## **INSTRUCTIONS**

### **Notice of Restrictions (GAC116)**

Minn. Stat. § 524.5-120 (10)

https://www.revisor.mn.gov/statutes/cite/524.5-120

#### **Important Notices and Resources**

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

#### Have questions about court forms or instructions?

- Visit <u>www.MNCourts.gov/SelfHelp</u>
- Call the Statewide Self-Help Center at 651-435-6535

#### Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

#### Forms You May Need

- Notice of Restrictions (GAC116)
- Affidavit of Service (GAC 2-U)

Forms are available online at www.mncoourts.gov/forms.

#### What You Need to Do

- 1. Complete the *Notice of Restrictions* (GAC116), following all of the steps in these instructions.
- 2. Give a copy of the *Notice of Restrictions* to the person subject to guardianship and to the person subject to the restrictions.
- 3. File the *Notice of Restrictions* with court administration.

Helpful materials may be found at your public county law library. For a directory, see <a href="http://mn.gov/law-library/research-links/county-law-libraries.jsp">http://mn.gov/law-library/research-links/county-law-libraries.jsp</a>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

#### **General Information**

Minn. Stat. § 524.5-120(10) (<a href="https://www.revisor.mn.gov/statutes/cite/524.5-120">https://www.revisor.mn.gov/statutes/cite/524.5-120</a>) says the person subject to guardianship has the right to communicate, visit, or interact with others. This includes the following:

- Receiving visitors
- Making or receiving telephone calls
- Sending or receiving personal mail or electronic communications including through social media
- Participating in social activities

#### However, the guardian can restrict this right IF:

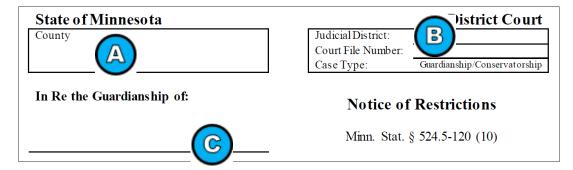
- The guardian has good reasons to believe that interaction with a person might cause significant physical, psychological, or financial harm to the person subject to guardianship; AND
- 2. There is no other way to avoid the significant harm.

If the guardian restricts the right of the person subject to guardianship to interact with someone, then the guardian **must** give written notice of the restrictions to:

- 1. The court;
- 2. The person subject to guardianship; and
- 3. The person subject to the restrictions.

## Step 1 Fill Out Notice of Restrictions (GAC116)

#### The "Caption"



Α.	List the	county	where	the	case	is	located.
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- B. List the Judicial District and Court File Number. Each county belongs in one of ten judicial districts. If you need help, see <a href="http://www.mncourts.gov/Find-Courts.aspx">http://www.mncourts.gov/Find-Courts.aspx</a>.
- C. List the name of the person subject to guardianship.

1	My name is	, and I am a guardian in this
	case.	

- 1. List your name.
- 2. Read paragraph 2. You do not have to write or type anything.
  - I believe restrictions are necessary to avoid significant physical, psychological, or financial harm to the person subject to guardianship. This is written notice that I am imposing the following restrictions:
- 3. Describe the restrictions. Be very clear so that the person subject to guardianship and the person subject to the restrictions both understand what is being restricted.
  - 4 I understand I must give a copy of this written notice to the following:
    - The Court
    - The person subject to guardianship:
    - The person subject to the restrictions:
- 4. Fill in the names of the:
  - Person subject to guardianship
  - Person subject to the restrictions
- 5. You do not have to do anything at paragraph 5.

#### **Signature Block**

Sign the *Notice of Restrictions* form, and print your name, address, telephone number, and e-mail address in the blanks under the signature line.

If there is a co-guardian, the co-guardian should sign the form as well.

## Step 2 Make Copies of the *Notice of Restrictions*

You will need at least 4 copies:

- One is for each guardian;
- One is for the court;
- One is for the person subject to guardianship; and
- One is for the person subject to the restrictions.

# Step 3 Give Notice of Restrictions Complete Affidavit of Service File with Court Administration

You must give a copy of the *Notice of Restrictions* to the person subject to guardianship AND the person subject to the restrictions.

Next, you must file the *Notice of Restrictions* form with the court. You must also file an *Affidavit of Service* (GAC 2-U) that tells the court when and how you provided the *Notice of Restrictions* to the person subject to guardianship AND the person subject to the restrictions.

There is no fee to file the Notice of Restrictions with court administration.