the judge if asked. The law requires that you keep the protected person's money in a separate account. And you must keep all bank statements, financial records, and any other documents that show how you spent the protected person's money for seven years. You must be ready to show the documents to the judge upon request or if the judge asks for an audit to be conducted.

Finally, remember to complete the "certificate of service" on the last page.

After you've completed and thoroughly reviewed the report for accuracy, it's time to file it. To learn more, watch the *Guide to Filing and Distributing the Guardian's and Conservator's Reports*.