

County of: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Judicial District: \_\_\_\_\_

Case Type: Guardianship and Conservatorship

In Re the Guardianship/Conservatorship of:

\_\_\_\_\_

**Visitor’s Report (GAC105)**

Minn. Stat. §§ 524.5-304(f) and 524.5-406(f)

Minn. Gen. R. Prac. 416(b)

My name is \_\_\_\_\_, and I am the court-appointed **visitor** in this case.

As required by statute and rule, I am filing this report, which includes my observations and recommendations, as well as the Respondent’s responses to questions.

1. Interview.

Date of Interview: \_\_\_\_\_

Place: \_\_\_\_\_

Others present during the interview: \_\_\_\_\_

\_\_\_\_\_

2. Respondent’s orientation as to time, date, and place.

During my time with the person, they demonstrated knowledge as follows:

Time of Day: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

3. Respondent’s language, race, and ethnicity.

a. Language.

The person’s primary language is: \_\_\_\_\_

The person’s responses to questions are listed below:

- Which language do you prefer to receive **spoken** information in?

\_\_\_\_\_

- Do you want an interpreter at the hearing?

Yes. Language: \_\_\_\_\_

No.

b. Race and ethnicity.

**Note:** The “race and ethnicity” section is optional for the visitor.<sup>1</sup>

The Respondent’s responses to the questions are noted below:

- Do you want to fill out the *Race Data Form*?  Yes.  No.
- (If yes) Do you want help filling out the *Race Data Form*?  Yes.  No.

4. Respondent’s physical appearance:

5. Were the notice and petition read to the Respondent?  Yes.  No.

6. Respondent’s Answers to Questions:

A) Do you understand the nature, purpose, and effect of these proceedings?

B) You must be physically present at the hearing on this petition. Do you understand?

C) The law requires that the Court appoint an attorney to represent you, unless you wish to hire your own, or an attorney is provided by others, or you waive, in writing, the right to have an attorney. If you can afford it, you must pay reasonable attorney’s fees for the attorney you hire, or the attorney appointed by the Court.

Do you understand what I have told you?  Yes.  No.

Other information Respondent provided:

You have a right to hire your own attorney. Do you wish to obtain your own attorney?  Yes.  No.

Other information Respondent provided:

Do you want to have the Court-appointed attorney?  Yes.  No.

Other information Respondent provided:

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<sup>1</sup> **Note to the Court Visitor:** You may choose to offer the Respondent the *Race Data Form – Guardianship and Conservatorship Cases* (OTH204) and inform them that completing the form is optional. If respondent chooses to complete the form, you may assist. The respondent may return the form to you and request you give it to the court. If the respondent asks you to give it to the court, you may do so via any of the options set forth in the instructions. **DO NOT** e-file the *Race Data Form* either as a separate document or with this report.

Do you wish to waive your right to be represented by an attorney?  Yes.  No.  
*If yes, was a waiver signed?*  Yes.  No.

**If an attorney is to be retained:**

What is the attorney's name? \_\_\_\_\_

**If an attorney is to be appointed by the Court:**

\_\_\_\_\_ is the court-appointed attorney  
who will be available to represent you.

*Was a copy of the Order Appointing Attorney given to the Respondent?*

Yes.  No.

**Visitor's Recommendations – Any need for an attorney?**

D) Which of your family members is closest to you and in whom do you have trust and confidence?

E) Who are your other family members?

F) Do you know \_\_\_\_\_,  
the proposed guardians/conservators?  Yes.  No.

Would you like \_\_\_\_\_  
to be appointed your guardian/conservator, or neither?

If neither, is there someone you would prefer to be your guardian/conservator?

Yes.  No.

(if yes) Who?

G) (If the Petition is for **guardianship**)



H) (If the Petition is for **conservatorship**)

**What powers would you like the conservator to have?**

- 1) The power to pay for your support and maintenance?
- 2) The power to pay your debts?
- 3) The power to have and manage your estate?
- 4) The power to exchange or sell your interest or purchase other heirs' interest in inherited real estate?
- 5) The power to approve or withhold approval of any contract, except necessities, which you may wish to make?
- 6) The power to apply on your behalf for any assistance, services, or benefits available to you?
- 7) The power to establish an ABLE account for you? "ABLE" stands for "Achieving a Better Life Experience."

**Visitor's Recommendations**



**7. Report on residence.**

- a. Is place visited the Respondent's place of abode?  Yes.  No.

b. Type of abode:

c. Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

d. General condition of abode, if a private residence:

**8. Conclusions of Visitor:**

a. The nature and degree of the person's current incapacity or disability is as follows:

**b. If guardianship:**

It seems appropriate to grant all powers listed in Minn. Stat. § 524.5-313(c) to the guardian:  Yes.  No.

*If No*, the following powers seem appropriate:

- Have custody of the person and establish a place of abode within or outside the state. Minn. Stat. § 524.5-313(c)(1).
- Provide for the care, comfort, and maintenance needs of the person. Minn. Stat. § 524.5-313(c)(2).
- Take reasonable care of the person's clothing, furniture, vehicles, and other personal effects. Minn. Stat. § 524.5-313(c)(3).
- Give any necessary consent to enable, or to withhold consent for, the person to receive necessary medical or other professional care, counsel, treatment, or service. Minn. Stat. § 524.5-313(c)(4).
- Approve or withhold approval of any contract, except for necessities, which the person may make or wish to make (***only given if no conservator is appointed***). Minn. Stat. § 524.5-313(c)(5).
- Exercise supervisory authority over the person, but may not restrict the ability of the person to communicate, visit, or interact with others, including receiving visitors or making or receiving telephone calls, personal mail, or electronic communications including through social media, or participating in social activities, unless the

guardian has good cause to believe restriction is necessary due to risk of significant physical, psychological, or financial harm to the person, and there is no other means to avoid such significant harm. Minn. Stat. § 524.5-313(c)(6).

- Apply on behalf of the person for any assistance, services, or benefits available to the person subject to guardianship through any unit of government (**only given if no conservator is appointed**). Minn. Stat. § 524.5-313(c)(7).
- Establish an Achieving a Better Life Experience Act of 2014 account (ABLE) for the person. Minn. Stat. § 524.5-313(c)(9).
- Institute legal proceedings on behalf of, and represent, the person in all civil court proceedings (**only given if no conservator is appointed**). Minn. Stat. § 524.5-313(c)(10).
- Other: \_\_\_\_\_

**c. If conservatorship:**

It seems appropriate to grant all powers listed in Minn. Stat. § 524.5-417(c) to the conservator:  Yes.  No.

*If No*, the following powers seem appropriate:

- Pay reasonable charges for the support, maintenance, and education of the person in a manner suitable to their station in life and the value of their estate. Minn. Stat. § 524.5-417(c)(1).
- Pay out of the person's estate all lawful debts of the person and the reasonable charges incurred for the support, maintenance, and education of the person's spouse and dependent children and, upon order of the court, pay such sum as the court may fix as reasonable for the support of any person unable to earn a livelihood who is legally entitled to support from the person. Minn. Stat. § 524.5-417(c)(2).
- Possess and manage the person's estate, collect all debts and claims in favor of the person, or, with the approval of the court, compromise them, institute suit on behalf of the person and represent the person in expungement proceedings, harassment proceedings, and all civil court proceedings; invest all funds not currently needed for the debts, charges, and management of the estate pursuant to Minn. Stat. § 48A.07, subd. 6, 501C.0907, and 524.5-423; and purchase certain contracts of insurance as provided in Minn. Stat. § 50.14, subd. 14(b). Minn. Stat. § 524.5-417(c)(3).
- Authorize an exchange or sale of the person's undivided interest in real estate; authorize the purchase by the person of any interest other heirs may have in the real estate. Minn. Stat. § 524.5-417(c)(4).

- Approve or withhold approval of any contract, except for necessities, which the person may make or wish to make. Minn. Stat. § 524.5-417(c)(5).
- Apply on behalf of the person for any assistance, services, or benefits available to the person through any unit of government. Minn. Stat. § 524.5-417(c)(6).
- Establish and exercise all powers over an Achieving a Better Life Experience Act of 2014 account (ABLE) for the person. Minn. Stat. § 524.5-417(c)(7).
- Other: \_\_\_\_\_

**9. Additional comments or recommendations:**

Does the Respondent take medication that could interfere with judgment?  Yes.  No.

a. Living arrangement preference of the Respondent:

b. Other:

10. I informed the Respondent that I would be preparing this report and that a copy of it would be available to Respondent and Respondent's attorney not later than 7 days before the hearing.

11. I have no personal interest in these proceedings.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Court Visitor