

State of Minnesota

County of _____

District Court
Probate Division

Judicial District: _____

Court File No. _____

Case Type: Guardianship/Conservatorship

In Re: Guardianship
 Conservatorship of

VISITOR'S REPORT

1. Date of Interview:

Place:

Others present during the interview:

2. Person oriented as to time and place. Knowledge of:

Time of day:

Date:

Place:

3. Physical appearance:

4. Were the notice and petition read to the Respondent?

5. Questions put to the person and his/her responses:

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?

You have a right to hire your own attorney. Do you wish to obtain your own attorney?

Do you want to have the Court-appointed attorney?

Do you wish to waive your right to be represented by an attorney?

Was a waiver signed?

If an attorney is to be retained:

What is his/her 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?

Visitor Recommendations – Any need for an attorney?

- D) Is English your second language? Yes No
Do you want an Interpreter at the hearing? Yes No
If Yes, what language?
- E) Which of your family members is closest to you and in whom do you have trust and confidence?
- F) Who are your other family members?
- G) Do you know _____, the proposed guardians/conservators?

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

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

Who?

If the Petition is for guardianship

What powers would you like the guardian to have:

- 1) The power to have custody of you and be responsible for finding you a place to live?
- 2) The power to provide for your care, comfort and needs?
- 3) The power to take care of your personal belongings?
- 4) The power to provide for medical care and treatment?
- 5) The power to be responsible for any contracts you make?
- 6) The power to have supervision over you?
- 7) The power to apply on your behalf for any assistance, services, or benefits available to you.

Visitor's Recommendations

If the Petition is for conservatorship of estate:

- 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?

Visitor's Recommendations:

6. Report on residence:

- A) Is place visited the Respondent's place of abode?
- B) Type of abode:
- C) Address:
- D) General condition of abode, if a private residence:

7. 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 to the guardian:
 Yes No If No, the following powers seem appropriate:

- 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, but may not restrict the ability of the person under guardianship to 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 good cause is shown by the guardian that the restriction is necessary due to risk of significant physical, psychological, or financial harm to the person under guardianship and there is no other means to avoid such significant harm, 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 (***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 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 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 to the conservator:
 Yes No If No, the following powers seem appropriate:

- 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 expungement proceedings and all civil court proceedings, and invest all funds not currently needed for debts, charges and management of the estate pursuant to Minn. Stat. §§ 48A.07, subd. 6, 501C.0901, and 524.5-423, 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 (ABLE) for the person subject to conservatorship, Minn. Stat. § 524.5-417(c)(7);
- (other)_____.

8. Additional comments or recommendations:

A. Living arrangement preference of the Respondent:

B. Other:

Does the Respondent take medication(s) that could interfere with judgment? Yes No

9. 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.

10. I, the Visitor, have no personal interest in these proceedings.

Date: _____

Signature of Court Visitor