

INSTRUCTIONS

Transfer Venue of Guardianship/Conservatorship Case

Forms you will need for your Petition to Transfer Venue for Guardianship/Conservatorship:

- Petition to Transfer Venue of Guardianship/Conservatorship;
- Order Granting Transfer of Venue of Guardianship/Conservatorship;
- Notice of Hearing and Notice of Rights;
- Affidavit of Service (Form GAC 2-U);



These forms can only be used to ask the court to move the case to another county in Minnesota. DO NOT use these forms to move the case to another state. The person subject to guardianship and/or conservatorship must live in the new county before the Petition for Transfer of Venue for Guardianship/Conservatorship can be filed. If you file this petition, you are asking the current county to move the entire Guardianship and/or Conservatorship file to the new county. If the court approves your petition, all hearings will be held in the new county. Seek legal advice if you are not sure about how to move forward.

Overview of Steps

1. Complete the court forms, following all of the steps in these instructions.
2. File the original forms with Court Administration (filing fee or fee waiver is required).
3. Arrange for service.
4. Appear at the hearing.

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.

Got a question about court forms or instructions?

- Visit www.mncourts.gov/SelfHelp.
- Call the Tenth Judicial District Self Help Center at (763) 760-6699.

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

- Talk with a lawyer.
- Visit <https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx>

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 your court administrator or call the Minnesota State Law Library at 651-297-7651.

General Information About Guardianship/Conservatorship

The information contained in this document is not intended as legal advice but as a general guide to explain the legal process. **If you do not understand** any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

A Petition to Transfer Venue is a way to ask the court to move the case from the county the case is in now to a different county within Minnesota.

CAUTION: BEFORE YOU PROCEED, CONSERVATORS HAVE THE RESPONSIBILITY TO:

*Prepare a final accounting for the current county. The final accounting must be approved by the court of the current county before the case can be moved to the new county. The final accounting can be accessed through MyMNConservator (MMC) at the following link <http://mncourts.gov/Help-Topics/MyMNConservator.aspx>



WHEN TO USE THIS FORM

This form can **ONLY** be used if a transfer to a different county is in the best interest of person subject to guardianship/conservatorship **AND** no other relief is possible.

Before requesting a transfer of venue, Petitioner should consider alternatives, such as asking the Court for the following relief:

- Waiver of the person subject to guardianship/conservatorship's court appearance or
- Telephone or Zoom appearance for the person subject to a guardianship/conservatorship

If you are not sure if other alternatives exist, you should talk to a lawyer for legal advice. This form **CANNOT** be used just because it is convenient for the guardian/conservator to transfer the case to a different county.

Legal Terms:

Guardian: appointed by the court to make personal decisions for the person subject to guardianship, such as where to live, medical decisions, training and education, etc.

Person Subject to Guardianship: a minor or incapacitated adult who has a court appointed guardian, lacks sufficient understanding or capacity to make or communicate responsible personal decisions, and who has an inability to meet personal needs for medical care, nutrition, clothing, shelter, or safety.

Conservator: appointed by the court to make financial decisions for the person subject to conservatorship. A conservator typically has the power to enter into contracts, pay bills, invest assets, and perform other financial functions for the person subject to conservatorship.

Person Subject to Conservatorship: a person who has a court appointed conservator because they lack the capacity or ability to make decisions regarding their financial affairs or estate.

Venue: The county or district court which a case must be heard.

Step 1
Fill out the Petition to Transfer Venue of
Guardianship/Conservatorship

How to Fill out the Petition:

- Fill out the case caption.
 - Write the County where the current case is in and the Court File Number. The Court File Number can be found by looking at <http://mncourts.gov/Access-Case-Records.aspx> and by selecting the civil case search category and entering a party name for the case.
 - Check the boxes for whether the matter is a Guardianship, Conservatorship or both.
 - Write in the name of the person subject to guardianship and/or person subject to conservatorship.
- Fill out the areas of the *Petition* as completely as possible. Some of the information to be filled out may be the same as what was listed in the initial *Petition for Guardianship/Conservatorship*.

The following instructions will help in completing the *Petition to Transfer Venue of Guardianship/Conservatorship*. For example, read Paragraph #1 below for help in answering Paragraph #1 on the *Petition to Transfer Venue*.

Paragraphs #1-6

1. The person who is asking the court to transfer venue of the guardianship/conservatorship case is the **Petitioner**. Write the Petitioner's full name; address or P.O. Box; telephone number; interest in the matter; and relationship to the person subject to guardianship and/or person subject to conservatorship in the matter.
2. The person who is subject to guardianship and/or person subject to conservatorship is the **Respondent**. Write the Respondent's name, address, telephone number, age and date of birth.

3. The next section asks about where the Respondent lives. Tell the court where the Respondent moved from (City and County) and where the Respondent currently lives (City and County), and when this move occurred.

Complete Paragraphs #4-6 only if you have a guardianship.

Check the box above Paragraph #4 if there is no guardianship. Skip to Paragraph #7.

4. Write the date the court appointed the guardian. Look at the date on the *Order Appointing Guardian/Conservator* to find this information.
5. Write the county where the guardianship case is currently in, the county where the case should be moved to, and the county where Respondent currently lives.
6. Tell the court why it would be in the best interest of the Respondent that the guardianship be moved to the new county. One example of the “best interest” of the Respondent could be that the Respondent has limited mobility due to their disability and it would be more convenient to have their case in the county where they live now. Another example could be that the Respondent is lower income and they cannot afford to travel to the county where the case is currently filed.

Complete Paragraphs #7-10 only if you have a conservatorship.

Check the box above Paragraph #7 if there is no conservatorship to be transferred.

7. Write the date the court appointed the conservator. Look at the date of the *Order Appointing Guardian/Conservator* to find this information.
8. Write the county where the conservatorship case is currently in, the county where the case should be moved to, and the county where Respondent currently lives.
9. Tell the court why it would be in the best interest of the Respondent that the conservatorship to be moved to the new county. One example of the “best interest” of the Respondent could be that the Respondent has limited mobility due to their disability and it would be more convenient to have their case in the county where they live now. Another example could be that the Respondent is lower income and they cannot afford to travel to the county where the case is currently filed.
10. Check whether a final accounting was filed with the court. The conservator must file a final accounting and it must be approved by the court of the current county before the case can be moved to the new county. The final accounting can be accessed through MyMNConservator (MMC) at the following link <http://mncourts.gov/Help-Topics/MyMNConservator.aspx>

After the “**WHEREFORE**”

1. You do not need to write anything, but make sure the statement is what you want from the court.
2. Write the name of the county the guardianship/conservatorship will be moved to.
3. You do not need to write anything, but make sure the statement is what you want from the court.

The Signature Block / Penalty of Perjury

When you sign your *Petition*, you are signing under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. By signing under penalty of perjury, you are stating that the information in your *Petition* is true.

<p>I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.</p>	
<p>Dated: _____</p>	<p>Signature _____</p>
<p>County and State where signed _____</p>	<p>Printed Name: _____</p>
	<p>Address: _____</p>
	<p>City/State/Zip Code: _____</p>
	<p>Telephone: () _____</p>

Date and sign the *Petition*. Write the name of the county and state you were in when you signed it. Print your contact information below your signature.

Step 2
Fill out the Order Granting Transfer of Venue of
Guardianship/Conservatorship

NOTE: Check with Court Administration in the county you are filing to see if they require the *Order Granting Transfer of Venue* to be filled out before you file the *Order*.

If Court Administration requires you to fill out the *Order*, then follow the below instructions.

How to Fill Out the Order Granting Transfer of Venue:

Fill out the case caption as you did in Step 1. Leave the first paragraph blank.

Under “Findings of Fact”:

For Paragraphs #1-3, you do not need to write anything, but make sure the statement is what you want the court to order.

Paragraphs #4-7:

4. Skip if there is no guardianship. Check the box if this is a guardianship and write in the date the guardianship was established. Look at the date on the *Order Appointing Guardian/Conservator* to find this information.

5. Skip if there is no conservatorship. Check the box if this is a conservatorship and write in the date the conservatorship was established. Look at the date on the *Order Appointing Conservator/Conservator* to find this information.

At Paragraph #5a, you do not need to write anything, but make sure the statement is what you want the court to order.

6. Write in the name of the city and county where Respondent is living now. Write the date the Respondent moved.
7. Write in the reasons why it is in the best interest of the Respondent that venue should be transferred to the new county. Your answers here should match your answers to Paragraph #6 and/or Paragraph #9 of the *Petition to Transfer Venue of Guardianship/Conservatorship*.

Under “Conclusions of Law”:

For Paragraphs #1-2, you do not need to write anything, but make sure the statement is what you want the court to order.

Under “It Is Ordered”:

1. You do not need to write anything, but make sure the statement is what you want the court to order.
2. Write the name of the county where the guardianship and/or conservatorship case is now. For the next two lines, write the name of the county where you want the case to be moved.
3. Write the name of the county where the guardianship and/or conservatorship case is now. For the next two lines, write the name of the county where you want the case to be moved.

<p>Step 3 Fill out the Notice of Hearing and Notice of Rights</p>

Fill out the case caption as you did in Step 1.

Check the first box if you are asking the court to transfer venue of a guardianship case. Check the second box if you are asking the court to transfer venue of a conservatorship case. Write the name of the Respondent on the line.

Under “Respondent’ Rights and Obligations” paragraph, write in Court Administration’s phone number where the case is now.

Under “Petition to Transfer Venue of Guardianship” paragraph, write the name of the new county of the guardianship case.

Under “Petition to Transfer Venue of Conservatorship” paragraph, write the name of the new county of the conservatorship case.

When you file the documents with Court Administration, court staff will fill out the bottom half of the Notice of Hearing and Notice of Rights and return it to you for service.

On the last page, fill out the *Waiver of Right to Court Appointed Attorney’s* case caption as you did in Step 1. Leave the rest of the document blank.

Step 5
Make Copies and File with Court Administration

You will need to file the following forms with Court Administration:

- Petition to Transfer Venue of Guardianship/Conservatorship
- Order Granting Transfer of Venue of Guardianship/Conservatorship
- Notice of Hearing and Notice of Rights
- Affidavit(s) of Service (Form GAC 2-U) (after service is completed)

Make enough copies for yourself and any interested persons that need to be served.

Step 6
Serve Copies and File Affidavit of Service

NOTE: You will need to wait for the court to return the *Notice of Hearing and Notice of Rights*. The returned *Notice of Hearing and Notice of Rights* will have the court administrator’s signature on it. Once you receive it, service must be completed.

You must serve the *Notice of Hearing and Notice of Rights* and the *Petition to Transfer Venue of Guardianship/Conservatorship* on all interested persons and to the district court of the county where you want to move the case.

An “interested person” of the Respondent includes: spouse, parent, adult siblings, adult children including adult step-children of living spouse, person who lived with the Respondent for more than six (6) months, and other interested persons (see *Petition* and Minn. Stat. § 524.5-102, subd.7).

These documents must be personally served at least fourteen (14) days before the hearing or mailed (by first class mail) at least fourteen (14) days before the hearing to each interested person. NOTE: Papers **cannot** be served on a legal holiday.

If an interested person does not want to receive copies of notices or reports about the case, that person can fill out and sign a Waiver of Notices and Reports (Form GAC 110).

After you serve all the interested persons, fill out the *Affidavit of Service* (Form GAC 2-U).

You may not serve the Respondent. The person who personally served the Respondent will fill out the *Affidavit of Service* (Form GAC 2-U).

Step 7 Go to the Hearing

To prepare for your hearing, it is a good idea to look at the court rules. You can visit a law library to read the court rules. For more information on how to prepare for the hearing, review Section IX, C, of the Conservatorship and Guardianship Manual (Form GAC 101).

You and the Respondent (unless excused by a physician and the judge) must go to court on the date set for the hearing. It is important to be on time and be prepared.

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
TENTH JUDICIAL DISTRICT
PROBATE DIVISION

Court File No. _____
Case Type: Guardianship/Conservatorship

In Re: Guardianship
 Conservatorship of

PETITION TO TRANSFER VENUE OF:
 Guardianship
 Conservatorship

Person Subject to
Guardianship/Conservatorship

Minn. Stat. § 524.5-108

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

1. Petitioner's: Name: _____
Address _____

Telephone number: _____
Interest in this matter: _____
Relation to the Respondent: _____

2. Respondent's: Name: _____
Address: _____

Telephone number: _____
Age and date of birth: _____

3. The Respondent moved from City of _____, County of _____ to
City of _____ County of _____ on _____ (date).

*(Complete Paragraphs #4-6, **ONLY** if you have a guardianship).*

There is no guardianship case (if selected, skip to Paragraph # 7).

4. A guardian was appointed by order of this court dated _____.

5. This Court has authority to transfer the venue of this Guardianship from
_____ County, Minnesota to _____ County,
Minnesota because Respondent now lives in _____ County,
Minnesota. Minn. Stat. § 524.5-108

6. The transfer is in the best interest of the Respondent because:

(Complete Paragraphs #7-10, ONLY if you have a conservatorship)

There is no conservatorship case (if selected, only answer Paragraphs #1-6).

7. A conservatorship was appointed by order of this court dated _____.

8. This Court has authority to transfer the venue of this Conservatorship from _____ County, Minnesota to _____ County, Minnesota because Respondent now lives in _____ County, Minnesota. Minn. Stat. § 524.5-108.

9. The transfer is in the best interest of the Respondent because:

10. A final accounting has been filed with the court.

WHEREFORE, Petitioner respectfully requests the Court:

1. Schedule a time and place for hearing this Petition.
2. Issue an Order changing the venue of this Guardianship and/or Conservatorship to _____ County, where the Respondent resides.
3. Grant other appropriate relief.

I declare under the penalty of perjury that everything that I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____, 20__

County and State where signed

Petitioner

Name: _____

Address: _____

City/State/Zip: _____

E-mail address: _____

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
TENTH JUDICIAL DISTRICT
PROBATE DIVISION

Court File No. _____
Case Type: Guardianship/Conservatorship

In Re: Guardianship
 Conservatorship of

Order Granting Transfer of Venue:

Guardianship
 Conservatorship

The Petition for Transfer of Venue, signed by _____, came before the above-named Court on _____, ____, 20___. Petitioner appeared personally with the Petitioner's attorney, _____. The Respondent appeared personally with Respondent's attorney, _____. After considering the Petition, the Court makes the following findings and order:

FINDINGS OF FACT

1. The Petition is complete.
2. Notice has been given to all interested persons.
3. There are no objections to the Petition.
4. A Guardianship was established on _____.
5. A Conservatorship was established on _____.
 - a. The Conservator's accounts are hereby settled and allowed at the time of the hearing.
6. The Respondent moved to _____ City,
_____ County, Minnesota on _____ (date).
7. The venue transfer is in the best interest of the Respondent because:

CONCLUSIONS OF LAW

1. A transfer of venue order should be granted.
2. Transferring venue is in the best interest of the Respondent.

IT IS ORDERED

1. The Petition is approved.
2. The venue in this case shall be transferred from _____ County, Minnesota to _____ County, Minnesota. All future motions shall be filed and heard in _____, County, Minnesota.
3. _____ Court Administration shall transfer the entire file to _____, County District Court, _____, County, Minnesota.

BY THE COURT:

Judge of the District Court

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
TENTH JUDICIAL DISTRICT
PROBATE DIVISION

Court File No. _____
Case Type: Guardianship/Conservatorship

In Re: Guardianship
 Conservatorship of

**Notice of Hearing
and Notice of Rights**

A petition has been filed requesting a transfer of venue for Guardianship or Conservatorship of the estate; of _____ (Respondent herein). A copy of the petition is attached. A transfer of venue shall be based in the best interest of the Respondent.

Respondent's Rights and Obligations: The Respondent must be physically present at the hearing unless excused by the court. The Respondent has a right to attend the hearing, to be represented by an attorney, to oppose the petition and to present evidence. If the Respondent wishes to be represented by an attorney, the Respondent must either obtain one of the Respondent's own choosing or if the Respondent has no funds to pay an attorney, the Respondent may call the Court to request an attorney at _____ (phone number) Monday through Friday, 8:00 a.m. to 4:30 P.M.

Petition to Transfer Venue of Guardianship: If the petition is granted, the file and all future motions will be brought in the _____ County, Minnesota. The Respondent continues to be unable to manage the Respondent's personal affairs and the Guardian shall maintain all previously appointed powers, until further order of the Court.

Petition to Transfer Venue of Conservatorship: If the petition is granted, the file and all other future motions will be brought in the _____ County, Minnesota. The Respondent continues to be unable to manage the Respondent's financial affairs and the Conservator shall maintain all previously appointed powers, until further order of the Court.

YOU ARE HEREBY NOTIFIED that a hearing on the petition will be held at _____
o'clock **m.** on _____ at _____.

Dated: _____

Court Administrator

By: _____

This Notice must be personally served on the Respondent with a copy of the petition by the Court Visitor at least fourteen days prior to the hearing; and this Notice must also be served on all interested persons as defined in Minn. Stat. § 524.5-102, subd. 7 by mail postmarked not less than fourteen days prior to the hearing.

Court File No. _____

AFFIDAVIT OF SERVICE

_____ says that on _____, _____ the undersigned court visitor and/or person served the foregoing Notice of Hearing and Notice of Rights upon _____ by handing to and leaving a true and correct copy of this Notice with the Respondent, and displaying the signature of the court on the original Notice to Respondent.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email address: _____

County and state where signed

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT
TENTH JUDICIAL DISTRICT
PROBATE DIVISION

Court File No. _____
Case Type: Guardianship/Conservatorship

In Re: Guardianship
 Conservatorship of

Waiver of Right to Court Appointed Attorney

I have been notified of my right to be represented by an attorney at the hearing on the petition requesting a transfer of venue and I waive my right for a Court-appointed attorney.

I understand that the court can appoint an attorney for me and that the attorney fee will be paid by the County, but I do not want to be represented by an attorney.

Dated: _____, 20____

Signed

Court Visitor Certification: I read this notice and waiver of right to attorney to the proposed person subject to guardianship and/or person subject to conservatorship and explained this notice to such person. I believe the proposed person subject to guardianship and/or person subject to conservatorship has made a knowing and informed waiver of the right to an attorney.

Court Visitor

Date

State of Minnesota

**District Court
Probate Division**

County _____

Judicial District: _____
Court File Number: _____
Case Type: Guardianship/Conservatorship

In Re: the Guardianship /
 Conservatorship of

Affidavit of Service
(Guardianship/Conservatorship)

My name is _____, and I am at least 18 years old. I served papers for this case as follows:

Person under Guardianship or Conservatorship:	Forms Served:
Name: _____	_____
Served at _____	_____
(location): _____	_____
Date Of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

Person of Interest with the Court:	Forms Served:
Name: _____	_____
Served at _____	_____
(location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

Person of Interest with the Court:	Forms Served:
Name: _____	_____
Served at (location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

Person of Interest with the Court:	Forms Served:
Name: _____	_____
Served at (location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

Person of Interest with the Court:	Forms Served:
Name: _____	_____
Served at (location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

If you need more space, add another sheet of paper.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated

County and state where signed

Signature of Person Who Served the Forms

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Email: _____