

Notice to Proposed Guardians/Conservators Regarding Background Check Requirements (GAC104)

[Minn. Stat. § 524.5-118](http://revisor.mn.gov/statutes/cite/524.5-118) (revisor.mn.gov/statutes/cite/524.5-118) requires 2 background checks on proposed guardians and conservators:

- Maltreatment and state licensing agency check through the Department of Human Services (DHS); and
- Criminal history check through the Bureau of Criminal Apprehension (BCA).

These 2 background checks are generally required before the appointment of a guardian or conservator, and once every 5 years after the appointment if the person continues to serve as a guardian or conservator.

The purpose of the background checks is to assist 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 background check requirements are 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.

PROCEDURES

1. DHS - Maltreatment and state licensing agency check:

- Complete the “Guardian and Conservator Maltreatment and Licensing Agency Checks” form, which is available on the [DHS website](http://mn.gov/dhs/general-public/background-studies/for-entities/guardians-and-conservators/) (mn.gov/dhs/general-public/background-studies/for-entities/guardians-and-conservators/).
- Submit the completed form and applicable fee to DHS at the address listed on the form.
- **NOTE:** If there is a fee waiver on file with the court, then submit the form to court administration (in person, mail, or eFile) instead.

2. BCA – Criminal history check:

- Complete the *Guardian and Conservator Criminal History Check Consent Form* (GAC121), which is available on the [Minnesota Judicial Branch website](http://mncourts.gov/GetForms.aspx) (mncourts.gov/GetForms.aspx).
- Get fingerprinted. You can learn more about this on the [BCA’s website](http://mn.gov/boards/cbc/fingerprint-card/locations/) (mn.gov/boards/cbc/fingerprint-card/locations/).
- Submit the completed form, fingerprint card, and applicable fee to the BCA at the address listed on the form.
- **NOTE:** If there is a fee waiver on file with the court, then include a copy of the fee waiver order when you submit the fingerprint card and consent form to the BCA.

IMPORTANT! Please submit the required material to DHS and BCA as soon as possible. According to Minnesota law, the court must require these background checks **before** appointing a guardian or conservator.