

# INSTRUCTIONS

## Successor Guardian/Conservator (Uncontested)

### Forms you will need for your Petition to Appoint Successor Guardian and/or Successor Conservator:

- Petition for Appointment of Successor Guardian and/or Successor Conservator;
- Acceptance of Appointment;
- Order Appointing Successor Guardian and/or Successor Conservator;
- Letters of Successor Guardian and/or Successor Conservator;
- Notice of Hearing and Notice of Rights;
- Affidavit of Service (Form GAC 2-U);
- Notice Regarding Background Check Requirements (Form GAC 104);
- Affidavit Regarding Background Study (Form GAC 102)(you may need depending on the situation);
- DHS Background Check Form (Form GAC 103)(you may need depending on the situation).



Do not use these forms if there are any disputes related to your Petition for Successor Guardian and/or Conservator. A few examples of disputes may be whether or not a successor guardian/conservator should be appointed, who should be appointed the successor guardian/conservator, or what rights the successor/guardian should have. If the parties involved are not in agreement, your Petition for Successor Guardian and/or Conservator is considered contested and you cannot use these forms. You should seek legal advice on 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](http://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 [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/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.**

### **CAUTION: BEFORE YOU PROCEED, THE SUCCESSOR GUARDIAN AND/OR CONSERVATOR HAS THE RESPONSIBILITY TO:**

\*Read the Guardianship and Conservatorship Manual. The Manual can be found at the following link <http://mncourts.gov/GetForms.aspx?c=21&f=442>. This resource provides an overview of what a guardianship and conservatorship is, the process for starting a guardianship and/or conservatorship and the ongoing requirements and obligations of those appointed as guardians and conservators.

\*Watch the Conservatorship/Guardianship Education Video. This video is on the Minnesota Judicial Branch website on the Guardianship and Conservatorship Help Topic webpages: <http://mncourts.gov/Help-Topics/Guardianship.aspx>  
<http://mncourts.gov/Help-Topics/Conservatorship.aspx>

\*Determine whether a Background Study needs to be completed. Read the Notice to Proposed Guardians/Conservators Regarding Background Check Requirements (Form GAC 104) to determine if you need to complete a background study. If you completed a background study within the last five (5) years, fill out the Affidavit Regarding Background Study (Form GAC 102). If you need to complete a background study, follow the instructions on the Information Sheet and fill out the DHS Background Check Form (Form GAC 103).

### **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.

**Successor Guardian:** appointed by the court when the person subject to guardianship is still in need of a guardian, but the limited duration of the current guardianship is set to expire or the current guardian dies, resigns, or is removed.

**Conservator:** appointed by the court to make financial decisions for the protected person. 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.

**Successor Conservator:** appointed by the court when the person subject to conservatorship is still in need of a conservator, but the current conservator dies, resigns, or is removed.

**Step 1**  
**Fill out the Petition for Appointment of Successor  
Guardian and/or Successor Conservator**

**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 box for whether the matter is a Guardianship, Conservatorship or both and whether you are asking to have a successor guardian, conservator, or both be appointed.
  - 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 for Appointment of Successor Guardian and/or Successor Conservator. For example, read paragraph #1 below for help in answering Paragraph #1 on the Petition for Appointment of Successor Guardian and/or Successor Conservator.

Paragraphs #1-5

1. The person who is asking the court to appoint a successor guardian and/or successor conservator 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. Write the date when the court first created the guardianship and/or conservatorship.
4. Check the box whether you plan to move the Respondent or not. If you plan to move the Respondent, write the address where the Respondent will be moved.
5. The next section asks for you to list the Respondent's spouse, kin, and other interested persons. If the information requested does not apply to the Respondent, write "not applicable."

Write the name, address and relationship of the Respondent's spouse.

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

Write the name, address and relationship of any adult children including adult step-children of living spouse, parents, adult siblings, or other nearest adult kin of the Respondent.

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

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

Write the name, address and relationship of any person nominated, proposed or confirmed by previous court order as the Respondent's guardian or conservator.

***\*NOTE: If you are only asking the Court to appoint a Successor Guardian, fill out Paragraphs #6- #18 and select the box after Paragraph #18 to indicate you are not asking the Court to appoint a Successor Conservator.***

***If you are only asking the Court to appoint a Successor Conservator, fill out Paragraphs #19- #32 and select the box after paragraph #5 to indicate you are not asking the Court to appoint a Successor Guardian.***

***If you are asking the Court to appoint both a Successor Guardian and a Successor Conservator, fill out Paragraphs #6 – 32.***

Paragraphs #6-18

6. Fill out information about the Respondent's current guardianship expiring or discharging the Respondent's prior or current guardian.

Check the first box if the Respondent's limited duration guardianship is set to expire, but the Respondent continues to need a guardian. Write the date the guardian was appointed, the term (months/years) of the guardianship, and the date the guardianship expires.

Check the second box if the guardian has already been discharged. Write in the date the guardian was appointed and the date the guardian was discharged.

Check the third box if the Petitioner requests discharge of the current guardian and to appoint a successor guardian. Explain why the current guardian is no longer able or willing to serve as guardian.

7. Explain the reasons why a successor guardian is needed.
  - A. Describe the Respondent's mental condition and explain how the Respondent is unable to make decisions and meet their needs.
  - B. Describe the Respondent's behaviors and explain how the Respondent is unable to care for themselves, etc. Examples may include: the Respondent has a traumatic brain injury and cannot physically do basic care for themselves or the Respondent was injured in a car accident and needs assistance with making good choices for maintaining their health and basic needs, etc.
  - C. Write the less restrictive means that have been tried and why they do not work. Less restrictive options may be: technological assistance, supported decision making, community or residential services, power of attorney, health care agent, or representative payee.
8. Check the box which best explains the powers the successor guardian requests. You may want to review the initial Petition for Guardianship/Conservatorship filed and see if the selections chosen at that time are still necessary at the time you file the Successor Petition.

The first box should be checked if the successor guardian needs all the rights and powers on behalf of the Respondent. If all the rights and powers on behalf of the Respondent are requested, you need to provide information as to why granting limited powers is not sufficient for the person subject to guardianship.

The other boxes can be checked if the successor guardian only requires limited powers and duties to act on behalf of the Respondent. Check only those powers and duties that are needed.

9. Fill out the name, age, address or P.O. Box and telephone number of each proposed successor guardian and whether the successor guardian was appointed or nominated. Tell the court why each proposed successor guardian is the most suitable and best qualified

among those available and willing to serve. The proposed successor guardian also cannot be excluded from appointment.

10. Write the proposed successor guardian's name and check the box whether this person has been removed for cause or not.
11. Write the proposed successor guardian's name and the rate the proposed guardian intends to charge for his/her services.
12. Check the box whether the proposed successor guardian is a professional guardian. If the proposed successor guardian is not a professional, skip this question.

If the proposed successor guardian is a professional, write the name of the proposed successor professional guardian, his/her educational background/work experience, and his/her current rate per hour that he/she charge for his/her services.

13. Write the proposed successor guardian's name and check whether the proposed successor guardian has applied for or held any professional licenses and, if so, list them. If those licenses have been revoked, denied, conditioned, suspended or cancelled, explain why.
14. Write the proposed successor guardian's name and check whether the proposed successor guardian has been found civilly liable for any of the listed actions and, if so, include the court location and case number.
15. Write the proposed successor guardian's name and check whether the proposed successor guardian has filed for protection under bankruptcy laws in the last five (5) years.
16. Write the proposed successor guardian's name and check whether the proposed successor guardian has any outstanding civil monetary judgments and, if so, list the court location, case number and outstanding amount owed.
17. Write the proposed successor guardian's name and check whether the proposed successor guardian has an order for protection or harassment restraining order against them and, if so, list the court location and case number.
18. Write the proposed successor guardian's name and check whether the proposed successor guardian has been convicted of a gross misdemeanor or felony crime and, if so, list the case number and convicted offense.

#### Paragraphs #19-32

You only need to fill out these paragraphs if you want a Successor Conservator to be appointed.

19. Fill out information about discharging Respondent's prior or current conservator. If the conservator has already been discharged, check the first box. Write in the date the conservator was appointed and the date the conservator was discharged. Check the

second box if the Petitioner requests the court to discharge the current conservator and to appoint a successor conservator. Explain why the current conservator is no longer able or willing to serve as conservator.

20. Explain the reasons why a successor conservator is needed.
- A. Describe the Respondent's mental condition and explain how the Respondent is unable to manage their property and finances.
  - B. Describe the Respondent's behaviors and explain how the Respondent has difficulty managing their property and finances. Examples may include: the Respondent does not understand what property they have or how to manage their budget and pay bills because of a brain injury or the Respondent has been making financial choices that are not in the Respondent's best interest because the Respondent has been improperly influenced by someone else and does not realize that this is happening because of an injury.
  - C. Write the less restrictive means that have been tried and did not work. Less restrictive options may be: technological assistance, supported decision making, community or residential services, power of attorneys, health care agent, or representative payee.

21. Check the box which best explains the powers the successor conservator requests. You may want to review the initial Petition for Guardianship/Conservatorship filed and see if the selections chosen at that time are still necessary at the time you file the Successor Petition.

The first box should be checked if the successor conservator needs all the rights and powers on behalf of the Respondent. If all the rights and powers on behalf of the Respondent are requested, you need to provide information as to why granting limited powers is not sufficient for the person subject to conservatorship.

The other boxes can be checked if the successor guardian only requires limited powers and duties to act on behalf of the Respondent. Check only those powers and duties that are needed.

22. If the Respondent is employed or becomes employed at any time during the conservatorship, you must tell the Court how the Respondent's wages or salary from employment will be handled.

Check the first box if the Respondent's wages or salary will be paid to and controlled by the Respondent. The conservator would not include those wages or salary in the annual reporting.

Check the second box if the Respondent's wages or salary will be paid to and controlled by the conservator. The conservator must then include the Respondent's wages and salary in the annual reporting.

23. Fill out the name, age, address and telephone number of each proposed successor conservator and whether the successor conservator was appointed or nominated. Tell the court why each proposed successor conservator is the most suitable and best qualified among those available and willing to serve. The proposed successor conservator also cannot be excluded from appointment.
24. Write the proposed successor conservator's name and check the box whether this person has been removed for cause or not.
25. Write the proposed successor conservator's name and the rates the proposed successor conservator plans to charge for his/her services.
26. Check the box whether the proposed successor conservator is a professional conservator. If the proposed successor conservator is not a professional, skip this question.  
  
If the proposed successor conservator is a professional, write the name of the proposed successor professional conservator, his/her educational background/work experience, and his/her current rate per hour that he/she charge for his/her services.
27. Write the proposed successor conservator's name and check whether the proposed successor conservator has applied for or held any professional licenses and, if so, list them. If those licenses have been revoked, denied, conditioned, suspended or cancelled, explain why.
28. Write the proposed successor conservator's name and check whether the proposed successor conservator has been found civilly liable for any of the listed actions and, if so, include court location and case number.
29. Write the proposed successor conservator's name and check whether the proposed successor conservator has filed for protection under bankruptcy laws within the last five (5) years.
30. Write the proposed successor conservator's name and check whether the proposed successor conservator has any outstanding civil monetary judgments and, if so, list the court location, case number and outstanding amount owed.
31. Write the proposed successor conservator's name and check whether the proposed successor conservator has an order for protection or harassment restraining order against them and, if so, list the court location and case number.
32. Write the proposed successor conservator's name and check whether the proposed successor conservator has been convicted of a crime (other than a petty misdemeanor or traffic offense) and, if so, list the case number and convicted offense.

Paragraphs #33-36

33. Fill out the current values of the Respondent's assets (house, money, investments, personal property) to the best of your knowledge. If the Respondent does not have the type of asset, write "0". Do not leave it blank. Write the total for all of the assets.
34. List the total known debts the Respondent currently has. If Respondent does not have any debts, write "0". Do not leave it blank.
35. Check the boxes for whether the Respondent is a patient of a State Hospital for persons with mental illness, whether the Respondent is a person with developmental disabilities or dependent and neglected ward of the Commissioner of Human Services and whether the Respondent is under the temporary custody of the Commissioner of Human Services.
36. Check the box whether the Respondent should maintain the right to vote and understands what voting means.

Under the "Wherefore" paragraph, check all boxes that apply. If you are discharging Respondent's current guardian and/or conservator, check the appropriate box and write in his/her name. Write in the proposed successor guardian and/or successor conservator's name you are appointing and select the corresponding box.

Sign and date. Write the county and state where you signed, your address and e-mail address.

<b>Step 2</b> <b>Fill out the Acceptance of Appointment</b>
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Fill out the case caption as you did in Step 1. Check whether you are a professional individual, individual, or corporation.

If you are a corporation, skip the first section for individuals and fill out the second section for corporations. If you are an individual, fill out the first section for individuals.

For individuals, write the name of the person asking to be appointed as successor guardian and/or successor conservator on the line after "I". Check the box for successor guardian and/or successor conservator based on what you are asking the court to appoint.

Check the box stating you have watched the Guardianship/Conservatorship Education Video and Initial on the space provided. If you are a professional guardian and/or conservator, check that box.

Sign and date. Write the county and state where you signed, your name, date of birth, address, telephone number and e-mail address. Leave the section for corporations blank.

For corporations, write the name of the corporation asking to be appointed as successor guardian and/or successor conservator on the line after “I”. Select the box for successor guardian and/or successor conservator based on what you are asking the court to appoint.

Sign and date. Write the county and state where you signed, your name, title, address, telephone number and e-mail address.

**Step 3**  
**Fill out the Order Appointing**  
**Successor Guardian and/or Successor Conservator**

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

Check with Court Administration in the county you are filing in to see if they require the Findings of Fact and the Order to be filled out before you file the Order.

**Step 4**  
**Fill out the Letters of**  
**Successor Guardian and/or Successor Conservator**

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

If you are asking for a successor guardian to be appointed, write in the name of proposed successor guardian under “Successor Guardian” in bold. If you are asking for a successor conservator to be appointed, write in the name of proposed successor conservator under “Successor Conservator” in bold.

Leave the rest of the form blank.

**Step 5**  
**Fill out the Notice of Hearing and Notice of Rights**

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

Check the first box if you are asking the court to appoint a successor guardian. Write the name of the person you are requesting to be appointed successor guardian. Check the second box if you are asking the court to appoint a successor conservator. Write the name of the person you are requesting to be appointed successor conservator. On the third line, write the Respondent’s name.

Under “Respondent’ 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 6  
Background Study**

Read the Notice to Proposed Guardians/Conservators Regarding Background Check Requirements (Form GAC 104) to determine if a background study needs to be completed.

If a background study is required and the proposed successor guardian and/or successor conservator completed a background study within the last five (5) years, fill out the Affidavit Regarding Background Study (Form GAC 102) and file with Court Administration.

If a background study is required, fill out the DHS Background Check Form (Form GAC 103).

**Step 7  
File with Court Administration**

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

- Petition for Appointment of Successor Guardian and/or Successor Conservator
- Acceptance of Appointment
- Order Appointing Successor Guardian and/or Successor Conservator
- Letters of Successor Guardian and/or Successor Conservator
- Notice of Hearing and Notice of Rights
- Affidavit(s) of Service (Form GAC 2-U) (after service is completed)

If a background study is required, you may also need to file:

- DHS Background Check Form (Form GAC 103) OR
- Affidavit Regarding Background Study (Form GAC 102)

**Step 8  
Make Copies, Serve Copies and File Affidavit of Service**

NOTE: Originals must be filed with Court Administration. Make a copy of everything you file for your records.

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

You must serve the Notice of Hearing and Notice of Rights and the Petition for Appointment of Successor Guardian and/or Successor Conservator on all interested persons, including the head of the facility if the Respondent is a patient of a state hospital, regional center, or any state operated service.

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 served all the interested persons, fill out the Affidavit of Service (Form GAC 2-U).

Ask Court Administration if a “Court Visitor” will be appointed to meet with the Respondent. If a Court Visitor is appointed, they will serve the Respondent with the Notice of Hearing and Notice of Rights and the Petition for Appointment of Successor Guardian and/or Successor Conservator.

If no Court Visitor is appointed, you are responsible for personally serving the Respondent the Notice of Hearing and Notice of Rights and the Petition for Appointment of Successor Guardian and/or Successor Conservator. 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 9**  
**Go to Your 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 for Appointment of:**  
 Successor Guardian  
 Successor Conservator  
**(Uncontested)**

\_\_\_\_\_  
**Person Subject to Guardianship/  
Person Subject to Conservatorship**

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. A Guardianship/Conservatorship was established on: \_\_\_\_\_
4. If the petition is granted, the Respondent  will not be moved OR  will be moved to:  
\_\_\_\_\_
5. The names and addresses of the Respondent's spouse and kin are:
  - a) Spouse:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Relationship: \_\_\_\_\_
  - b) Any adult the Respondent lived with for more than six (6) months:  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Relationship: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Relationship: \_\_\_\_\_

- c) **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: \_\_\_\_\_

- d) **Administrator** (if Respondent 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: \_\_\_\_\_

f) Persons nominated, proposed, or confirmed by prior order, as guardian or conservator (file applicable document with petition including a prior order, health care directive or related document):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

*(Complete paragraphs #6 through #18 only if you want a Successor Guardian of the person appointed.)*

I am NOT asking the Court to appoint a Successor **Guardian** (if selected, skip to paragraph #19).

6. Expiration of limited duration **Guardianship** or discharge of the Respondent's prior **Guardian**.

A Guardian appointed by Court Order dated \_\_\_\_\_, \_\_\_\_\_ was for a limited duration of \_\_\_\_\_  months  years and expires on \_\_\_\_\_, 20\_\_\_\_.

**OR**

A Guardian appointed by Court Order dated \_\_\_\_\_, \_\_\_\_\_ was discharged on \_\_\_\_\_, 20\_\_\_\_.

**OR**

Petitioner requests the Court discharge the Guardian and appoint a Successor Guardian. The Guardian is no longer able or willing to serve as Guardian because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. A Successor **Guardian** of the Respondent should be appointed because:

A. The Respondent continues to be an incapacitated person in that the Respondent lacks sufficient understanding or capacity to make personal decisions and is unable to meet their personal needs. (Describe present general mental condition supporting this allegation): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

B. The Respondent continues to be unable to meet the Respondent's needs for medical care, nutrition, clothing, shelter, safety, even with appropriate technological and supported decision making assistance. (Describe behavior supporting this allegation): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

C. Less restrictive means have been attempted and considered, but are not sufficient to meet the Respondent's identified needs. Describe what has been attempted and considered, how long less restrictive means have been attempted, and how less restrictive means have not been sufficient to meet the Respondent's need: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. The following powers are needed for a Successor **Guardian** to protect and supervise the person of the Respondent:

All of the rights and powers on behalf of the Respondent under Minn. Stat. § 524.5-313(c) paragraphs 1, 2, 3, 4, 5, 6, 7, 9, and 10. A limited guardianship is not appropriate because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(If the Successor Guardian is granted limited powers and duties, specify which powers and duties are vested in the Successor Guardian by this Order.)*

Have custody of the Respondent and establish the place of abode for the Respondent within or outside the State, Minn. Stat. § 524.5-313(c)(1);

Provide for the Respondent's care, comfort and maintenance needs, Minn. Stat. § 524.5-313(c)(2);

Take reasonable care of the Respondent's clothing, furniture, vehicles and other personal effects, Minn. Stat. § 524.5-313(c)(3);

Give any necessary consent to enable, or to withhold consent for, the Respondent to receive necessary medical or other professional care, counsel, treatment or service, Minn. Stat. § 524.5-313(c)(4);

Approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make (*only given if no conservator is appointed*), Minn. Stat. § 524.5-313(c)(5);

- Exercise supervision authority over the Respondent, but may not restrict the ability of the Respondent to communicate, visit or interact with others unless the guardian has good cause to believe the restriction is necessary to prevent significant harm to the Respondent, Minn. Stat. § 524.5-313(c)(6);
  - Apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government (*only given if no conservator is appointed*), Minn. Stat. § 524.5-313(c)(7);
  - Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue code (known as ABLE account), Minn. Stat. § 524.5-313(c)(9);
  - Start a lawsuit on behalf of the Respondent, represent the Respondent in non-criminal court proceedings, and settle claims with court approval (*only given in no conservator is appointed*) Minn. Stat. § 524.5-313(c)(10);
  - (other) \_\_\_\_\_  
\_\_\_\_\_;
- and all other powers, duties and responsibilities conferred on the Successor Guardian under applicable law.

9. Each proposed Successor **Guardian**:

- A. Name, age: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_

- B. The proposed Successor **Guardian**:
- was appointed by prior order of the court;
  - nominated by the Respondent,
  - nominated by the Respondent's parent;
  - nominated by the Respondent's spouse, or
  - nominated by some other person.

- C. The proposed Successor **Guardian** is the most suitable and best qualified among those available and willing to discharge the trust because:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- D. The proposed Successor **Guardian** is not excluded from appointment pursuant to Minn. Stat. § 524.5-309(c).

The following information in paragraphs #10 through #18 are required and apply to the proposed Successor Guardian and any employee of the proposed Successor Guardian who will be responsible for exercising powers and duties under the guardianship.

10. The proposed Successor **Guardian**, \_\_\_\_\_,  
(name)

has never been removed for cause from serving as a guardian or conservator.

**OR**

has been removed for cause from serving as a guardian or conservator and the court location and court file number are: \_\_\_\_\_

11. The proposed Successor **Guardian**, \_\_\_\_\_, anticipates charging the following rate for the performance of these services:

hourly,  monthly, or  flat rate of \_\_\_\_\_.

12.  The proposed Successor **Guardian**, \_\_\_\_\_, is a professional guardian and a summary of the proposed guardian's educational background, relevant work experience, and other experience is as follows: \_\_\_\_\_

The professional guardian's current customary rate per hour is: \_\_\_\_\_

13. The proposed Successor **Guardian**, \_\_\_\_\_,

has not applied for or held any professional licenses.

**OR**

has applied for or held the following professional licenses:

Type of License	Agency	License Number	Status

If the status of the license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: \_\_\_\_\_

14. The proposed Successor **Guardian**, \_\_\_\_\_,

has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

**OR**

has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

List court location and court case number: \_\_\_\_\_

15. The proposed Successor **Guardian**, \_\_\_\_\_,  
 has not filed nor has received protection under the bankruptcy laws within the last five (5) years.

**OR**

has filed or has received protection under the bankruptcy laws within the last five (5) years.

List court location and court case number: \_\_\_\_\_

16. The proposed Successor **Guardian**, \_\_\_\_\_,  
 does not have any outstanding civil monetary judgments.

**OR**

has outstanding civil monetary judgments.

List court location, court case number, and outstanding amount owed: \_\_\_\_\_

17. The proposed Successor **Guardian**, \_\_\_\_\_,  
 does not have nor has had an order for protection or harassment restraining order issued against him / her.

**OR**

currently has or has had an order for protection or harassment restraining order issued against him / her.

List court location and court case number: \_\_\_\_\_

18. Other than a petty misdemeanor or traffic offense, the proposed Successor **Guardian**, \_\_\_\_\_

has not been convicted of a gross misdemeanor or felony crime.

**OR**

has been convicted of a gross misdemeanor or felony crime.

List court case number and convicted offense: \_\_\_\_\_

*(Complete paragraphs #19 through #32 only if you want a Successor Conservator of the estate appointed.)*

I am NOT asking the Court to appoint a Successor **Conservator** (if selected, skip to paragraph #33).

19. Discharge of the Respondent's prior **Conservator**.

A Conservator appointed by court order dated \_\_\_\_\_, \_\_\_\_\_ was discharged on \_\_\_\_\_, 20\_\_\_\_.

**OR**

Petitioner requests the Court discharge the Conservator and appoint a Successor Conservator. The Conservator is no longer able or willing to serve as Conservator because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. A Successor **Conservator** of the Respondent is needed because:

A. The Respondent continues to be unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions, even with the use of appropriate technological assistance. (Describe present general mental condition supporting this allegation): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. and continues to demonstrate behavioral deficits evidencing an inability to manage the Respondent's estate (Describe behavior supporting this allegation): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Less restrictive means have been attempted and considered, but are not sufficient to meet the Respondent's identified needs. The description of what has been attempted and considered, how long less restrictive means have been attempted, but have not been sufficient to meet the Respondent's needs is listed below: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. \_\_\_\_\_ and;  
The Respondent has property that will be dissipated without proper management;  
or

E. funds are needed for the support, care, education, health and welfare of (1) the Respondent; and/or (2) those entitled to the support of the Respondent.

21. The following powers are needed for a Successor **Conservator** to protect and supervise the estate of the Respondent:

- All of the rights and powers under Minn. Stat. § 524.5-417 subd. (c) paragraphs 1, 2, 3, 4, 5, 6 and 7. A limited conservatorship is not appropriate because \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

*(If the Successor Conservator is granted limited powers and duties, specify which powers and duties are vested in the Successor Conservator by this Order.)*

- Pay reasonable charges for the support, maintenance, and education of the Respondent in a manner suitable to the Respondent's station in life and the value of the Respondent's estate, Minn. Stat. § 524.5-417(c)(1);
- Pay out of the Respondent's estate all lawful debts of the Respondent, Minn. Stat. § 524.5-417(c)(2);
- Possess and manage the estate of the Respondent, collect all debts and claims in favor of the Respondent, or settle them with court approval, start a lawsuit on behalf of the Respondent and represent the Respondent in non-criminal court proceedings, and invest all funds not currently needed for debts, charges, and management of the estate pursuant to Minn. Stat. §§ 48A.07, subd. 6, 501C.0901, and 524.5-423, or as otherwise ordered by the court, Minn. Stat. § 524.5-417(c)(3);
- Exchange or sell an undivided interest in real property, Minn. Stat. § 524.5-417(c)(4);
- Approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make, Minn. Stat. § 524.5-417(c)(5);
- Apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government, Minn. Stat. § 524.5-417(c)(6);
- Establish and exercise all powers over an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue code (known as an ABL account), Minn. Stat. § 524.5-417(c)(7);
- (other) \_\_\_\_\_

\_\_\_\_\_ ;  
and all other powers, duties and responsibilities conferred on the Successor Conservator under applicable law.

22. Wages or Salary from the Respondent's Employment, Minn. Stat. § 524.5-417(g):

- Any wages or salary the Respondent earns from employment during the conservatorship will be paid to and controlled by the Respondent. The successor conservator does not account for the Respondent's wages and salary in the annual reporting.
- Any wages or salary the Respondent earns from employment during the conservatorship will be part of the conservatorship estate. The successor conservator must include the Respondent's wages and salary in the annual

reporting.

23. Each proposed Successor **Conservator**:

A. Name, age: \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone number: \_\_\_\_\_

B. The proposed Successor **Conservator**:

- was appointed by prior order of the court;
- nominated by the Respondent,
- nominated by the Respondent's parent;
- nominated by the Respondent's spouse, or
- nominated by some other person.

C. The proposed Successor **Conservator** is the most suitable and best qualified among those available and willing to discharge the trust because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. The proposed Successor **Conservator** is not excluded from appointment pursuant to Minn. Stat. § 524.5-413(d).

The following information in paragraphs #24 through #32 are required and apply to the proposed Successor Conservator and any employee of the proposed Successor Conservator who will be responsible for exercising powers and duties under the conservatorship.

24. The proposed Successor **Conservator**, \_\_\_\_\_,  
(name)

has never been removed for cause from serving as a guardian or conservator.

**OR**

has been removed for cause from serving as a guardian or conservator and the court location and court file number are: \_\_\_\_\_

\_\_\_\_\_

25. The proposed Successor **Conservator**, \_\_\_\_\_,  
anticipates charging the following rate for the performance of these services:

hourly,  monthly, or  flat rate of \_\_\_\_\_.

26.  The proposed Successor **Conservator**, \_\_\_\_\_, is a professional conservator and a summary of the proposed conservator's educational background, relevant work experience, and other experience is as follows: \_\_\_\_\_

\_\_\_\_\_

The professional conservator's current customary rate per hour is \_\_\_\_\_

27. The proposed Successor **Conservator**, \_\_\_\_\_,  
 has not applied for or held any professional licenses.

**OR**

has applied for or held the following professional licenses:

Type of License	Agency	License Number	Status

If the status of the license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: \_\_\_\_\_

28. The proposed Successor **Conservator**, \_\_\_\_\_,  
 has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

**OR**

has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

List court location and court case number: \_\_\_\_\_

29. The proposed Successor **Conservator**, \_\_\_\_\_,  
 has not filed nor has received protection under the bankruptcy laws within the last five (5) years.

**OR**

has filed or has received protection under the bankruptcy laws within the last five (5) years.

List court location and court case number: \_\_\_\_\_

30. The proposed Successor **Conservator**, \_\_\_\_\_,

does not have any outstanding civil monetary judgments.

**OR**

has outstanding civil monetary judgments.

List court location, court case number, and outstanding amount owed: \_\_\_\_\_  
\_\_\_\_\_

31. The proposed Successor **Conservator**, \_\_\_\_\_,  
 does not have nor has had an order for protection or harassment restraining order issued against him/her.

**OR**

currently has or has had an order for protection or harassment restraining order issued against him/her.

List court location and court case number: \_\_\_\_\_

32. Other than a petty misdemeanor or traffic offense, the proposed Successor **Conservator**, \_\_\_\_\_,

has not been convicted of a crime.

**OR**

has been convicted of a crime.

List court case number and convicted offense: \_\_\_\_\_

33. The probable value and the general character of the assets of the Respondent are:

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

34. The probable amount of the debts of the Respondent total \$ \_\_\_\_\_.

35. The Respondent is ( not) a patient at a State Hospital for persons with mental illness; is ( not) a person with developmental disabilities or dependent and neglected ward of the Commissioner of Human Services; and is ( not) under the temporary custody of the Commissioner of Human Services.

36.  The Respondent appears to understand the nature and effect of voting and should maintain the right to vote.

**OR**

The Respondent does not appear to understand the nature and effect of voting and the court should determine Respondent's capacity to vote.

WHEREFORE, Petitioner respectfully requests the Court schedule a time and place for hearing this petition and, after the hearing, an order: (check all that apply)

- Discharging Respondent's **Guardian**, \_\_\_\_\_.
- Discharging Respondent's **Conservator**, \_\_\_\_\_.
- Appointing \_\_\_\_\_, as Successor **Guardian** of Respondent with the powers and duties described in allegations numbered 8 above.
- Appointing \_\_\_\_\_, as Successor **Conservator** of Respondent with the powers and duties described in allegations numbered 21 above.

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. \_\_\_\_\_

In Re:  Guardianship  Conservatorship of

**Acceptance of Appointment**

\_\_\_\_\_,

Professional Individual  Individual  
 Corporation

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**By Individual:**

As a condition to receiving letters, I, \_\_\_\_\_ the appointed successor  Guardian  Conservator of \_\_\_\_\_, verify that I understand the duties and responsibilities required of me in this role. I hereby accept my appointment and will fully and faithfully perform all of my duties according to law and submit to the jurisdiction of the Court in any proceeding relating to this person subject to guardianship and/or person subject to conservatorship that may be brought by the court or any person interested in the affairs of the person subject to guardianship and/or person subject to conservatorship.

- I have watched the Guardianship/Conservatorship Educational Video. \_\_\_\_\_ (initial here)  
 I am a professional guardian/conservator as defined by Minn. Stat. § 524.5-102 subd. 13c.

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:

\_\_\_\_\_

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

**By Corporation:**

\_\_\_\_\_ (“Corporation”) is a corporation under the Laws of the State of Minnesota. As a condition to receiving letters as successor  Guardian  Conservator, the Corporation (1) accepts the duties of such appointment, (2) agrees to be bound by Minnesota law relating to guardians and conservators, (3) submits to the jurisdiction of the Court in any proceeding relating to this person subject to guardianship and/or person subject to conservatorship that may be brought by the court or any person interested in the affairs of the person subject to guardianship and/or person subject to conservatorship, and (4) employees of the corporation directly responsible for carrying out the duties and responsibilities of a guardian and/or conservator have watched the Guardianship/Conservatorship Educational Video and understand the duties and responsibilities of the role of guardian and/or conservator.

The corporation has authorized this acceptance to be signed in the corporate name.

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email 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 Appointing:  
 Successor Guardian  
 Successor Conservator  
(Uncontested)

\_\_\_\_\_

This matter came on for hearing before the district court on \_\_\_\_\_  
on a petition seeking appointment of successor  Guardian  Conservator for the Respondent  
named above. Petitioner appeared personally with the Petitioner's attorney, \_\_\_\_\_  
\_\_\_\_\_. The Respondent appeared personally with the  
Respondent's attorney, \_\_\_\_\_. The matter, having been considered  
by the Court, and the Court being duly advised in the premises now makes the following:

**FINDINGS OF FACT**

1. FINDING OF INCAPACITY:

**Guardianship:** (i) The Respondent is incapacitated in that the Respondent lacks  
sufficient understanding or capacity to make decisions concerning the Respondent's  
personal needs for medical care, nutrition, clothing, shelter or safety. The Respondent's  
inability is reflected by the following facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and (ii) the Respondent is unable to meet the Respondent's needs for medical care,  
nutrition, safety and shelter. The Respondent's inability is reflected by the following  
facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Conservatorship:** (i) The Respondent is unable to manage property and business affairs  
because of an impairment in the ability to receive and evaluate information or make  
decisions, even with the use of appropriate technological assistance. The Respondent's  
inability is reflected by the following facts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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and (ii) the Respondent has property which will be dissipated without proper management and funds are needed for the support, care, education, health, and welfare of the Respondent or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money. This conclusion is supported by the following facts: \_\_\_\_\_

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2. LESS RESTRICTIVE ALTERNATIVES

**Guardianship:** No appropriate alternative to guardianship exists that is less restrictive of the Respondent's civil rights and liberties including, but not limited to, the use of appropriate technological assistance, supported decision making, community or residential services, or appointment of a health care agent under § 145C.01, subd. 2. The Respondent's identified needs cannot be met by less restrictive means is reflected by the following facts: \_\_\_\_\_

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**Conservatorship:** No appropriate alternative to conservatorship exists that is less restrictive of the Respondent's civil rights and liberties including, but not limited to, the use of appropriate technological assistance, supported decision making, the use of a representative payee, trusts, banking or bill-paying assistance, appointment of an attorney-in-fact under Minn. Stat. § 523.01, or a protective arrangement under Minn. Stat. § 524.5-412. The Respondent's identified needs cannot be met by less restrictive means is reflected by the following facts: \_\_\_\_\_

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3. The Respondent is incapable of exercising the following rights and powers:

- All of the rights and powers under Minn. Stat. § 524.5-313 subd.(c) for a person subject to guardianship,
- All of the rights and powers under Minn. Stat. § 524.5-417 subd. (c) for a person subject to conservatorship.

A limited guardianship or conservatorship is not appropriate because \_\_\_\_\_

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*(If the Respondent is capable of performing some but not all powers and duties, specify which powers and duties CANNOT be performed by the Respondent.)*

- Establish the place of abode within or outside the State;
- Provide for the Respondent's care, comfort and maintenance needs;
- Take reasonable care of the Respondent's clothing, furniture, vehicles and other personal effects;
- Give any necessary consent to enable, or to withhold consent for, the necessary medical or other professional care, counsel, treatment or service;
- Exercise supervisory authority over the Respondent, but may not restrict the ability of the Respondent to communicate, visit or interact with others unless good cause exists to believe the restriction is necessary to prevent significant harm to the Respondent;
- Pay reasonable charges for the support, maintenance, and education of the Respondent in a manner suitable to the Respondent's station in life and the value of the Respondent's estate;
- Pay out of the Respondent's estate all just and lawful debts of the Respondent;
- Possess and manage the estate of the Respondent, collect all debts and claims in favor of the Respondent, or to settle them with court approval, start a lawsuit on behalf of the Respondent and represent the Respondent in non-criminal court proceedings, or invest the Respondent's assets not currently needed for debts, charges, and management of the estate;
- Exchange or sell an undivided interest in real property;
- Approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make;
- Apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government;
- Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as ABLE account); and
- Exercise all powers over an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as ABLE account);
- Start a lawsuit on behalf of the Respondent, represent the Respondent in non-criminal court proceedings, and settle claims with court approval (**only given if no conservator is appointed**);
- (other) \_\_\_\_\_

4. The Respondent is ( not) a patient of a State Hospital for persons with mental illness or a person with developmental disabilities or dependent or neglected ward of the Commissioner of Human Services, or under the temporary custody of the Commissioner of Human Services.
5. Expiration of Guardianship or discharge of the Respondent's prior Guardian and/or Conservator:

A.  A Guardian appointed by Court Order dated \_\_\_\_\_, \_\_\_\_\_ was for a limited duration of \_\_\_\_\_  months  years and expires on \_\_\_\_\_, 20\_\_\_\_.

**OR**

A Guardian appointed by court order dated \_\_\_\_\_, \_\_\_\_\_ was discharged on \_\_\_\_\_, 20\_\_\_\_.

**OR**

\_\_\_\_\_, Guardian needs to be discharged and is no longer able or willing to serve as Guardian because: \_\_\_\_\_

\_\_\_\_\_

B.  A Conservator appointed by court order dated \_\_\_\_\_, \_\_\_\_\_ was discharged on \_\_\_\_\_, 20\_\_\_\_.

**OR**

\_\_\_\_\_, Conservator needs to be discharged and is no longer able or willing to serve as Conservator because: \_\_\_\_\_

\_\_\_\_\_

6. The Respondent  is or  is not under thirty (30) years old.

7. The Respondent is in need of a:

- Successor Guardian to protect the Respondent's person;
- Successor Conservator to protect the Respondent's estate.

8. The Court finds that the:

A.  Successor Guardian is:

The most suitable and best qualified among those available and willing to discharge the trust because: \_\_\_\_\_

\_\_\_\_\_

Not excluded from appointment pursuant to Minn. Stat. § 524.5-309(c) or such Guardian has been approved by prior Order of a court pursuant to Minn. Stat. § 524.5-302(d);

B.  Successor Conservator is:

The most suitable and best qualified among those available and willing to discharge the trust because: \_\_\_\_\_

\_\_\_\_\_

Not excluded from appointment pursuant to Minn. Stat. § 524.5-413(d).

9. Respondent's right to vote:

The Respondent appears to understand the nature and effect of voting and maintains the right to vote.

**OR**

The Respondent does not appear to understand the nature and effect of voting and Respondent's right to vote is revoked. The basis for this is as follows:

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### CONCLUSIONS OF LAW

1. The Respondent's court appointed attorney is no longer needed at this time and should be discharged.

**Guardianship:**

2. Clear and convincing evidence establishes the Respondent is an incapacitated person whose needs cannot be met by less restrictive means.

3. A Successor Guardian of \_\_\_\_\_ should be appointed.  
(Respondent)

4. The guardianship should be for:

an unlimited duration as the Respondent is thirty (30) years old or over; or

a limited duration, not exceeding a period of seventy-two (72) months, as the Respondent is under thirty (30) years old; or

a limited duration. Other: \_\_\_\_\_.

**Conservatorship:**

5. Clear and convincing evidence establishes the Respondent is unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions.

6. A preponderance of the evidence establishes (check all that apply):

the Respondent has property that will be wasted or dissipated unless management is provided;

money is needed for the support, care, education, health and welfare of the Respondent or individuals who are entitled to the Respondent's support, care, education, health and welfare of Respondent or of individuals who are entitled to Respondent's support and that protection is necessary or desirable to obtain or provide money.

7. The Respondent's identified financial needs cannot be met by less restrictive means.
8. A Successor Conservator of \_\_\_\_\_ should be appointed.  
(Respondent)
9. The conservatorship should be for:  
 an unlimited duration; or  
 a limited duration. Other: \_\_\_\_\_.

**ORDER**

NOW, THEREFORE, IT IS ORDERED:

1. That:  \_\_\_\_\_, Guardian was appointed for a limited duration and the guardianship will terminate without further order of the court.  
 \_\_\_\_\_, Guardian, is/has been discharged.  
 \_\_\_\_\_, Conservator, is/has been discharged.
2. That:  \_\_\_\_\_, is hereby appointed Successor Guardian of \_\_\_\_\_;  
 \_\_\_\_\_, is hereby appointed Successor Conservator of \_\_\_\_\_.
3. That:  letters of Successor Guardianship shall issue to \_\_\_\_\_ upon the filing of the Acceptance of Appointment and such letters shall reflect that the Successor Guardian is appointed by the Court.  
 letters of Successor Conservatorship shall issue to \_\_\_\_\_ upon the filing of the Acceptance of Appointment and bond, if any.

4. Appointment of powers and duties:

**The Successor Guardian shall have the power and duty to:**

- Exercise all of the rights and powers on behalf of the Respondent under Minn. Stat. § 524.5-313 subd. (c) paragraphs 1, 2, 3, 4, 5, 6, 7, 9 and 10. A limited guardianship is not appropriate because \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*(If the Successor Guardian is granted limited powers and duties, specify which powers and duties are vested in the Successor Guardian by this Order.)*

- Have custody of the Respondent and establish the place of abode for the Respondent within or outside the State, Minn. Stat. § 524.5-313(c)(1);

- Provide for the Respondent’s care, comfort and maintenance needs, Minn. Stat. § 524.5-313(c)(2);
  - Take reasonable care of the Respondent’s clothing, furniture, vehicles and other personal effects, Minn. Stat. § 524.5-313(c)(3);
  - Give any necessary consent to enable, or to withhold consent for, the Respondent to receive necessary medical or other professional care, counsel, treatment or service, Minn. Stat. § 524.5-313(c)(4);
  - Approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make (*only given if no conservator is appointed*), Minn. Stat. § 524.5-313(c)(5);
  - Exercise supervisory authority over the Respondent, but may not restrict the ability of the Respondent to communicate, visit or interact with others unless good cause exists to believe the restriction is necessary to prevent significant harm to the Respondent, Minn. Stat. § 524.5-313 (c)(6);
  - Apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government (*only given in no conservator is appointed*), Minn. Stat. § 524.5-313(c)(7);
  - Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as ABLE account), Minn. Stat. § 524.5-313(c)(9);
  - Start a lawsuit on behalf of the Respondent, represent the Respondent in non-criminal court proceedings, and settle claims with court approval (*only given in no conservator is appointed*), Minn. Stat. § 524.5-313(c)(10);
  - (other) \_\_\_\_\_  
\_\_\_\_\_;
- and to exercise all other powers, duties and responsibilities conferred on the Successor Guardian under applicable law.

**The Successor Conservator shall have the power and duty to:**

- Exercise all of the rights and powers under Minn. Stat. § 524.5-417 subd. (c) paragraphs 1, 2, 3, 4, 5, 6 and 7. A limited conservatorship is not appropriate because  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(If the Successor Conservator is granted limited powers and duties, specify which powers and duties are vested in the Successor Conservator by this Order.)*

- Pay reasonable charges for the support, maintenance, and education of the Respondent in a manner suitable to the Respondent's station in life and the value of the Respondent’s estate, Minn. Stat. § 524.5-417(c)(1);
- Pay out of the Respondent's estate all lawful debts of the Respondent, Minn. Stat. § 524.5-417(c)(2);
- Possess and manage the estate of the Respondent, collect all debts and claims in favor of the Respondent, or settle them with court approval, start a lawsuit on behalf of the Respondent and represent the Respondent in non-criminal court proceedings, and invest all funds not currently needed for debts, charges, and management of the estate

pursuant to Minn. Stat. §§ 48A.07, subd. 6, 501C.0901, and 524.5-423, or as otherwise ordered by the court, Minn. Stat. § 524.5-417(c)(3);

- Exchange or sell an undivided interest in real property, Minn. Stat. § 524.5-417(c)(4);
- Approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make, Minn. Stat. § 524.5-417(c)(5);
- Apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government, Minn. Stat. § 524.5-417(c)(6);
- Establish and exercise all powers over an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue code (known as an ABLE account), Minn. Stat. § 524.5-417(c)(7);
- (other) \_\_\_\_\_

\_\_\_\_\_;  
and all other powers, duties and responsibilities conferred on the Successor Conservator under applicable law.

5. Duration of the guardianship and/or conservatorship:

- The duration of the guardianship is
  - unlimited; OR
  - limited to a term of \_\_\_\_\_  months  years. Minn. Stat. § 524.5-310(d).
- The duration of the conservatorship is
  - unlimited; OR
  - limited to a term of \_\_\_\_\_  months  years. Minn. Stat. § 524.5-409(1)(a).

6. The Respondent's right to vote is  retained  revoked until further order of the court.

7. The court appointed attorney for the Respondent is hereby discharged.

8.  Any wages and salary the Respondent earns from employment  shall  shall not be part of the conservatorship estate. Minn. Stat. § 524.5-417(g).

9.  Within thirty (30) days of the date of this Order, Successor Conservator shall file a bond in the amount of \$\_\_\_\_\_.

10. Responsibilities of Successor Guardian and/or Successor Conservator

- A. Within fourteen (14) days of this Order, the Successor Guardian and/or Successor Conservator must provide the Respondent and the Respondent's counsel a copy of the order of appointment and a notice advising the Respondent of the right to appeal the order.
- B. Within sixty (60) days of the date the Letters of Successor Conservatorship were issued, the Successor Conservator must file with the Court, and serve on the Respondent and all interested persons, a detailed inventory of the estate subject to Conservatorship.

- C. The Successor Guardian and/or Successor Conservator must notify the Court of any changes under Minn. Stat. §§ 524.5-316(b) and 524.5-420(d) within thirty (30) days of the change.
- D. Within one (1) day of awareness of the Respondent's death, the Successor Guardian must notify the Court and all interested persons of the death. If there is no acting guardian and the Successor Conservator becomes aware of the Respondent's death, the Successor Conservator must notify the Court and all interested persons as soon as is reasonably practical.
- E. Every year, the Successor Guardian must file with the Court, and serve on all interested persons (1) a Personal Well-Being report, (2) Annual Notice of Rights, and (3) Bill of Rights within thirty (30) days of the date the Letters of Successor Guardianship were issued.
- F. Every year, the Successor Conservator must file with the Court, and serve on all interested persons (1) Annual Account, (2) Annual Notice of Rights, and (3) Bill of Rights within thirty (30) days of the date the Letters of Successor Conservatorship were issued.
- G. The Successor Guardian must give notice prior to any sale or disposition of the Respondent's clothing, furniture, vehicles, or other personal effects pursuant to Minn. Stat. § 524.5-313(c)(3).
- H. Every five (5) years, the Successor Guardian and/or Successor Conservator and all individuals under their employment who are responsible for exercising powers and duties under the Successor Guardianship/Conservatorship, must complete the background study consent form or file an affidavit of prior background study with a copy of a current background study.

**BY THE COURT:**

\_\_\_\_\_  
Judge of the District Court

\_\_\_\_\_  
Date

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

DISTRICT COURT  
TENTH JUDICIAL DISTRICT  
PROBATE DIVISION

Court File No. \_\_\_\_\_  
Case Type: Guardianship/Conservatorship

In Re:  Guardianship  
 Conservatorship of

Letters of:  
 Successor Guardianship  
 Successor Conservatorship  
Minn. Stat. § 524.5-110

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**Successor Guardian:**

\_\_\_\_\_, is qualified and is hereby authorized to act as Successor Guardian of the person subject to guardianship, after being appointed as Successor Guardian by  the Court;  the person subject to guardianship's spouse; or  the person subject to guardianship's parent, with all of the powers and authority prescribed by statute as shown on the order appointing successor guardian the terms of which order are incorporated herein by reference including the powers under Minn. Stat. § 524.5-313 subd. (c), as follows:

all powers therein,

or

only those under paragraphs  1,  2,  3,  4,  5,  6,  7,  9 and  10; and

The duration of the powers of the successor guardian are limited to a term of \_\_\_\_\_  months;

**Successor Conservator:**

\_\_\_\_\_, is qualified and is hereby authorized to act as Successor Conservator of the person subject to conservatorship, with all of the powers and authority prescribed by statute as shown on the order appointing successor conservator, the terms of which order are incorporated herein by reference including the powers under Minn. Stat. §524.5-417 subd.(c) as follows:

all powers therein,

or

only those under paragraphs  1,  2,  3,  4,  5,  6 and  7;

and each successor guardian and conservator has such other powers and duties granted under applicable law.

---

Judge of District Court

Date

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 appointment of  \_\_\_\_\_ as  
Successor Guardian of the person;  \_\_\_\_\_ as Successor  
Conservator of the estate; of \_\_\_\_\_ (Respondent herein).  
A copy of the petition is attached. Appointment of a Guardian or Conservator is not evidence of  
incompetence.

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 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 for Successor Guardian: If the petition is granted, the Respondent will be found  
unable to manage the Respondent's personal affairs and the proposed Successor Guardian or  
some other suitable and competent person or persons will be appointed Successor Guardian.  
Several of the Respondent's rights will be given to the Successor Guardian, including the right to  
make health care decisions for the Respondent, determine where the Respondent shall live, and if  
no conservator is appointed, to make contracts for the Respondent.

Petition for Successor Conservator: If the petition is granted, the Respondent will be  
found unable to manage the Respondent's financial affairs and the proposed Successor  
Conservator or some other suitable and competent person or persons will be appointed  
Successor Conservator. Several of the Respondent's rights will be given to the Successor  
Conservator, including the right to manage and control money and other property, and to make  
contracts for the Respondent.

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

\_\_\_\_\_  
County and state where signed

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email 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

\_\_\_\_\_

**Waiver of Right to Court Appointed  
Attorney**

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I have been notified of my right to be represented by an attorney at the hearing on the petition requesting the appointment of a  Successor Guardian and/or  Successor Conservator, and I hereby 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:

<b>Person under Guardianship or Conservatorship:</b>	<b>Forms Served:</b>
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)	

<b>Person of Interest with the Court:</b>	<b>Forms Served (<i>check all that apply</i>):</b>
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)	

<b>Person of Interest with the Court:</b>	<b>Forms Served</b> <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)	

<b>Person of Interest with the Court:</b>	<b>Forms Served</b> <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)	

<b>Person of Interest with the Court:</b>	<b>Forms Served</b> <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

\_\_\_\_\_  
County and state where signed

\_\_\_\_\_  
Signature of Person Who Served the Forms

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**Notice to Proposed Guardians/Conservators  
Regarding Background Check Requirements**

Minn. Stat. § 524.5-118 requires a background study on proposed guardians and conservators for the purpose of assisting the court in determining whether an appointment as a guardian or conservator is in the best interests of the respondent / person subject to guardianship / person subject to conservatorship. The study is waived if the proposed guardian or conservator is:

1. a state agency or county;
2. a parent or guardian of a person who has a developmental disability, if the parent or guardian has raised the person in the family home until the time the petition is filed, unless counsel appointed for the person recommends a background study; or
3. a bank with trust powers, bank and trust company, or trust company.

If applicable, the enclosed form (Background Study) should be completed immediately and submitted, with the appropriate fee, to the Department of Human Services.

**State of Minnesota**

County \_\_\_\_\_

**District Court**

Judicial District: \_\_\_\_\_  
Court File Number: \_\_\_\_\_  
Case Type: \_\_\_\_\_ Guardianship/Conservatorship

**In the Matter of the Guardianship/  
Conservatorship of:**

\_\_\_\_\_

**Affidavit Regarding  
Background Study**

\_\_\_\_\_, states as follows:

1. A Petition has been filed in this matter requesting my appointment as Guardian/Conservator for the above named person subject to guardianship and/or conservatorship.
2. I have been the subject of a background study within the past 5 years pursuant to Minn. Stat. § 524.5-118.
3. A true and correct copy of the background study is attached to this affidavit.
4. I have not been arrested, charged with any crime, convicted of any crime, the subject of any criminal investigation, or the subject of any investigation regarding maltreatment of vulnerable adults or maltreatment of minors since date of the background study, except as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: \_\_\_\_\_

County and State where signed:  
\_\_\_\_\_

\_\_\_\_\_  
Affiant's Signature

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

E-mail address: \_\_\_\_\_

**REQUESTING COURT**

[Empty box for County]

COUNTY

[Empty box for Court File Number]

COURT FILE NUMBER

**PROPOSED PROTECTED PERSON / WARD**

[Empty box for First Name]

FIRST NAME

[Empty box for Middle Name]

MIDDLE NAME

[Empty box for Last Name]

LAST NAME

**PROPOSED CONSERVATOR / GUARDIAN**

[Empty box for First Name]

FIRST NAME

[Empty box for Middle Name]

MIDDLE NAME

[Empty box for Last Name]

LAST NAME

LIST ANY OTHER NAMES BY WHICH THE PROPOSED CONSERVATOR / GUARDIAN HAS BEEN KNOWN

[Empty box for Other Name 1]

[Empty box for Other Name 2]

[Empty box for Other Name 3]

[Empty box for Other Name 4]

[Empty box for Other Name 5]

[Empty box for Other Name 6]

[Empty box for Address]

ADDRESS

[Empty box for City]

CITY

[Empty box for State]

STATE

[Empty box for Zip Code]

ZIP CODE

[Empty box for Date of Birth]

DATE OF BIRTH mm/dd/yyyy

[Empty box for Social Security Number]

SOCIAL SECURITY NUMBER (OPTIONAL)

[Empty box for Drivers License Number]

DRIVERS LICENSE NUMBER (OPTIONAL)

[Empty box for State]

STATE THAT ISSUED THE LICENSE

[Empty box for Race/Ethnicity]

RACE/ETHNICITY (OPTIONAL)

[Empty box for Telephone Number]

TELEPHONE NUMBER

[Empty box for Gender]

M F  
GENDER

[Empty box for Professional Licenses]

List professional licenses held from the list included in instructions on page 2. Include board name, license number, and the state that issued the license.

List states other than Minnesota where you have resided for full or partial years (including wintering) within the past ten years: \_\_\_\_\_

If you listed any states above, this form must be accompanied by classifiable fingerprints. See instructions on page 2.

I give consent to the Minnesota Department of Human Services to conduct a background study on me as provided in Minnesota Statutes, section 524.5-118, and to release the results of the study to the court.

\_\_\_\_\_  
SIGNATURE OF PROPOSED CONSERVATOR/GUARDIAN

\_\_\_\_\_  
DATE

The Court hereby certifies that this is an *in forma pauperis* proceeding (person only), and qualifies for exemption from fee payment pursuant to Minn. State. Sec. 524.5-118, subd. 1 (f) (1). CERTIFIED BY: \_\_\_\_\_

# GUARDIAN AND CONSERVATOR BACKGROUND STUDY

## CONSENT / INFORMATION FORM

### **BACKGROUND STUDY REQUIREMENT:**

Minnesota Statutes, section 524.5-118, requires a background study on you for the purpose of assisting the court in determining whether your appointment or continued appointment as a guardian or conservator is in the best interests of the ward or protected person. The background study will include:

- A review of criminal records held by the Minnesota Bureau of Criminal Apprehension (BCA) and the Minnesota Department of Human Services (DHS);
- A review of records of substantiated maltreatment of vulnerable adults or minors held by DHS;
- A search of the the databases listed in 524.5-118 subd. 2a (see item 4 below) to determine if you have ever held a professional license directly related to the responsibilities of a professional fiduciary in Minnesota, and any other state in which you have resided in the past ten years; and
- A search of the Federal Bureau of Investigation's (FBI) national criminal records repository if you have resided (including wintering) in any state other than Minnesota in the previous ten years; or if the BCA information indicates you are a multistate offender, or your offender status is undetermined or blank.

### **NOTIFICATION OF RIGHTS: You have the following rights:**

- The right to be informed that the court will request a background study on you for the purpose of determining whether your appointment or continued appointment is in the best interests of the ward or protected person;
- The right to be informed of the results of the study and obtain from the court a copy of the results; and
- The right to challenge the accuracy and completeness of information provided to the court by DHS or BCA by filing a challenge with the appropriate agency under Minnesota Statutes, section 13.04, subdivision 4. Please note that some challenges may be precluded by Minnesota Statutes, section 256.045, subdivision 3.

### **FEES AND PAYMENTS**

- The fee for each study is \$50 if you have not lived outside of Minnesota in the past ten years. Please note that if the BCA information indicates you are a multistate offender, or your offender status is undetermined or blank, a set of classifiable fingerprints and an additional \$30 fee will be required to complete an FBI record search. If this search is required, you will be notified by DHS in writing and the additional payment will be requested at that time.
- The fee for each study is \$130 if you have resided outside of Minnesota for any period of time during the ten years preceding the background study, and this form must be accompanied by a set of classifiable fingerprints. The \$30 fee for processing the fingerprints for the FBI check is included in this fee.
- There is no fee for cases approved by the court to proceed in forma pauperis for guardians as provided in Minnesota Statutes, section 524.5-118. For conservators of the estate, the fee is paid by the estate.

### **INSTRUCTIONS**

1. All information on page 1 of this form is required, unless marked optional. Please type or print legibly.
2. The proposed guardian or conservator must sign and date page 1 of this form.
3. If the proposed guardian or conservator has resided outside of Minnesota in the last ten years (including wintering), this form must be accompanied by a set of classifiable fingerprints. Fingerprint cards can be obtained at the county court administrator's office or by calling the Background Studies Division: 651-431-6620.
4. If the proposed guardian or conservator has ever held any of the following licenses, include them in the space provided on page 1: Lawyers Responsibility Board; State Board of Accountancy; Board of Social Work, Psychology, Nursing, Medical Practice, Dentistry, or Marriage and Family Therapy; Department of Education, Commerce, or Human Services; Peace Officer Standards and Training (POST) Board.
5. Mail form with appropriate fee(s) or court verification that the case is proceeding in forma pauperis to:

Department of Human Services  
Attn: Guardian Background Studies  
PO Box 64172  
St. Paul, MN 55164-0242