

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: Guardianship / Conservatorship

In Re: Emergency Guardianship of
 Conservatorship of

Petition for Emergency Appointment of
 Guardian
 Conservator

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

1. Petitioner's: Name: _____
Address: _____
Telephone number: _____
Interest in this matter: _____
Relation to the Respondent: _____
2. Respondent's: Name: _____
Address: _____
Telephone number: _____
Age and date of birth: _____
and if the petition is granted, Respondent will be moved to: _____

3. The names and addresses of the Respondent's spouse and kin are:
(See Minn. Stat. § 524.5-303(b) and § 524.5-102, subd. 7(iv))

Relationship	Name	Address
a) Spouse (include an adult with whom Respondent has resided for six months or more):		

- b) List the name of any adult with whom the Respondent has resided for more than six months before the filing of this Petition: _____

- c) Kin: (adult children and step-children of a living spouse, if none, list parents and adult brothers and sisters; and if none of these, then list the next of kin of the respondent. (See Minn. Stat. § 524.5-102, subd. 7(iv))

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d) Administrator (if Respondent is in a hospital, VA, unit, nursing home, group home, home care agency or other institution):

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e) Legal Representative (guardian/conservator, representative payee, trustee or custodian of property):

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f) Persons nominated, proposed, or confirmed by prior order, as guardian or conservator (file applicable document with petition including a prior order, health care directive or related document):

4. An emergency appointment of a Guardian of Respondent should be made because:
- A. A petition for appointment of a general guardian for Respondent has been filed, or will be filed in the immediate future with this court;
 - B. Compliance with the procedures for appointment of a general guardian will likely result in substantial harm to the Respondent's health, safety, or welfare, and no other person appears to have the authority and the willingness to act on Respondent's behalf;
 - C. The Respondent's needs for health, safety, or welfare are at risk because:
(Describe behavior and circumstances supporting this allegation): _____

_____ ; and
 - D. Less restrictive means have been attempted and considered, but are not sufficient to meet the Respondent's identified needs.

5. The following powers are needed for an Emergency Guardian to protect and supervise the person of the Respondent:
- All of the rights and powers on behalf of a person subject to guardianship under Minn. Stat. § 524.5-313(c) paragraphs 1, 2, 3, 4, 5, 6, 7, 9, and 10.
- (If the Guardian is granted limited powers and duties, specify which powers and duties are vested in the Guardian by this Order.)***

- Have custody of the person subject to guardianship and establish the place of abode for the person subject to guardianship within or without the State, Minn. Stat. § 524.5-313(c)(1);
 - Provide for the care, comfort and maintenance needs of the person subject to guardianship, Minn. Stat. § 524.5-313(c)(2);
 - Take reasonable care of the clothing, furniture, vehicles and other personal effects of the person subject to guardianship, Minn. Stat. § 524.5-313(c)(3);
 - Give any necessary consent to enable, or to withhold consent for, the person subject to guardianship 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 subject to guardianship may make or wish to make (**only given if no conservator is appointed**), Minn. Stat. § 524.5-313(c)(5);
 - Exercise supervision authority over the person subject to guardianship, Minn. Stat. § 524.5-313(c)(6);
 - Apply on behalf of the person subject to guardianship for any assistance, services, or benefits available to the person subject to guardianship through any unit of government, Minn. Stat. § 524.5-313(c)(7);
 - Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue code (known as an ABLÉ account) for the person subject to guardianship, Minn. Stat. § 524.5-313(c)(9);
 - Commence legal proceedings on behalf of and represent the person subject to guardianship in all civil proceedings (**only given if no conservator is appointed**), Minn. Stat. § 524.5-313(c)(10);
 - (other) _____.
- All other powers, duties and responsibilities conferred on the Guardian under applicable law.
6. An emergency appointment of a Conservator of Respondent is needed because:
- A. A petition for appointment of a general conservator of the estate for Respondent has been filed, or will be filed in the immediate future with this court;
 - B. Compliance with the procedures for appointment of a general conservator will likely result in harm to the Respondent's health, safety, or welfare; or property is needed for support of the Respondent or for individuals who are in fact dependent upon the Respondent for support; and no other person appears to have the authority and the willingness to act on Respondent's behalf;
 - C. The Respondent's needs for health, safety, or welfare are at risk, or the Respondent's assets must be immediately preserved, because: (Describe behavior and circumstances supporting this allegation): _____
- _____;
- _____;
- D. no alternative less restrictive of civil rights and liberties exists, including the use of appropriate technological assistance.
7. The following powers are needed for an emergency Conservator to protect and supervise the estate of the Respondent:

- All of the rights and powers under Minn. Stat. § 524.5-417(c) paragraphs 1, 2, 3, 4, 5, 6, and 7.

(If the Conservator is granted limited powers and duties, specify which powers and duties are vested in the Conservator by this Order.)

- Pay reasonable charges for the support, maintenance, and education of the person subject to conservatorship 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 estate of the person subject to conservatorship all lawful debts of the person subject to conservatorship, Minn. Stat. § 524.5-417(c)(2);
- Possess and manage the estate of the person subject to conservatorship, collect all debts and claims in favor of the person subject to conservatorship, or with the approval of the court compromise them, institute suit on behalf of the person subject to conservatorship and represent the person subject to conservatorship in court proceedings, and invest all funds not currently needed for debts, charges, and management of the estate, Minn. Stat. § 524.5-417(c)(3);
- Exchange or sell an undivided interest in real property, Minn. Stat. § 524.5-417(c)(4);
- Approve or withhold approval of any contract, except for necessities, which the person subject to conservatorship may make or wish to make, Minn. Stat. § 524.5-417(c)(5);
- Apply on behalf of the person subject to conservatorship for any assistance, services, or benefits available to the person subject to conservatorship 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 under section 529A of the Internal Revenue code (known as an ABL account), Minn. Stat. § 524.5-417(c)(7);
- (other) _____;
and all other powers, duties and responsibilities conferred on the Conservator under applicable law.

8. The probable value and the general character of the assets of the Respondent are:

Homestead:	\$ _____
Other Real Estate:	\$ _____
Money:	\$ _____
Investments:	\$ _____
Personal Property:	\$ _____
Other:	\$ _____
TOTAL:	\$ _____

9. The probable amount of the debts of the Respondent is \$ _____.

10. The name, age, address, and phone number of each proposed:

Guardian is: Name, age _____
Address: _____
Telephone number: _____;

Conservator is: Name, age _____
Address: _____

Telephone number: _____.

11. A. The proposed guardian _____
(name)

has never been removed for cause from serving as a guardian or conservator.

OR

has been removed for cause from serving as a guardian or conservator and the court location and court file number are: _____

B. The proposed conservator, _____
(name)

has never been removed for cause from serving as a guardian or conservator.

OR

has been removed for cause from serving as a guardian or conservator and the court location and court file number are: _____

12. The proposed guardian, _____, is a professional guardian and a summary of the proposed guardian's educational background, relevant work experience, and other experience is as follows: _____

The proposed conservator, _____, is a professional conservator and a summary of the proposed conservator's educational background, relevant work experience, and other experience is as follows: _____

13. Each proposed Guardian and Conservator is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to Minn. Stat. § 524.5-309(c) or 524.5-413(d).

Petitioner respectfully requests the Court, without notice to interested persons, schedule a time and place for a preliminary hearing on this petition and, after the hearing, issue an order appointing _____ Guardian of Respondent with the powers and duties described in allegations numbered 5 above and an order appointing _____ as Conservator of Respondent, or as a limited agent of Respondent, with the powers and duties described in allegations numbered 7 above.

I declare under penalty of perjury that I have read the foregoing petition and, to the best of my knowledge or information, its representations are true, correct and complete. Minn. Stat. § 358.116.

Dated: _____

County and state where signed:

Petitioner

Name of Petitioner's Attorney:

Name: _____

License No. _____

Address: _____

City/State/Zip _____

E-mail address _____