

INSTRUCTIONS

PETITION FOR PROTECTIVE ORDER FOR INVESTMENT of MINOR'S FUNDS

Forms you will need for this process:

- Petition For Protective Order for Investment of Minor's Funds
- Protective Order for Investment of Minor's Funds
- Notice of Hearing and Notice of Rights
- Affidavit of Service (Form GAC 2-U)
- Receipt for Deposit of Restricted Funds into Protective Account
- Confidential Information Form (form 11.1) (Form CON111)



Do not use these forms if the child will receive multiple payments or installments. These forms are intended for use when a child will receive a one-time money payment/gift. You should seek legal advice if you are unsure whether you should use these forms.

What you need to do

1. Complete the court forms by following all of the steps in these instructions.
2. File the forms with the court (electronically, mail, or at the courthouse).
3. Appear at the hearing. Each step here is described in more detail below.

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 a question about this court form or instruction?

- Call the 10th Judicial District Self Help Center at (763) 760-6699
- Email 10CourtHelp@courts.state.mn.us
-

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 Requesting a Protective Order for Investment of Minor's Funds

The information contained in this document is a general guide. It explains the legal process for asking the court for a protective order to invest a minor's funds. This is not legal advice. If you do not understand any of these procedures, talk to a lawyer. Court staff, including Self-Help staff, CANNOT give legal advice.

These forms are meant to be used when your minor child is named a beneficiary of someone's life insurance policy or other financial account for a **ONE-TIME** money payout and the financial institution will not release the funds without a court order. A protective account keeps the money safe until the child is 18 years old or when the child has other needs for the money, such as tuition. The Court must approve any early withdrawal.

Who CAN use these Forms?

Parents or guardians of minors who received a one-time payment.

There is no court-appointed personal representative for a decedent's estate.

There is no court-appointed conservator.

Who CANNOT use these Forms?

Not for adult beneficiaries or other protective order types.

Not for multiple, staggered payments, or payments from multiple sources.

May not be needed if there is a personal representative for the decedent's estate or a conservatorship exists.

Protective Order for Investment of Minor's Funds vs. Conservatorship vs. Probate

- A Protective Order for Investment of Minor's Funds secures a one-time payout into an account that the child cannot touch until an order from the Court or when the child turns 18 years old. It is needed where the estate was not probated authorizing a Personal Representative to distribute the account. A Protective Order is also a less-restrictive option than a conservatorship.
- A conservatorship requires the court to appoint a person to manage another person's money and property. The person managing the money is called a Conservator and the person whose property and money is being managed is called the person subject to conservatorship. In a conservatorship, there could be annual accountings, background checks, bonding, and audits. Multiple sources of monies or properties are probably better managed through a conservatorship if there are any issues with the person subject to conservatorship's ability to understand their wealth or property. More information on conservatorship can be found at: <http://mncourts.gov/Help-Topics/Conservatorship.aspx>.

- Probate is the process to get the court to name a person to manage the estate of a deceased person (the decedent). The estate is all the stuff the deceased person possessed during his/her lifetime. The person named to manage the decedent's estate is call the Personal Representative. Probate can be an expensive and complicated process requiring multiple steps. Typically, probate is needed if there is real property owned by the decedent alone, a Will dispute, accounts without a named beneficiary, or personal property owned by the decedent alone that exceeds \$75,000. More information about the probate process can be found at <http://mncourts.gov/Help-Topics/Probate-Wills-and-Estates.aspx>.

If you are not sure whether to use these forms, petition for a conservatorship, or have a personal representative distribute funds, then you need to talk to an attorney.

Legal Terms:

Certificate of Deposit (CD): An account with a specific interest rate that locks the funds for a set time.

Child or Minor: A person under the age of 18 years old.

Evidence of Deposit: Savings certificate, certificate of deposit, or bank document identifying a safe deposit box.

FDIC Insurance: FDIC deposit insurance covers people's money held at a FDIC-insured financial institution dollar-for-dollar, principal plus any interest accrued or due to the account holder, through the date the financial institution failed to fulfill its obligation, up to at least \$250,000.

Example 1, if a person had a CD account in her name alone with a principal balance of \$195,000 and \$3,000 in accrued interest, the full \$198,000 would be insured, since principal plus interest did not exceed the \$250,000 insurance limit for single ownership accounts.

Example 2

<u>Account Title</u>	<u>Deposit Type</u>	<u>Account Balance</u>
Sam Jones	Market Yield	\$15,000
Sam Jones	Savings	\$20,000
Sam Jones	CD	\$200,000
Sam's Memories (A Sole Proprietorship)	Checking	\$25,000
Total		\$260,000

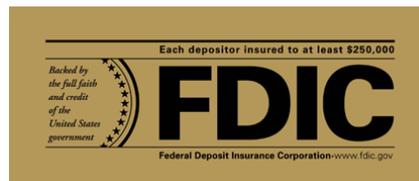
Amount Insured	\$250,000
Amount Uninsured	\$10,000

Explanation

Sam Jones has four accounts at the same insured bank in her name alone. The FDIC combines the four accounts, which equal \$260,000.00 and insures the total balance up to \$250,000, leaving \$10,000 uninsured.

FDIC insurance coverage is automatic whenever an account is opened at an FDIC-insured financial institution.

You will know if a financial institution is FDIC insured because they will display a similar logo (below) near their front door or on their written materials.



Interest Rate: The rate a financial institution pays its customer to keep money in an account. When borrowing money, it's the rate the financial institution charges a customer to borrow the money.

Interested Person: Nominated guardian or conservator; duly appointed guardian or conservator; legal representative, spouse, parent, adult children, and siblings. *See* Minn. Stat. § 524.5-102, subd. 7 for a complete list.

Non-Probate Assets: Assets of the decedent that can be transferred to a new owner without going through the probate process.

Petitioner: The person who is asking the court to appoint a protective agent.

Protective Agent: The person appointed by the court to deposit or invest the child's funds.

Protective Order: A court order instructing a person to perform a certain act or refrain from acting in a certain manner.

Protective Order for Investment of Minor's Funds: A court order naming an agent to deposit or invest a child's money in a secure and restrictive account until the child reaches 18 years old.

Savings Account: A deposit account that generally earns higher interest than a checking account. Savings accounts, outside of a court order, may limit the number of transfers or withdrawals a person can make from the account each monthly statement cycle.

Savings Certificate: A type of secure deposit into a savings account similar to a certificate of deposit (CD) that has a fixed interest rate for a set time.

U.S. Savings Bonds: Government document that offers a fixed interest rate for a set time. U.S. Savings Bonds can only be purchased directly from https://www.treasurydirect.gov/indiv/products/prod_eebonds_glance.htm.

Step 1
Gather Important Information

You are going to need the following information:

1. Name of the person who gave the child money.
2. Name of the financial institution or company that is holding the money and requiring a court order.
3. Child’s name, date of birth, and social security number.
4. Name of financial institution you have selected to invest the child’s funds with and the current interest rate that financial institution will pay on its savings certificate, savings account, certificate of deposit, bond or other investment.

Step 2
Fill out the Petition for Protective Order for Investment of Minor’s Fund

Section A: The “Caption”

A	<table style="width: 100%; border: none;"><tr><td style="width: 50%; border: none;"><p>State of Minnesota</p><p>County 1</p><hr style="border: none; border-top: 1px solid black; margin-top: 5px;"/></td><td style="width: 50%; border: none;"><p style="text-align: right;">District Court</p><table style="width: 100%; border: 1px solid black;"><tr><td style="padding: 2px;">Judicial District: _____</td></tr><tr><td style="padding: 2px;">Court File Number: _____</td></tr><tr><td style="padding: 2px;">Case Type: Conservatorship</td></tr></table></td></tr><tr><td style="border: none;"><p>In Re the Protective Order of:</p><p style="text-align: center; margin-top: 20px;">2</p><hr style="border: none; border-top: 1px solid black; margin-top: 5px;"/></td><td style="border: none;"><p style="text-align: center;">PETITION FOR PROTECTIVE ORDER FOR INVESTMENT OF MINOR’S FUNDS Minn. Stat. §§ 524.5-401 (1), 524.5-405, & 524.5-412</p></td></tr></table>	<p>State of Minnesota</p> <p>County 1</p> <hr style="border: none; border-top: 1px solid black; margin-top: 5px;"/>	<p style="text-align: right;">District Court</p> <table style="width: 100%; border: 1px solid black;"><tr><td style="padding: 2px;">Judicial District: _____</td></tr><tr><td style="padding: 2px;">Court File Number: _____</td></tr><tr><td style="padding: 2px;">Case Type: Conservatorship</td></tr></table>	Judicial District: _____	Court File Number: _____	Case Type: Conservatorship	<p>In Re the Protective Order of:</p> <p style="text-align: center; margin-top: 20px;">2</p> <hr style="border: none; border-top: 1px solid black; margin-top: 5px;"/>	<p style="text-align: center;">PETITION FOR PROTECTIVE ORDER FOR INVESTMENT OF MINOR’S FUNDS Minn. Stat. §§ 524.5-401 (1), 524.5-405, & 524.5-412</p>
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1. At the top of the page, write:
 - The **county** where the case will be filed;
 - The **judicial district** number (each county is located in one of ten [judicial districts](#)); but leave the court file number blank.
 - The **case type** has already been filled in for you.

2. Write child's name on the line for "child's name."

The following instructions will help you complete the *Petition for Protective Order for Investment of Minor's Funds, Proposed Order, and Receipt*. For example, read Paragraph #1 below for help in answering Question #1 on the *Petition for Protective Order for Investment of Minor's Funds*.

Section B:

After the:

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

1. The Petitioner (you) are asking the court for a protective order. Fill in your complete name, address, and telephone number.
2. Fill in the child's name, address, date of birth and the date the child will turn 18 years old.
3. Write how you are an interested person in the matter. The definition of an "Interested Person" is in the Legal Terms section on page 4.
4. The next section asks for you to list the child's kin, and other interested persons. If the information requested does not apply to the child, write "not applicable."

Write the name, address and relationship of any parents, adult siblings, or other nearest adult kin of the child.

Write the name, address and relationship of any adults the child has lived with for more than six months.

Write the name, address and relationship of the administrator for the hospital, nursing home, VA unit, group home, or other institution the child is living in.

Write the name, address and relationship of the child's legal representative (one who represents or stands in the place of another under authority recognized by law).

5. Fill in the name of the person you want the court to appoint as the Protective Agent. This can be you or someone else.
6. Write the name of the child, how much money the child will be receiving, and from whom and where the money is coming. The money is likely left behind by a family member, and a life insurance company or some other financial institution is holding the money.

Optional: If you prefer, you can also explain how the child came to into this money and why you can't withdraw the money.

7. Fill out the current values of the child's assets (house, money, investments, personal property) to the best of your knowledge. **If the child does not have the type of asset, write "0". Do not leave it blank.** Write the total for all of the assets.
8. List the total known debts the child currently has. **If the child does not have any debts, write "0". Do not leave it blank.**
9. You do not need to write anything, but make sure the statement is true.
10. You do not need to write anything, but make sure the statement is true.
11. You can ask the Court to order the Protective Agent to:
 - Place the money in a financial institution's savings certificate, savings account, or certificate of deposit,
 - Invest the money in US Savings Bonds, or
 - Make some other appropriate financial investment.



FDIC Insurance only covers up to \$250,000.00 per account owner. If the amount the child is getting is more than \$250,000.00, then you may need more than one financial institution to hold the money to insure that the funds are covered by FDIC insurance. You may do this by indicating in this question the different financial institution's names the money will be held in. Talk to your financial institution if you have FDIC insurance questions. ** More information on FDIC Insurance is found page 4.

Several of the investment options are defined in the Legal Terms section on page 4. You may want to talk to a financial advisor to discuss other financial investment options that may be available.

Check the first box if the money will be deposited in a financial institution, such as a bank or credit union. Write the name of the financial institution where the money will be deposited; check the box for the type of account in which the money will be deposited; the amount to be deposited; and the interest rate. In the last two blank spots, write the length of time the money will be held. For example: 18 months.

OR

Check the second box if you want the Court to order the Protective Agent to invest the child's money in US Savings Bonds and the interest rate.

OR

Check the third box if you want the Court to order the Protective Agent to invest the child's money in some other financial investment. Write the name and type of investment and the interest rate.

12. You do not need to write anything, but make sure the statement is true.

13. You do not need to write anything, but make sure the statement is true.
14. Write the date the child will turn 18 years old.
15. You do not need to write anything, but make sure the statement is true.
16. You do not need to write anything, but make sure the statement is true.

Section C.

After:

WHEREFORE , your Petitioner respectfully requests the Court (1) schedule a time and place for a hearing on this petition and (2) after the hearing an Order of the Court:
--

1. You do not need to write anything, but make sure the statement is true.
2. Write the name of the person you would like the court to appoint as Protective Agent.
3. Check the first box if you want the Protective Agent to deposit the money in a financial institution such as a bank or credit union. Then, write the amount of money the child will receive, check the type of account in which the money will be deposited, the interest rate, and the name of the financial institution.

OR

Check the second box if you would like the Court to order the Protective Agent to invest the money in US Savings Bonds and the interest rate.

OR

Check the third box if you would like the Court to order the Protective Agent to invest the money in some other financial investment. Write the name and type of investment and the interest rate.

4. Write the term of the investment, which is the length of time the money will sit in that account. For example, if the money is deposited in a certificate of deposit that is issued for 18 months, then the term of the certificate of deposit is "18 months".

Requests # 5- 8. You do not need to write anything, but make sure these statement are true.

9. Write in the child's name and the date the child will turn 18 years old.
10. Write the date the child will turn 18 years old.

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.

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

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 3

Fill out the Proposed Protective Order for Investment of Minor's Funds

NOTE: If you have multiple financial institutions **named in the Petition**, then you will need **more than one Proposed Protective Order for Investment of Minor's Funds**. Each order should have a different financial institution's name written where you are instructed to write the financial institution's name.

Section A: The "Caption"

<div style="border: 1px solid black; padding: 5px; display: inline-block; margin-bottom: 10px;">A</div> <div style="border: 1px solid black; padding: 5px; width: 90%;"> <p>State of Minnesota 1</p> <p>County _____</p> </div>	<div style="border: 1px solid black; padding: 5px; width: 90%; margin-left: auto;"> <p style="text-align: center;">District Court</p> <p>Judicial District: _____</p> <p>Court File Number: _____</p> <p>Case Type: Conservatorship</p> </div>
<p>In re the Protective Order of:</p> <p>_____, 2</p>	
<p>PROTECTIVE ORDER FOR INVESTMENT OF MINOR'S FUNDS</p>	

- At the top of the page, write:
 - The **county** where the case will be filed;
 - The **judicial district** number (each county is located in one of ten [judicial districts](#)); but leave the court file number blank.
 - The **case type** has already been filled in for you.
- Write child's name on the line for "child's name."

Section B. This matter came before the Court on _____. After considering the matter, the Court makes the following findings and order:

Leave this blank. The judge will fill in the date for you.

Section C. **FINDINGS OF FACT**

1. Write the name of the child, how much money the child will receive, and from whom and where the money is coming from. The money could be left by a family member and held by a financial institution, such as a life insurance company or a bank.
2. Write the child's name and address.
3. Write the child's birthday and the date the child will turn 18 years old.
4. Write the name of the Petitioner and explain how she/he is an interested person. You may want to look at the Legal Terms section on page 4.
5. Write the Protective Agent's name and tell the court why this person should be named "Protective Agent."

Example: The money needs to be held safe until child is 18 years old, and John Doe is the child's parent.

6. You do not need to write anything. These lines are for the judge to make additional findings of fact.

Section D. **CONCLUSIONS OF LAW**

This section has been filled in for you, but make sure the statements are true.

Section E. **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 Protective Agent.
3. You have a choice. You can ask the court to order the money be held in a bank account, or you can ask the court to order the money to be held in US Savings Bonds, or in some other financial investment. You will need to write the interest rate. Your choice should match the Petition.

NOTE 1: If you have multiple financial institutions, then you will need more than one proposed order. Each financial institution or amount should have its own order. Only **one** financial institution's name should be written in this line.

NOTE 2: If the interest rate has changed by the time the hearing is held, you will need to tell the judge. The judge will tell you whether you can amend your petition on the record or if you need to file an amended petition and he/she may continue the hearing for another time.

For #4 – #6, you do not need to write anything, but make sure the statements are what you want the court to order.

7. Write the name of the county where you are filing the case.
8. You do not need to write anything, but make sure the statement is what you want the court to order.
9. Write the date the child will turn 18 years old.
10. You do not need to write anything, but make sure the statement is what you want the court to order.
11. You do not need to write anything, this question has been left blank for the judge to write additional order condition(s).

Do not write anything on the date line or the signature line. The judge will fill these in.

Step 4
Fill out the Notice of Hearing and Notice of Rights

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

Write the name of the person you are requesting to be appointed protective agent. On the second line, write the child's name.

Under "Child's Rights and Obligations" paragraph, write in Court Administration's phone number.

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.

Step 5

Make Copies and File Originals with Court Administration

NOTE: Originals must be filed with Court Administration. Make a copy of everything you file for your records. Copies must also be given to the child and all interested persons (See Step 6).

File the following documents with Court Administration and pay any filing fee:

- (1) *Petition for Protective Order for Investment of Minor's Funds and*
- (2) *Protective Order for Investment of Minor's Funds.*
- (3) *Notice of Hearing and Notice of Rights*

Information on specific filing fees can be found at: <http://mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx>.

Step 6

Serve Copies and File Affidavit of Service (Form GAC 2-U)

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.

The child does not have to be served if the child is under 14 years old. **If the child is 14 years old or above**, the child must be personally served (hand-delivered) the *Notice of Hearing and Notice of Rights* and the *Petition for Protective Order for Investment of Minor's Funds*. You may not serve the child. The person who personally served the child will fill out the *Affidavit of Service* (Form GAC 2-U).

You must also serve a copy of the *Notice of Hearing and Notice of Rights* and the *Petition for Protective Order for Investment of Minor's Funds* on all interested persons at least 14 days before the hearing date. Service can be done either by first-class mail or personal service. You may serve the other interested persons. **NOTE:** Papers cannot be served on a legal holiday.

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

After you served all the interested persons, fill out the *Affidavit of Service* (Form GAC 2-U) and file the *Affidavit of Service(s)* with Court Administration.

Step 7 Go to Your Hearing

Your hearing may be scheduled quickly. 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 child (unless excused by the judge) must go to court on the date set for the hearing. It is important to be on time and prepared.

NOTE: You should know the current interest rate when you attend the hearing. If the interest rate has changed from what you wrote in the petition, then let the judge know. The judge will tell you if you need an amended petition or if you can amend the petition verbally on the record.

Step 8 Protective Order for Investment of Minor's Funds

After the hearing, the Judge will issue an Order. If your request is denied or the Judge tells you there are problems with your request, then you may need to talk to an attorney. **Attorney referral information is on page 1.**

If the Judge approves your *Petition* and signs the *Protective Order for Investment of Minor Funds*, the Protective Agent must present the court's order, collect the money, and bring the money to the approved financial institution.



**** The Protective Agent should act quickly once the Court approves the petition. If the Protective Agent takes too long, then interest rates may change and the Court's Order may be no good. ****

If the order is no good, then you may need to ask the Judge to issue an amended order. This may involve writing a letter to the Judge explaining what happened and why an amended order is needed. Again, the Protective Agent needs to act quickly with an amended order.

Step 9

Have a Representative from the Financial Institution Fill out the Receipt for Deposit of Restricted Funds into Protective Account form

A representative from the financial institution must fill out the *Receipt for Deposit of Restricted Funds into Protective Account*.

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

1. Write the name of the bank/financial institution, the amount of money being deposited, and the name of the child.
2. Write the date the protective account was set up; the name under which the account was set up (**this should be set up under the child's name ONLY**); the branch name, the branch's address, the date the protective account was set up, and the current dollar amount in the account.
3. You do not need to write anything, but make sure the statement is true.

Date the *Receipt*, the financial institution's representative should neatly write his/her name, sign the document, and provide his/her official title.

NOTE: The financial institution's representative must put a notary stamp on this document.

Step 10

File the Receipt for Deposit of Restricted Funds into Protective Account and the Evidence of Deposit with the Court

The Protective Agent must file the *Receipt for Deposit of Restricted Funds into Protective Account*, the evidence of deposit, and *Confidential Information Form* (Form 11.1) with Court Administration before the court's deadline runs out



There could be consequences for missing the court's deadline. These could be:

- a. The court's order becomes no good;
- b. Contempt of Court or;
- c. Civil liabilities to the child.

Step 11

Withdrawing Money

Once the money is placed into a protective account, the money cannot be withdrawn without the judge's approval. You (the Petitioner) may request to withdraw part of the funds before the child turns 18 years old if it is in the child's best interest. You must explain to the judge how the funds will benefit the child. Some examples may be tuition, food, clothing, shelter, vehicle, etc. You may use the *Petition for Release of Funds* (Form PRO603) and *Order for Release of Funds in Protected Account* (Form PRO604) available on mncourts.gov.

Once the child turns 18 years old, the financial institution should allow the child to access the funds and close the protective account without further order from the judge. If the financial institution does not allow the child to close the account when they turn 18 years old, then the child may use the *Petition* and *Order for Release of Funds in Protected Account* (Form PRO603 and PRO604) to ask the judge for access to the funds and close the account.

State of Minnesota

District Court

County _____

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

In Re the Protective Order of:

_____,
Child's Name

**PETITION FOR PROTECTIVE
ORDER FOR INVESTMENT OF
MINOR'S FUNDS
Minn. Stat. §§ 524.5-401 (1), 524.5-
405, & 524.5-412**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

1. Petitioner's: Name: _____
Address: _____
Telephone number: _____

2. Child's: Name: _____
Address: _____
Date of birth: _____
The child will reach 18 years old on _____ (date).

3. I am an interested person as defined by Minnesota Law
because: _____

_____.

4. The names and addresses of the child's kin are:
a) Kin: (parents, adult siblings, adult children including adult step-children of living spouse; and if none of these, then list the nearest next of kin. See Minn. Stat. § 524.5-102 subd. 7 (iv))

Name: _____
Address: _____
Relationship: _____

Name: _____
Address: _____

Relationship: _____

Name: _____

Address: _____

Relationship: _____

Name: _____

Address: _____

Relationship: _____

b) Any adult the child lived with for more than six (6) months:

Name: _____

Address: _____

Relationship: _____

Name: _____

Address: _____

Relationship: _____

c) Administrator (if child is in a hospital, nursing home, VA unit, group home, home care agency or other institution):

Name: _____

Address: _____

Relationship: _____

e) Legal Representative (guardian/conservator, representative payee, trustee, or custodian of property):

Name: _____

Address: _____

Relationship: _____

5. I am requesting that the court name, _____, as the Protective Agent.

6. _____, a child and will receive a cash distribution of \$ _____ from _____ located at _____.

Optional: Include facts you think the judge should know:

7. The probable value and the general character of the assets of the child are:

Homestead:	\$ _____
Other Real Estate:	\$ _____
Money:	\$ _____
Investments:	\$ _____
Personal Property:	\$ _____
Other:	\$ _____
TOTAL:	\$ _____

8. The probable amount of the debts of the child total \$ _____.

9. The child is unable to manage his/her property because of his/her age.

10. The Court shall require the Protective Agent to deposit the child's money pursuant to a Protective Order of the Court.

11. _____
_____ ("Bank") has agreed to issue a savings certificate savings account certificate of deposit in the amount of \$ _____ with the following term and interest rate. The interest rate in effect on the date of this Petition is _____%. The savings certificate, savings account, or certificate of deposit will have a _____ month maturity and will automatically renew at the end of the _____ term at the highest rate of interest in effect on the maturity date.

OR

Petitioner requests that the Court order the Protective Agent to invest the child's money in US Saving Bonds. The interest rate in effect on the date of this Petition is _____%.

OR

Other investment: _____

The interest rate in effect on the date of this Petition is _____%.

12. The financial institution has federal deposit insurance for the full amount of the investment.
13. The financial institution will not charge an early withdrawal penalty after the child reach 18 years old.
14. The child may ask for the evidence of deposit from the court and bring it to the financial institution on or after _____, the date the child reaches 18 years old.
15. A protective order is the least-restrictive option. A protective order is needed because the child has not reach the age of eighteen years and the child has property that will be misused or destroyed without proper management; or funds are needed for the support, care, education, health, and welfare of (1) the child; and (2) those entitled to the support from the child.
16. A conservatorship for the child will be unnecessary if the Petition is granted.

WHEREFORE, your Petitioner respectfully requests the Court (1) schedule a time and place for a hearing on this petition and (2), after the hearing, an Order of the Court:

1. Approving this Petition.
2. Appointment of _____ as Protective Agent.
3. Requiring the Protective Agent deposit the child's funds in the amount of \$_____ in a savings certificate savings account certificate of deposit at the interest rate of _____% at _____("Bank").
OR
 Requiring the Protective Agent invest the child's funds in United States government savings bonds in only the child's name at the interest rate of _____%.
OR
 Other investment_____.
The interest rate is _____%.
4. Stating that the savings certificate or certificate of deposit will renew after _____ months at the highest interest rate available on the maturity date and the Bank shall not charge an early withdrawal penalty.
5. Stating that the financial institution has federal deposit insurance for the full amount of the deposit.
6. Stating that the deposit shall be in the name of the child alone.
7. Stating that the evidence of deposit contain the instruction "**NO WITHDRAWAL OF PRINCIPAL OR INTEREST, EXCEPT BY ORDER OF THE COURT.**"

8. Requiring the protective agent to file the evidence of the deposit and the *Receipt for Deposit of Restricted Funds into Protective Account* completed by a financial institution representative with the Court within 14 (fourteen) days of the Court's order.
9. Stating that with acceptable proof of identity the Court shall release the evidence of deposit to _____, the child, on or after _____, the date the minor reaches majority.
10. Stating that the financial institution is authorized to release the funds held pursuant to the Protective Order of the Court on or after _____, the date the child reaches 18-years-old. The child shall provide acceptable proof of identity and bring the evidence of deposit from the Court, with no further order of this Court.

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

Date: _____

Signature

Printed Name: _____

Address: _____

City/State, Zip Code: _____

Telephone: (_____) _____

State of Minnesota

District Court

County _____

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

In re the Protective Order of:

**PROTECTIVE ORDER FOR
INVESTMENT OF
MINOR’S FUNDS**

_____,
Child’s Name

This matter came before the Court on _____. After considering the matter, the Court makes the following findings and order:

FINDINGS OF FACT

1. _____, is a child and entitled to a cash distribution of \$_____ from _____ located at _____.

2. _____, child lives at _____.

3. The child was born on _____ and will reach the age of 18 years old on _____ (date).

4. _____ is the an interested person as defined by Minnesota law because he/she is _____

5. _____ should be appointed as Protective Agent because _____

_____, and is qualified to act as the Protective Agent.

6. Other: _____

CONCLUSIONS OF LAW

- 1. The Court has jurisdiction over the property of the minor who resides in the State of Minnesota.
- 2. The child owns money or property requiring management or protection that cannot otherwise be provided or may have business affairs that may be jeopardized or prevented because of the child’s age, or that money is needed for support and education and that protection is necessary or desirable to obtain or provide money.
- 3. A protective order for the child’s property should be granted.
- 4. Based on the factors listed in Minn. Stat. § 524.5-411 (e), a protective order is the least restrictive option. Upon issuance of a protective order, there is no need for the appointment of a conservator for the child at this time.

IT IS ORDERED:

- 1. The Petition is approved.
- 2. _____ shall be named the Protective Agent.
- 3. The Protective Agent is directed to deposit the amount of \$_____, the [current value/ balance] of the cash distribution to the child and depositing it in an interest-bearing, restricted/blocked account at _____, a federally insured financial institution (FDIC) a savings account, savings certificate, or certificate of deposit in a bank in the child’s name only. The interest rate shall be _____%.

Or

The Protective Agent is directed to invest the amount of \$ _____, to purchase United States government savings bonds in only the child’s name to be held until the child reaches the age of 18 years old, unless otherwise authorized by an order of the court. The interest rate shall be _____%.

Or

The Protective Agent is directed to direct/invest the amount of \$_____, the [current value/ balance] of the cash distribution to the child in an interest-bearing, restricted/blocked account at _____, a federally insured financial institution (FDIC) in _____ account. The interest rate shall be _____%.

4. The Protective Agent shall deliver a copy of the court's order to the financial institution with the remittance for deposit.
5. The Protective Agent shall supply the financial institution with a tax identification number or social security number for the child, at the time of deposit.
6. The Protective Agent shall file or caused to be filed, timely state and federal income tax returns on behalf of the child, as may be necessary.
7. The Protective Agent shall file the evidence of deposit with the _____ County Court Administrator within 5 business days of deposit. The evidence of deposit must include a Receipt for Deposit of Restricted Funds Into Protective Account form, acknowledging receipt of this Order and the deposit, and that no disbursement of the funds will occur unless the court so orders.
8. The financial institution shall not make any disbursement from the account(s), except upon order of the court. The funds shall be placed in a restricted/blocked account and any evidence of deposit shall bear the instruction: **"NO WITHDRAWAL OF PRINCIPAL OR INTEREST, EXCEPT BY ORDER OF THE COURT."**
9. The renewal period of the certificate of deposit shall be limited to the date of the child reach 18 years old (_____) (date).
10. Application for release of funds, either before or upon the age of 18 years-old may be made using the Petition for Release of Funds form.
11. Other: _____

BY THE COURT:

Dated: _____

Judge of District Court

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: Guardianship/Conservatorship

In Re the Protective Order of:

**Notice of Hearing
and Notice of Rights**

Child's Name

A petition has been filed requesting appointment of _____ as Protective Agent of _____ (child's name). A copy of the petition is attached. Appointment of Protective Agent is not evidence of incompetence.

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

Petition for Protective Order: If the petition is granted, a conservatorship will not be open. The proposed Protective Agent will be given the authority to deposit the funds in a restricted account in the name of the child. The child will not have access to the funds unless the court approves or he/she reaches the age of 18 years old.

YOU ARE HEREBY NOTIFIED that a hearing on the petition will be held at _____
o'clock **m.** on _____, 20____ at _____

_____.

Dated: _____, 20____

Court Administrator

By: _____

State of Minnesota

**District Court
Probate Division**

County

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

In Re the Protective Order of:

Child's Name

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 Protective Order	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 (<i>check all that apply</i>):
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 <i>(check all that apply)</i> :
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 <i>(check all that apply)</i> :
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 <i>(check all that apply)</i> :
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

Signature of Person Who Served the Forms

County and state where signed

Name: _____
Address: _____
City/State/Zip: _____
Telephone: _____
Email: _____

STATE OF MINNESOTA
COUNTY OF _____

DISTRICT COURT

JUDICIAL DISTRICT
PROBATE COURT DIVISION
Court File No. _____

In the Matter of:

Child's Name

**RECEIPT FOR DEPOSIT
OF RESTRICTED FUNDS
INTO PROTECTIVE ACCOUNT**

1. _____ (“**Financial Institution**”) acknowledges receipt of the sum of \$ _____ on behalf of _____ in this case.

2. **Financial Institution** acknowledges receipt of the Protective Order for deposit of funds into a protected account dated _____ in this case, and that the funds delivered remain subject to that order in the account specified below:

Name of Depository: _____

Branch Name: _____

Branch Address: _____

Account Number: _____ (Place on separate form 11.1* or only include last 4 digits)

Date Account Opened: _____

Current Balance: \$ _____

3. This account is a federally insured, restricted account, and no withdrawal of either principal or interest shall be allowed by Financial Institution without a signed court order in this case.

Date: _____ Type or Print Name: _____

Signature: _____

Title: _____

FILING CONFIDENTIAL INFORMATION WITH THE COURT

INSTRUCTIONS FOR COURT FORMS CON111 AND CON112

WHEN TO USE FORM CON111 – CONFIDENTIAL INFORMATION

If you need to include social security numbers, employer identification numbers, or financial account numbers on any pleading or other document that is filed with the court, use court form CON111 (Form 11.1). Using this form allows a party to provide these numbers to the court and keeps the public from having access to this information. When you are required to provide confidential information to the court, you are responsible for completing the Confidential Information Form and filing it with the court.

Failure to use Form 11.1 means these numbers could be available to the general public and you could be charged court costs and the court may order other sanctions against you if you fail to remove confidential information from your documents that you file with the court.

HOW TO USE FORM CON111:

1. Fill in the top part of this form. If you already have a court case, the information will be the same as it appears in other court documents in your case.
 - a. **County** – the name of the county where you are filing your case
 - b. **Judicial District** – the number of the judicial district the county is in (there are ten judicial districts in Minnesota; for help in finding your judicial district number, look at the map on the court’s website at <http://mncourts.gov/Find-Courts.aspx>)
 - c. **Court File Number** – if this form is one of the first forms you are filing in this case, you may not have a court file number yet, and you can leave this part blank; if you will be filing this form in an existing court case, then you can find the court file number at the top of the first page of other court documents
 - d. **Plaintiff/Petitioner** – this is the party who is starting the case, or who started the case originally (the roles never change; if you were the plaintiff or petitioner when a case first started, then you are still the plaintiff or petitioner)
 - e. **Defendant/Respondent** – the name of the other party
2. There are three sections on this form: **Social Security Numbers, Account Numbers, and Employer Identification Numbers**. Put the necessary confidential numbers in the correct section.
 - a. **Social Security Numbers**
 - i. **Name** – in this column, you will print your name, the other party’s names, and any other names (such as children involved in the case) on the lines provided
 - ii. **Party or Role** – in this column, you will list what role each person has in the case (for example, “Petitioner” or “Child”)
 - iii. **Social Security Number** – list each person’s Social Security Number (or if a person does not have a Social Security Number, you can list something like “none”)

- b. **Account Numbers** – this is where you will list bank or credit union account numbers, retirement account numbers, etc.; list the name of the financial institution and the account number
 - c. **Employer Identification Numbers** – use this section for listing employers and employer identification numbers
3. At the bottom of the form, you will see “Information supplied by:” – print your name here (because you are the person giving the information to the court).
 4. Next, sign the form, print your street address and email address, and date the form. **NOTE:** If you are representing yourself in court, do not fill in the blanks for “Attorney Reg. #” and “Firm.”

WHEN TO USE FORM CON112 – CONFIDENTIAL FINANCIAL SOURCE DOCUMENTS:

If you need to file financial documents with the court, use court form CON112 (Form 11.2). (*Example:* Financial documents may be required to prove income for child support, divorce, spousal maintenance, etc.) The financial documents you list in this form get stored in a confidential area of the court file and usually can only be viewed by the court and the parties involved in the case.

If you fail to use the Form 11.2 cover sheet to protect confidential information in your supporting documents, the court may order you to pay additional court costs and may order other sanctions against you as a penalty for failing to follow the rules.

HOW TO USE COURT FORM CON112:

1. Fill in the top part of this form with the same information as it appears in other court documents in your case.
2. Check the boxes or choose from the drop-down menu and write the dates for the financial document(s) that you are filing with the court. (*Example:* If you are filing paystubs to prove your income for child support, check the box for “Paystubs” and write the dates covered by those paystubs.) **NOTE:** You may not need to file every type of financial document listed on this form.
3. Print your name and address on the form, sign and date it. **NOTE:** If you are representing yourself in court, do not fill in the blanks for Attorney Reg. # and Law Firm.
4. In order to submit financial source documents to the court, first you must file a Confidential Financial Source Document Form 11.2 listing the financial source documents. Second, you must file the actual financial source documents apart from CON112. You do **NOT** have to serve a copy of CON112 on the other parties; it only gets filed with the court. However, in most cases, you must serve copies of the financial documents (paystubs, etc.) on the other parties. **Financial documents submitted to the court without court form CON112 are accessible to the public.**

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 651-296-2775.

State of Minnesota

District Court

County of:	Judicial District: _____
	Court File Number: _____
	Case Type: _____

 Plaintiff / Petitioner (first, middle, last)
 vs / and

**Confidential Information
 Form**

(also known as Form 11.1)
 Gen. R. Prac. 11.02

 Defendant / Respondent (first, middle, last)

The information on this form is confidential and shall not be placed in a publicly accessible portion of a file.

A. Social Security Numbers:

Name	Party or Role	Social Security Number

B. Account Numbers:

Financial Institution Name	Account Number

