|  |  |
| --- | --- |
| **State of Minnesota** | **District Court** |
|  | **Probate Division** |
| **County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Judicial District: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
|  | Court File No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  | Case Type: Conservatorship/Guardianship |
| **In Re:**  **Guardianship**  **Conservatorship of**    **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Order Terminating:**  **Guardianship and Discharging Guardian**  **Conservatorship**  **Conservatorship and Discharging Conservator** |

This matter came on for hearing before the district court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on a petition seeking termination of the  Guardianship  Conservatorship of  the person subject to guardianship  the person subject to conservatorship, named above. The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following:

**FINDINGS OF FACT**

1. Findings of Capacity:

**Guardianship**: The person subject to guardianship has presented a prima facie case that the person subject to guardianship has capacity to make or communicate responsible decisions concerning the personal needs for medical care, nutrition, clothing, shelter or safety of the person subject to guardianship. Such case is evidenced by the following facts

**Conservatorship**: The person subject to conservatorship has presented a prima facie case that the person subject to conservatorship is able to manage property and business affairs. The person subject to conservatorship does not have property which will be dissipated without proper management, or funds are not needed for the support, care, education, health, and welfare of the person subject to conservatorship or of individuals who are entitled to support from the person subject to conservatorship. Such case is evidenced by the following facts:

1. No other person has presented sufficient facts to rebut the prima facie case.
2. The court has followed the same procedures to safeguard the rights of the  person subject to guardianship  person subject to conservatorship as applied for a petition for  Guardianship  Conservatorship.

NOW, THEREFORE, IT IS ORDERED:

1. The Guardianship of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby terminated and all the rights and powers of the person subject to guardianship are hereby restored effective immediately and the Guardian is discharged.

2)  The Conservatorship of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby terminated and all the rights and powers of the person subject to conservatorship are hereby restored effective immediately. The termination of the conservatorship shall not relieve the Conservator of liability for previous acts or the obligation to account for funds and assets of the person subject to conservatorship. The Conservator shall be discharged by separate order of the court upon the final account being settled and allowed.

Or

The Conservatorship of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is hereby terminated and all the rights and powers of the person subject to conservatorship are hereby restored effective immediately. The final account having been settled and allowed by the court under separate order, the Conservator is hereby discharged.

3)  That the court appointed attorney for the  person subject to guardianship  person subject to conservatorship, if any, is hereby discharged.

Order Recommended by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Referee of District Court Judge of the District Court

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_