

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Conservatorship

In Re: Guardianship

Conservatorship of

Petition for Appointment of:

Guardian

Conservator

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

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

Telephone number: _____

Interest in this matter: _____

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

Telephone number: _____

Age/Date of birth: _____

and if the petition is granted, Respondent will be moved to: _____

3. The names and addresses of the Respondent's spouse and kindred are:

Relationship	Name	Address
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a) Spouse (include an adult with whom Respondent has resided for six months or more):

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b) Kindred: (adult children, parents and adult brothers and sisters; if none of these, then list the nearest adult kin; See Minn. Stat. § 524.5-102 subd. 7)

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

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

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e) 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):

(Complete paragraphs 4 and 5 only if you want a Guardian of the person appointed.)

4. A Guardian of Respondent should be appointed because:
 - A. The Respondent is an incapacitated person in that Respondent lacks sufficient understanding or capacity to make or communicate responsible decisions concerning Respondent's person (Describe present general mental condition supporting this allegation): _____

B. and has demonstrated behavioral deficits evidencing an inability to meet Respondent's needs for medical care, nutrition, clothing, shelter, and/or safety (Describe behavior supporting this allegation): _____

C. and no alternative less restrictive of civil rights and liberties exist, including the use of appropriate technological assistance.

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

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

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

Have custody of the Ward and establish the place of abode for the Ward within or without the State, Minn. Stat. § 524.5-313(c)(1);

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

Take reasonable care of the Ward'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 Ward 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 Ward 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 Ward, Minn. Stat. § 524.5-313(c)(6);

Apply on behalf of the Ward for any assistance, services, or benefits available to the Ward through any unit of government, Minn. Stat. § 524.5-313(c)(7);

(other) _____;

and all other powers, duties and responsibilities conferred on the Guardian under applicable law.

(Complete paragraphs 6 and 7 only if you want a Conservator of the estate appointed.)

6. A Conservator of Respondent is needed because:

A. 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. (Describe present general mental condition supporting this allegation): _____

B. and has demonstrated behavioral deficits evidencing an inability to manage Respondent's estate (Describe behavior supporting this allegation): _____

C. no alternative less restrictive of civil rights and liberties exists, including the use of appropriate technological assistance; and

D. 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.

7. The following powers are needed for a 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 and 6. A limited conservatorship is not appropriate because _____

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

Pay reasonable charges for the support, maintenance, and education of the Protected Person in a manner suitable to the Protected Person's station in life and the value of the Protected Person's estate, Minn. Stat. § 524.5-417(c)(1);

Pay out of the Protected Person's estate all lawful debts of the Protected Person, Minn. Stat. § 524.5-417(c)(2);

Possess and manage the estate of the Protected Person, collect all debts and claims in favor of the Protected Person, or with the approval of the court compromise them, institute suit on behalf of the Protected Person and represent the Protected Person in court proceedings, and invest pursuant to Minn. Stat. § 48A.07(6) and § 501B.151 all funds not currently needed for debts, charges, and management of the estate, 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 Protected Person may make or wish to make, Minn. Stat. § 524.5-417(c)(5);

Apply on behalf of the Protected Person for any assistance, services, or benefits available to the Protected Person through any unit of government, Minn. Stat. § 524.5-417(c)(6); and

(other) _____

_____;

and all other powers, duties and responsibilities conferred on the Conservator under applicable law.

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

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

9. The probable amount of the debts of the Respondent is \$ _____.

10. The Respondent is (not) a patient at a State Hospital for the mentally ill; is (not) a developmentally disabled person or dependent and neglected ward of the Commissioner of Human Services; and is (not) under the temporary custody of the Commissioner of Human Services.

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

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

12. The name, age, address, and phone number of each proposed:

Guardian is: Name, age: _____
Address: _____

Telephone number: _____;

and the proposed Guardian:

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

Conservator is: Name, age: _____
Address: _____

Telephone number: _____;

The following information in Questions 12 through 19 is required and applies to the proposed guardian / proposed conservator and any employee of the proposed guardian / proposed conservator who will be responsible for exercising powers and duties under the guardianship / conservatorship.

13. The proposed 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: _____

B. The proposed 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: _____

14. The proposed 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 proposed conservator, _____, is a professional conservator and a summary of the proposed conservator's educational background, relevant work experience, and other experience is as follows: _____

15. A. The proposed 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: _____

B. The proposed 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: _____

16. A. The proposed 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: _____

B. The proposed 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: _____

17. A. The proposed guardian,
 has not filed nor has received protection under the bankruptcy laws.

OR

has filed or has received protection under the bankruptcy laws.

List court location and court case number: _____

B. The proposed conservator, _____
 has not filed nor has received protection under the bankruptcy laws.

OR

has filed or has received protection under the bankruptcy laws.

List court location and court case number: _____

18. A. The proposed 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: _____

B. The proposed 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: _____

19. A. The proposed 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: _____

B. The proposed 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: _____

20. Other than a petty misdemeanor or traffic offense,

A. the proposed guardian, _____

has not been convicted of a crime.

OR

has been convicted of a crime.

List court case number and convicted offense: _____

B. the proposed conservator, _____

has not been convicted of a crime.

OR

has been convicted of a crime.

List court case number and convicted offense: _____

21. Each proposed:

- A. Guardian is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to Minn. Stat. § 524.5-309(c);
- B. Conservator is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to Minn. Stat. § 524.5-413(d).

WHEREFORE, your Petitioner respectfully requests the Court schedule a time and place for hearing this petition and, after the hearing, an order appointing:

- _____ Guardian of Respondent with the powers and duties described in allegations numbered 5 above;
- _____ Conservator of Respondent with the powers and duties described in allegations numbered 7 above.

FURTHER, under penalties for perjury for deliberate falsification therein, I declare or affirm that I have read the foregoing petition and, to the best of my knowledge or information, its representations are true, correct and complete.

Dated: _____, 20____

Petitioner

Name of Petitioner's Attorney:

Name: _____

License No.: _____

Address: _____

City/State/Zip: _____

E-mail address: _____