

INSTRUCTIONS

Notice of Restrictions

[Minn. Stat. § 524.5-120\(10\)](#) (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 [MNCourts.gov/SelfHelp](https://mncourts.gov/SelfHelp)
- 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 [MNCourts.gov/Find-a-Lawyer.aspx](https://mncourts.gov/Find-a-Lawyer.aspx)

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

Forms You May Need

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

Forms are available online at [MNCourts.gov/Forms](https://mncourts.gov/Forms) under the “Guardianship/Conservatorship”

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, their attorney, if known, and to the person subject to the restrictions.
3. File the *Notice of Restrictions* with court administration.

General Information

Minn. Stat. § 524.5-120(10) (revisor.mn.gov/statutes/cite/524.5-120) 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 sending or receiving electronic communications including through social media;
- Participating in social activities.

However, the guardian can restrict this right if:

1. The guardian has good reasons to believe that interaction with a person poses a substantial risk of significant physical, psychological, or financial harm to the person subject to guardianship; **and**
2. There is no other way to avoid or mitigate the significant harm.

Note: If the guardian believes a restriction is necessary, the guardian must first seek limited restrictions whenever possible, including supervised visits, phone calls, video calls, written correspondence, or limits on the length, frequency, or content of communication.

If the guardian places any restrictions of right of the person subject to guardianship to interact with someone, then the guardian must give written notice, within 48 hours of imposing 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

See Instructions (GAC118) for help in filling out this form.	
State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Guardianship/Conservatorship</u>
In Re the Guardianship of: _____	
Notice of Restrictions (GAC116)	
Minn. Stat. § 524.5-120(10)	

- List the county where the case is located.
- List the judicial district. Each county belongs in one of ten judicial districts. If you need help, see Mncourts.gov/Find-Courts.aspx.
- List the court file number.
- List the name of the person subject to guardianship.

1. My name is _____, and I am the guardian.

2. I understand that, according to Minnesota law, the person subject to guardianship has the right to communicate, visit, or interact with others, including having visitors, making telephone calls, sending or receiving personal mail, sending or receiving electronic communications through social media, or participating in social activities, **unless the guardian has good cause to believe a restriction of communication, visitation, or interaction is necessary because interaction with the person poses a substantial risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid or mitigate the significant harm.** Minn. Stat. § 524.5-120(10).

1. List your name.
2. Read paragraph 2. You do not have to write or type anything.

3. Limited Restrictions were attempted but were not successful. (Explain the limited restrictions and why they were not enough. If limited restrictions were not attempted, explain why not.)

3. Explain what limited restrictions, if any, were attempted. If none, explain why attempts were not made.

4. This is written notice that I am imposing the following restrictions:

4. 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.

5. I believe these restrictions are necessary to avoid substantial risk of significant physical, psychological, or financial harm to the person subject to guardianship. The reasons I am imposing these restrictions are:

5. Explain why you are imposing these restrictions.

6. I understand I must give a copy of this written notice to the following:

- The Court;
- The person subject to guardianship: _____
and
- The person subject to restrictions, if any: _____

6. Fill in the names of the:

- Person subject to guardianship; and
- Person subject to the restrictions.

7. You do not have to do anything at paragraph 7.

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 (GAC-2-U)

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.