

## Video 7

### How to Complete the Conservator's Report

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

Every year you must complete and file the Conservator's Report, which lets the judge know the actions you have taken on behalf of the protected person. You must file the report *every year* within 30 days of the anniversary of your appointment. For example, if you were appointed on March 1st, it would be due no later than March 31st *every year*. If for some reason you cannot meet this deadline, be sure to notify the judge.

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. 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 REPORT**

Let's take a more detailed look at the Conservator's Report.

As you can see, it requires information from the last two years. If this is your first or second year filing this report, use "N/A" for "not applicable" for the years before you were appointed conservator. Make sure you accurately transfer information on prior years from previous reports. This helps the judge monitor trends and spot significant changes in the protected person's finances. For this reason, remember to keep all copies of your reports. If any of the questions don't apply to your situation, just fill in a "0".

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. Do not fill in the "Financial Summary" section until you've completed Sections II through V. If you are using Adobe Acrobat or Adobe Reader to fill out the form, the information in subsections B, C, and F of the Financial Summary for the current year will auto-fill after you complete the corresponding sections in the Conservator's Report.

On the next page, read the instructions carefully. The first question asks for the reporting period. This period is always the same and does not change. The reporting period is for the previous year that you served as conservator. The first date of the reporting period always matches the date the judge appointed you to serve as conservator. For example, if you were appointed on March 1st, the reporting period will always be March 1st of the previous year through February 28th of the current year.

The next question is a check box asking if this is a Final Report. Remember that you will only file a Final Report if the protected person dies, the judge has removed you as conservator, the judge has appointed someone else to serve as the conservator, or if the condition of the protected

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person improves and the judge terminates the conservatorship. The only time the reporting period may be less than one year is if you are filing a Final Report.

Section I asks for information about the protected person. Don't forget that, if in this section, you're notifying the court that the protected person moved, you must also send a letter to the court updating the protected person's address.

In Section II, you'll report on the protected person's total income. Review all of the options carefully and fill in "0" rather than leaving anything blank.

Section III is a long list of expenses that you've either paid yourself from the protected person's assets, or you've paid to others. Filling out this section accurately depends on your keeping and organizing detailed receipts of all expenses, no matter how small. Do not round up or down; fill in the *exact* amount paid.

Section IV asks for information about the protected person's assets. Pay careful attention to the boxes that ask for either the value of the asset on the last day of the reporting period, or the current market value of the property. Try to use the same valuation method every year.

Section V deals with the protected person's debt. Check credit card bills and bank and mortgage statements for clues indicating money that is paid out on a regular basis. Don't forget to include payday loans or any other money the protected person owes.

Section VI asks for your personal information, including whether you've charged a fee or received payment for your services. If you are receiving any money for your services as the conservator, you *must* list the dollar amount that you are being paid and who is paying your fee.

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 "Financial Summary" If you are using Adobe Acrobat or Adobe Reader to fill out the form, the information in subsections B, C, and F of the Financial Summary for the current year will auto-fill after you complete the corresponding sections in the Conservator's Report.

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.

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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*.