

INSTRUCTIONS

Petition to Remove or Modify Restrictions **(GAC117)**

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 MN Courts 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

- *Petition to Remove or Modify Restrictions* (GAC117);
- *Affidavit of Service* (SOP105).

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

What You Need to Do

1. Complete the *Petition to Remove or Modify Restrictions* (GAC117), following all of the steps in these instructions.
2. Give a copy of the *Petition* to the person subject to guardianship and to the Guardian.
3. File the *Petition* 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. 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.

The person subject to guardianship or the person subject to restrictions may ask the court (petition) to remove or modify the restrictions.

Step 1

Fill Out *Petition to Remove or Modify Restrictions* (GAC117)

The “Caption”

<p>State of Minnesota</p> <p>County A</p> <hr/> <p>In Re the Guardianship of:</p> <p style="text-align: center;">C</p>	<p style="text-align: right;">District Court</p> <p>Judicial District: B</p> <p>Court File Number: _____</p> <p>Case Type: Guardianship/Conservatorship</p> <p style="text-align: center;">Petition to Remove or Modify Restrictions</p> <p style="text-align: center;">Minn. Stat. § 524.5-120 (10)</p>
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- A. List the county where the case is located.
- B. List the Judicial District and Court File Number.
- C. List the name of the person subject to guardianship.

1 My name is _____, and I am the:

Person subject to guardianship.

Person subject to the restrictions.

Other: _____.

- 1. List your name. Then check the box stating who you are.

2 The guardian placed the following restrictions on the right of the person subject to guardianship to communicate, visit, or interact with others: _____

3 I disagree with the restrictions because: _____

4 I ask the court to remove or modify the restrictions by ordering: _____

- 2. Describe the restrictions. If the guardian gave you a written *Notice of Restrictions*, you will see the restrictions there.
- 3. Explain why you disagree with the restrictions.
- 4. What do you want the court to order? Describe how you want the court to remove or modify (change) the restrictions.

Signature Block

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

Step 2

Make Copies of the *Petition to Remove or Modify Restrictions*

You will need at least 3 copies. One is for your records. You will need a copy for the other people involved in this case, and for each guardian.

Step 3

Serve *Petition to Remove or Modify Restrictions* on Other Person and Guardian

Complete the *Affidavit of Service* Form (SOP105)

You must make sure the other person AND each guardian receives a copy of the *Notice of Restrictions*. The form can be mailed or hand-delivered, and you can do this yourself, or you can have another adult do it for you. This is called “service of process.”

Whoever mails or hand-delivers the *Notice* should complete the *Affidavit of Service* (SOP105), which is found online at www.mncourts.gov/forms (choose the “Service of Process” category). This will be your proof that you served the others involved in this matter. You might need a separate *Affidavit of Service* for each person served.

Step 4

File the *Petition to Remove or Modify Restrictions* and *Affidavit of Service* with Court Administration

File the *Petition to Remove or Modify Restrictions* and the *Affidavit(s) of Service* with court administration in the county where the court case is located.

There may be a filing fee to file these papers. If you cannot afford the filing fee, you can ask the court for a fee waiver by filing the *Application to Proceed In Forma Pauperis* form, which is available online at www.mncourts.gov/forms (choose the “Fee Waiver/In Forma Pauperis” category). If the court denies your request for a fee waiver, you will have to pay the filing fee before court staff can process your *Petition*.

What to Expect Next...

Wait to hear from the Court. Keep your contact information up to date so that Court Administration can reach you.