

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 www.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 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.mncourts.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 <http://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.

General Information

Minn. Stat. § 524.5-120(10) (<https://www.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 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 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”

<p>State of Minnesota</p> <p>County A</p> <hr/>	<p style="text-align: right;">District Court</p> <p>Judicial District: B</p> <p>Court File Number: _____</p> <p>Case Type: <u>Guardianship/Conservatorship</u></p>
<p>In Re the Guardianship of:</p> <p style="text-align: center;">C</p> <hr/>	<p style="text-align: center;">Notice of Restrictions</p> <p style="text-align: center;">Minn. Stat. § 524.5-120 (10)</p>

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

3 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.
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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.
