

State of Arizona  
Senate  
Fiftieth Legislature  
First Regular Session  
2011

# SENATE BILL 1081

AN ACT

REPEALING SECTION 14-5301, ARIZONA REVISED STATUTES; AMENDING TITLE 14, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 14-5301; AMENDING TITLE 14, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 14-5301.01, 14-5301.02, 14-5301.03 AND 14-5301.04; AMENDING SECTIONS 14-5303, 14-5401, 14-5405, 14-5407, 14-5416 AND 14-5430, ARIZONA REVISED STATUTES; RELATING TO TRUSTS, ESTATES AND PROTECTIVE PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 14-5301, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 14, chapter 5, article 3, Arizona Revised Statutes, is  
5 amended by adding a new section 14-5301, to read:

6 14-5301. Appointment of guardian by will or other writing;  
7 objections; notice

8 A. A PARENT, BY WILL OR OTHER SIGNED WRITING, MAY APPOINT A GUARDIAN  
9 FOR AN UNMARRIED CHILD WHO THE PARENT BELIEVES IS AN INCAPACITATED PERSON,  
10 SPECIFY DESIRED LIMITATIONS ON THE POWERS TO BE GIVEN TO THE GUARDIAN AND  
11 REVOKE OR AMEND THE APPOINTMENT BEFORE CONFIRMATION BY THE COURT.  
12 APPOINTMENTS BECOME EFFECTIVE ONLY AS PRESCRIBED PURSUANT TO SECTION  
13 14-5301.01, SUBSECTION A.

14 B. AN INDIVIDUAL, BY WILL OR OTHER SIGNED WRITING, MAY APPOINT A  
15 GUARDIAN FOR THE INDIVIDUAL'S SPOUSE WHO THE APPOINTING SPOUSE BELIEVES IS AN  
16 INCAPACITATED PERSON, SPECIFY DESIRED LIMITATIONS ON THE POWERS TO BE GIVEN  
17 TO THE GUARDIAN AND REVOKE OR AMEND THE APPOINTMENT BEFORE CONFIRMATION BY  
18 THE COURT. AN APPOINTMENT PURSUANT TO THIS SUBSECTION BECOMES EFFECTIVE ONLY  
19 AS PRESCRIBED PURSUANT TO SECTION 14-5301.01, SUBSECTION A.

20 C. UNLESS THE COURT HAS CONFIRMED THE APPOINTMENT PURSUANT TO  
21 SUBSECTION D OF THIS SECTION, THE INCAPACITATED PERSON, THE PERSON HAVING  
22 CARE OR CUSTODY OF THE INCAPACITATED PERSON IF OTHER THAN THE APPOINTING  
23 PARENT OR SPOUSE OR THE ADULT NEAREST IN KINSHIP TO THE INCAPACITATED PERSON  
24 MAY FILE A WRITTEN OBJECTION TO AN APPOINTMENT. THE FILING OF THE WRITTEN  
25 OBJECTION TERMINATES THE APPOINTMENT. AN OBJECTION MAY BE WITHDRAWN AND, IF  
26 WITHDRAWN, HAS NO EFFECT. THE OBJECTION DOES NOT PRECLUDE JUDICIAL  
27 APPOINTMENT OF THE PERSON SELECTED BY THE APPOINTING PARENT OR SPOUSE.  
28 NOTICE OF THE OBJECTION MUST BE GIVEN TO THE GUARDIAN AND ANY OTHER PERSON  
29 ENTITLED TO NOTICE OF THE ACCEPTANCE OF THE APPOINTMENT. THE COURT MAY TREAT  
30 THE FILING OF AN OBJECTION AS A PETITION FOR THE APPOINTMENT OF A TEMPORARY  
31 GUARDIAN PURSUANT TO SECTION 14-5310 OR FOR THE APPOINTMENT OF A LIMITED OR  
32 GENERAL GUARDIAN PURSUANT TO SECTION 14-5303 AND PROCEED ACCORDINGLY.

33 D. ON PETITION OF THE APPOINTING PARENT OR SPOUSE AND A FINDING THAT  
34 THE APPOINTING PARENT OR SPOUSE WILL LIKELY BECOME UNABLE TO CARE FOR THE  
35 INCAPACITATED PERSON WITHIN TWO YEARS, BEFORE THE APPOINTMENT BECOMES  
36 EFFECTIVE, THE COURT MAY CONFIRM THE APPOINTING PARENT'S OR SPOUSE'S  
37 SELECTION OF A GUARDIAN AND TERMINATE THE RIGHTS OF OTHERS TO OBJECT. NOTICE  
38 MUST BE GIVEN TO THE GUARDIAN AND ANY OTHER PERSON ENTITLED TO NOTICE OF THE  
39 ACCEPTANCE OF THE APPOINTMENT.

40 Sec. 3. Title 14, chapter 5, article 3, Arizona Revised Statutes, is  
41 amended by adding sections 14-5301.01, 14-5301.02, 14-5301.03 and 14-5301.04,  
42 to read:

43 14-5301.01. Appointment of guardian by will or other writing;  
44 effectiveness; acceptance; confirmation

45 A. THE APPOINTMENT OF A GUARDIAN PURSUANT TO SECTION 14-5301 IS  
46 EFFECTIVE ON THE DEATH OF THE APPOINTING PARENT OR SPOUSE, THE ADJUDICATION

1 OF INCAPACITY OF THE APPOINTING PARENT OR SPOUSE OR A WRITTEN DETERMINATION  
2 BY A PHYSICIAN WHO HAS EXAMINED THE APPOINTING PARENT OR SPOUSE THAT THE  
3 APPOINTING PARENT OR SPOUSE IS NO LONGER ABLE TO CARE FOR THE INCAPACITATED  
4 PERSON, WHICHEVER FIRST OCCURS.

5 B. A GUARDIAN APPOINTED PURSUANT TO SECTION 14-5301 IS ELIGIBLE TO ACT  
6 ON THE FILING OF AN ACCEPTANCE OF APPOINTMENT, WHICH MUST BE FILED WITHIN  
7 THIRTY DAYS AFTER THE GUARDIAN'S APPOINTMENT BECOMES EFFECTIVE. THE GUARDIAN  
8 MUST:

9 1. FILE THE NOTICE OF ACCEPTANCE OF APPOINTMENT AND A COPY OF THE WILL  
10 WITH THE COURT IN THE COUNTY IN WHICH THE WILL WAS OR COULD BE PROBATED OR,  
11 IN THE CASE OF A SIGNED WRITING CREATED PURSUANT TO SECTION 14-5301, FILE THE  
12 ACCEPTANCE OF APPOINTMENT AND THE SIGNED WRITING WITH THE COURT IN THE COUNTY  
13 IN WHICH THE INCAPACITATED PERSON RESIDES OR IS PRESENT.

14 2. GIVE WRITTEN NOTICE OF THE ACCEPTANCE OF APPOINTMENT TO THE  
15 APPOINTING PARENT OR SPOUSE, IF LIVING, THE INCAPACITATED PERSON, A PERSON  
16 HAVING CARE OR CUSTODY OF THE INCAPACITATED PERSON OTHER THAN THE APPOINTING  
17 PARENT OR SPOUSE, AND THE ADULT NEAREST IN KINSHIP. UNLESS THE APPOINTMENT  
18 WAS PREVIOUSLY CONFIRMED BY THE COURT, THE NOTICE GIVEN PURSUANT TO THIS  
19 PARAGRAPH MUST INCLUDE A STATEMENT OF THE RIGHT OF THOSE NOTIFIED TO  
20 TERMINATE THE APPOINTMENT BY FILING A WRITTEN OBJECTION AS PROVIDED IN  
21 SECTION 14-5301.

22 C. AN APPOINTMENT EFFECTED BY FILING THE GUARDIAN'S ACCEPTANCE UNDER A  
23 WILL PROBATED IN THE STATE OF THE TESTATOR'S DOMICILE IS EFFECTIVE IN THIS  
24 STATE.

25 D. UNLESS THE APPOINTMENT WAS PREVIOUSLY CONFIRMED BY THE COURT,  
26 WITHIN THIRTY DAYS AFTER FILING THE NOTICE AND THE WILL OR SIGNED WRITING, A  
27 GUARDIAN APPOINTED PURSUANT TO SECTION 14-5301 MUST FILE A PETITION IN THE  
28 COURT FOR CONFIRMATION OF THE APPOINTMENT. NOTICE OF THE FILING MUST BE  
29 GIVEN IN THE MANNER AS PRESCRIBED IN SECTION 14-5309.

30 E. THE AUTHORITY OF A GUARDIAN APPOINTED UNDER SECTION 14-5301  
31 TERMINATES ON THE APPOINTMENT OF A GUARDIAN BY THE COURT OR THE GIVING OF  
32 WRITTEN NOTICE TO THE GUARDIAN OF THE FILING OF AN OBJECTION PURSUANT TO  
33 SECTION 14-5301, WHICHEVER FIRST OCCURS.

34 F. THE APPOINTMENT OF A GUARDIAN UNDER THIS SECTION IS NOT A  
35 DETERMINATION OF INCAPACITY.

36 G. THE POWERS OF A GUARDIAN WHO TIMELY COMPLIES WITH THE REQUIREMENTS  
37 OF SUBSECTIONS B AND D OF THIS SECTION GIVE ACTS BY THE GUARDIAN THAT ARE OF  
38 BENEFIT TO THE INCAPACITATED PERSON AND THAT OCCURRED ON OR AFTER THE DATE  
39 THE APPOINTMENT BECAME EFFECTIVE THE SAME EFFECT AS THOSE THAT OCCURRED AFTER  
40 THE FILING OF THE ACCEPTANCE OF APPOINTMENT.

41 14-5301.02. Appointment and status of guardian

42 A PERSON BECOMES A GUARDIAN OF AN INCAPACITATED PERSON BY A PARENTAL OR  
43 SPOUSAL APPOINTMENT OR ON APPOINTMENT BY THE COURT. THE GUARDIANSHIP  
44 CONTINUES UNTIL IT IS TERMINATED, WITHOUT REGARD TO THE LOCATION OF THE  
45 GUARDIAN OR THE WARD.

1 14-5301.03. Judicial appointment of guardian; special provision  
2 for incapacitated minors approaching adulthood

3 A. A PARTY THAT IS INTERESTED IN THE WELFARE OF A MINOR WHO IS AT  
4 LEAST SEVENTEEN YEARS SIX MONTHS OF AGE AND WHO IS ALLEGED TO BE  
5 INCAPACITATED MAY INITIATE GUARDIANSHIP PROCEEDINGS PURSUANT TO THIS ARTICLE  
6 AND REQUEST THAT ANY GUARDIANSHIP ORDER TAKE EFFECT IMMEDIATELY ON THE  
7 MINOR'S EIGHTEENTH BIRTHDAY.

8 B. THE PETITIONER MAY PROVIDE WITH THE PETITION A REPORT OF AN  
9 EVALUATION OF THE MINOR BY A PHYSICIAN, PSYCHOLOGIST OR REGISTERED NURSE THAT  
10 MEETS THE REQUIREMENTS OF SECTION 14-5303, SUBSECTION D. IF THE EVALUATION  
11 WAS CONDUCTED WITHIN SIX MONTHS AFTER THE DATE THE PETITION IS FILED WITH THE  
12 COURT, THE PETITIONER MAY ASK IN THE PETITION THAT THE COURT ACCEPT THIS  
13 REPORT IN LIEU OF ORDERING ANY ADDITIONAL EVALUATION PURSUANT TO SECTION  
14 14-5303, SUBSECTION C, AND THE COURT MAY GRANT THE REQUEST.

15 14-5301.04. Judicial appointment of conservator or protective  
16 order; special provision for incapacitated minors  
17 approaching adulthood

18 A PARTY THAT IS INTERESTED IN THE WELFARE OF A MINOR WHO IS AT LEAST  
19 SEVENTEEN YEARS SIX MONTHS OF AGE AND WHO IS ALLEGED TO BE IN NEED OF  
20 PROTECTION MAY PETITION THE COURT FOR APPOINTMENT OF A CONSERVATOR OR REQUEST  
21 AN APPROPRIATE PROTECTIVE ORDER PURSUANT TO SECTION 14-5404 AND REQUEST THAT  
22 ANY CONSERVATORSHIP ORDER OR PROTECTIVE ORDER TAKE EFFECT IMMEDIATELY ON THE  
23 MINOR'S EIGHTEENTH BIRTHDAY.

24 Sec. 4. Section 14-5303, Arizona Revised Statutes, is amended to read:

25 14-5303. Procedure for court appointment of a guardian of an  
26 alleged incapacitated person

27 A. The alleged incapacitated person or any person interested in that  
28 person's affairs or welfare may petition for the appointment of a guardian or  
29 for any other appropriate protective order.

30 B. The petition shall contain a statement that the authority granted  
31 to the guardian may include the authority to withhold or withdraw life  
32 sustaining treatment, including artificial food and fluid, and shall state,  
33 to the extent known:

34 1. The interest of the petitioner.

35 2. The name, age, residence and address of the alleged incapacitated  
36 person.

37 3. The name, address and priority for appointment of the person whose  
38 appointment is sought.

39 4. The name and address of the conservator, if any, of the alleged  
40 incapacitated person.

41 5. The name and address of the nearest relative of the alleged  
42 incapacitated person known to the petitioner.

43 6. A general statement of the property of the alleged incapacitated  
44 person, with an estimate of its value and including any compensation,  
45 insurance, pension or allowance to which the person is entitled.

1           7. The reason why appointment of a guardian or any other protective  
2 order is necessary.

3           8. The type of guardianship requested. If a general guardianship is  
4 requested, the petition must state that other alternatives have been explored  
5 and why a limited guardianship is not appropriate. If a limited guardianship  
6 is requested, the petition also must state what specific powers are  
7 requested.

8           9. IF A CUSTODIAL ORDER WAS PREVIOUSLY ENTERED REGARDING AN ALLEGED  
9 INCAPACITATED PERSON IN A CHILD CUSTODY ACTION OR SIMILAR PROCEEDING IN THIS  
10 STATE OR ANOTHER JURISDICTION AND THE PETITIONER OR PROPOSED GUARDIAN IS A  
11 PARENT OR NONPARENT CUSTODIAN OF THE ALLEGED INCAPACITATED PERSON, THE COURT  
12 AND CASE NUMBER FOR THAT ACTION OR PROCEEDING.

13           C. On the filing of a petition, the court shall set a hearing date on  
14 the issues of incapacity. Unless the alleged incapacitated person is  
15 represented by independent counsel, the court shall appoint an attorney to  
16 represent that person in the proceeding. The alleged incapacitated person  
17 shall be interviewed by an investigator appointed by the court and shall be  
18 examined by a physician, psychologist or registered nurse appointed by the  
19 court. The investigator and the person conducting the examination shall  
20 submit their reports in writing to the court. In addition to information  
21 required under subsection D, the court may direct that either report include  
22 other information the court deems appropriate. The investigator also shall  
23 interview the person seeking appointment as guardian, visit the present place  
24 of abode of the alleged incapacitated person and the place where it is  
25 proposed that the person will be detained or reside if the requested  
26 appointment is made and submit a report in writing to the court. The alleged  
27 incapacitated person is entitled to be present at the hearing and to see or  
28 hear all evidence bearing on that person's condition. The alleged  
29 incapacitated person is entitled to be represented by counsel, to present  
30 evidence, to cross-examine witnesses, including the court-appointed examiner  
31 and investigator, and to trial by jury. The court may determine the issue at  
32 a closed hearing if the alleged incapacitated person or that person's counsel  
33 so requests.

34           D. A report filed pursuant to this section by a physician,  
35 psychologist or registered nurse acting within that person's scope of  
36 practice shall include the following information:

37           1. A specific description of the physical, psychiatric or  
38 psychological diagnosis of the person.

39           2. A comprehensive assessment listing any functional impairments of  
40 the alleged incapacitated person and an explanation of how and to what extent  
41 these functional impairments may prevent that person from receiving or  
42 evaluating information in making decisions or in communicating informed  
43 decisions regarding that person.

44           3. An analysis of the tasks of daily living the alleged incapacitated  
45 person is capable of performing without direction or with minimal direction.

1 4. A list of all medications the alleged incapacitated person is  
2 receiving, the dosage of the medications and a description of the effects  
3 each medication has on the person's behavior to the best of the declarant's  
4 knowledge.

5 5. A prognosis for improvement in the alleged incapacitated person's  
6 condition and a recommendation for the most appropriate rehabilitation plan  
7 or care plan.

8 6. Other information the physician, psychologist or registered nurse  
9 deems appropriate.

10 Sec. 5. Section 14-5401, Arizona Revised Statutes, is amended to read:

11 14-5401. Protective proceedings

12 A. ~~Upon~~ ON petition and after notice and a hearing ~~in accordance with~~  
13 ~~the provisions of~~ PURSUANT TO this article, the court may appoint a  
14 conservator or make another protective order for cause as follows:

15 1. Appointment of a conservator or other protective order may be made  
16 in relation to the estate and affairs of a minor if the court determines that  
17 a minor owns money or property that requires management or protection ~~which~~  
18 THAT cannot otherwise be provided or has or may have affairs ~~which~~ THAT may  
19 be jeopardized or prevented by ~~his~~ THE MINOR'S minority or that funds are needed for ~~his~~  
20 THE MINOR'S support and education and that protection is necessary or  
21 desirable to obtain or provide funds.

22 2. Appointment of a conservator or other protective order may be made  
23 in relation to the estate and affairs of a person if the court  
24 determines both of the following:

25 (a) The person is unable to manage the person's estate and affairs  
26 effectively for reasons such as mental illness, mental deficiency, mental  
27 disorder, physical illness or disability, chronic use of drugs, chronic  
28 intoxication, confinement, detention by a foreign power or disappearance.

29 (b) The person has property ~~which~~ THAT will be wasted or dissipated  
30 unless proper management is provided, or that funds are needed for the  
31 support, care and welfare of the person or those entitled to be supported by  
32 the person and that protection is necessary or desirable to obtain or provide  
33 funds.

34 B. ON PETITION AND AFTER NOTICE AND A HEARING PURSUANT TO THIS  
35 ARTICLE, THE COURT MAY CONTINUE A CONSERVATORSHIP OR OTHER PROTECTIVE ORDER  
36 ENTERED PURSUANT TO SUBSECTION A, PARAGRAPH 1 OF THIS SECTION BEYOND THE  
37 MINOR'S EIGHTEENTH BIRTHDAY IF THE COURT DETERMINES THAT THE ORDER IS  
38 APPROPRIATE PURSUANT TO SUBSECTION A, PARAGRAPH 2 OF THIS SECTION. THE  
39 PETITION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 14-5404, SUBSECTION B  
40 AND MUST BE FILED AFTER THE MINOR'S SEVENTEENTH BIRTHDAY AND BEFORE  
41 TERMINATION OF THE CONSERVATORSHIP BY COURT ORDER.

42 Sec. 6. Section 14-5405, Arizona Revised Statutes, is amended to read:

43 14-5405. Notice in conservatorship proceedings

44 A. In a proceeding for the appointment or removal of a conservator of  
45 a protected person or person allegedly in need of protection, other than the  
46 appointment of a temporary conservator or temporary suspension of a

1 conservator, AND IN A PROCEEDING TO CONTINUE A CONSERVATORSHIP OR OTHER  
2 PROTECTIVE ORDER PURSUANT TO SECTION 14-5401, SUBSECTION B, notice of the  
3 hearing shall be given to each of the following:

4 1. The protected person or the person allegedly in need of protection  
5 if that person is fourteen years of age or older.

6 2. The spouse, parents and adult children of the protected person or  
7 person allegedly in need of protection, or if no spouse, parents or adult  
8 children can be located, at least one adult relative of the protected person  
9 or the person allegedly in need of protection, if such a relative can be  
10 found.

11 3. Any person who is serving as guardian or conservator or who has the  
12 care and custody of the protected person or person allegedly in need of  
13 protection.

14 4. Any person who has filed a demand for notice.

15 B. At least fourteen days before the hearing notice shall be served  
16 personally on the protected person or the person allegedly in need of  
17 protection and that person's spouse and parents if they can be found within  
18 the state. Notice to the spouse and parents, if they cannot be found within  
19 the state, and to all other persons except the protected person or the person  
20 allegedly in need of protection shall be given in accordance with section  
21 14-1401. Waiver of notice by the protected person or the person allegedly in  
22 need of protection is not effective unless the protected person or the person  
23 allegedly in need of protection attends the hearing.

24 Sec. 7. Section 14-5407, Arizona Revised Statutes, is amended to read:  
25 14-5407. Procedure concerning hearing and order on original  
26 petition

27 A. On the filing of a petition for appointment of a conservator or any  
28 other protective order because of minority, the court shall set a hearing  
29 date on the matters alleged in the petition. If, at any time in the  
30 proceeding, the court determines that the interests of the minor are or may  
31 be inadequately represented, it shall appoint an attorney to represent the  
32 minor. If the minor is at least fourteen years of age the court shall  
33 consider the choice of the minor.

34 B. On the filing of a petition for appointment of a conservator or any  
35 other protective order for reasons other than minority, OR ON THE FILING OF A  
36 PETITION FOR CONTINUATION OF A CONSERVATORSHIP OR OTHER PROTECTIVE ORDER  
37 PURSUANT TO SECTION 14-5401, SUBSECTION B, the court shall set a hearing  
38 date. Unless the person to be protected has counsel of ~~his~~ THAT PERSON'S own  
39 choice, the court shall appoint an attorney to represent ~~him~~ THAT PERSON. If  
40 the alleged disability is mental illness, mental deficiency, mental disorder,  
41 physical illness or disability, chronic use of drugs, or chronic  
42 intoxication, the court shall appoint an investigator to interview the person  
43 to be protected. On petition by an interested person or on the court's own  
44 motion, the court may direct that an appropriate medical or psychological  
45 evaluation of the person be conducted. The investigator and the person

1 conducting the medical or psychological evaluation shall submit written  
2 reports to the court before the hearing date.

3 C. In any case where the veterans administration is or may be an  
4 interested party, a certificate of an authorized official of the veterans  
5 administration that the person allegedly in need of protection has been found  
6 incapable of handling the benefits payable, on examination in accordance with  
7 the laws and regulations governing the veterans administration, is prima  
8 facie evidence of the necessity for appointment of a conservator.

9 D. The person allegedly in need of protection is entitled to be  
10 present at the hearing, to be represented by counsel, to present evidence and  
11 to cross-examine witnesses, including any court appointed examiner and  
12 investigator. The issue may be determined at a closed hearing if the person  
13 allegedly in need of protection or that person's counsel so requests.

14 E. After the hearing, ~~upon~~ ON a finding that a basis for the  
15 appointment of a conservator or any other protective order has been  
16 established, the court shall make an appointment or other appropriate  
17 protective order.

18 Sec. 8. Section 14-5416, Arizona Revised Statutes, is amended to read:  
19 14-5416. Petitions for orders subsequent to appointment

20 A. Any person interested in the estate or affairs of a person for whom  
21 a conservator has been appointed may file a petition in the appointing court  
22 for an order:

23 1. Requiring bond or security or additional bond or security, or  
24 reducing bond.

25 2. Requiring an accounting for the administration of the estate of the  
26 protected person.

27 3. Directing distribution.

28 4. Removing the conservator and appointing a temporary or successor  
29 conservator.

30 5. CONTINUING THE CONSERVATORSHIP PURSUANT TO SECTION 14-5401,  
31 SUBSECTION B.

32 ~~5-~~ 6. Granting other appropriate relief.

33 B. A conservator may petition the appointing court for instructions  
34 concerning the fiduciary's responsibility.

35 C. ~~Upon~~ ON notice and a hearing the court may give appropriate  
36 instructions or make any appropriate order.

37 D. When a surety of a conservator desires to be released from  
38 responsibility for future acts, the surety may apply to the court for a  
39 release. The court shall proceed in the same manner as in a proceeding under  
40 section 14-3604, subsection B. Notice shall be given to the conservator as  
41 provided in section 14-5413.

42 Sec. 9. Section 14-5430, Arizona Revised Statutes, is amended to read:  
43 14-5430. Termination of proceeding

44 A. The protected person, the conservator or any other interested  
45 person may petition the court to terminate the conservatorship. A protected



1 person seeking termination is entitled to the same rights and procedures as  
2 in an original proceeding for a protective order.

3 B. The court, ~~upon~~ ON determining after notice and a hearing that the  
4 minority or disability of the protected person has ceased, shall terminate  
5 the conservatorship UNLESS THE COURT HAS CONTINUED THE CONSERVATORSHIP OR  
6 OTHER PROTECTIVE ORDER PURSUANT TO SECTION 14-5401, SUBSECTION B.

7 C. ~~Upon~~ ON termination, title to assets of the estate passes to the  
8 formerly protected person or to the person's successors. The order of  
9 termination shall provide for expenses of administration and shall direct the  
10 conservator to execute appropriate instruments to evidence the transfer.