

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Conservatorship

In Re: Guardianship and
 Conservatorship of

**Order Appointing Guardian and
Conservator
(MINOR)**

_____,
Ward and Protected Person

This matter came on for hearing before the district court on _____, 20____ on a petition seeking appointment of a Guardian and Conservator for the Respondent named above. Petitioner appeared personally with the Petitioner’s attorney, _____ . The Respondent appeared personally with 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) The petition is complete.
- 2) Venue in this county is proper.
- 3) The parents have either deceased or all of their parental rights have been terminated.
- 4) Notice has been given as required by law.
- 5) The Respondent is a minor as Respondent has not yet attained the age of 18 years.
- 6) The Respondent is (not) a patient of a State Hospital for the mentally ill or a developmentally disabled person or dependent or neglected ward of the Commissioner of Human Services, or under the temporary custody of the Commissioner of Human Services.
- 7) The Respondent is in need of a guardian to protect Respondent’s person.
- 8) The Respondent is in need of a Conservator to protect the Respondent’s assets.
- 9) The Court finds that the 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 M.S. § 524.5-309(c) or such Guardian has been approved by prior Order of a court pursuant to M.S. § 524.5-302(d); and the 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 M.S. § 524.5-413(d).

CONCLUSIONS OF LAW

- 1) The Respondent is an incapacitated person whose needs cannot be met by less restrictive means.
- 2) A Guardian Conservator of _____ should be appointed.

ORDER

NOW, THEREFORE, IT IS ORDERED:

- 1) That: _____, is hereby appointed Guardian of
_____; and
_____, is hereby appointed Conservator of
_____.

- 2) That: letters of Guardianship shall issue to _____, upon the
filing of an acceptance of appointment and such letters shall reflect that the
Guardian is appointed by the Court; and
letters of Conservatorship shall issue to _____, upon the
filing of an acceptance of appointment.

- 3) The Guardian shall have the power and duty to:
 Exercise all of the rights and powers on behalf of the Ward under M.S. §
524.5-207.
*(If the Guardian is granted limited powers and duties, specify which powers and
duties vest in the Guardian by this Order.)*
 Exercise the powers and responsibilities of a parent who has not been deprived
of custody of the minor and unemancipated child, except that a guardian is not
legally obligated to provide from the guardian's own funds for the Ward; M.S.
§ 524.5-207, subd. 1;
 Take reasonable care of the Ward's clothing, furniture, vehicles and other
personal effects; M.S. § 524.5-207, subd. 2(a);
 Receive money payable to, and applied for the benefit of, the Ward's current
support, care and education needs; M.S. § 524.5-207, subd. 2(b).
Give any necessary consent to enable, or to withhold consent for, the Ward to
receive necessary medical or other professional care, counsel, treatment, and to
facilitate the Ward's education, social, or other activities; M.S. § 524.5-207,
subd. 2(c);
 Report the condition of the Ward and the Ward's estate upon the Court's own
motion or on petition of an interested person and by court order; M.S. § 524.5-
524.5-207, subd. 2(d);
 Apply on behalf of the Ward for any assistance, services, or benefits available
to the Ward through any unit of government(*only given if no conservator is
appointed*); M.S. § 524.5-207, subd. 2(e);
 (other) _____
_____and

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

4) The Conservator shall have the power and duty to:

- Exercise all of the rights and powers under M.S. § 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, M.S. § 524.5-417 (c)(1);
- Pay out of the Protected Person's estate all lawful debts of the Protected Person, M.S. § 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 M.S. § 48A.07(6) and 501B.151 all funds not currently needed for debts, charges, and management of the estate, M.S. § 524.5-417 (c)(3);
- Exchange or sell an undivided interest in real property, M.S. § 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, M.S. § 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, M.S. § 524.5-417 (c)(6); and
- (other) _____

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

- 5) The conservator shall file a bond in the amount of \$_____.
- 6) That the court appointed attorney for the Ward and Protected Person, is hereby discharged.

Order Recommended by:

Referee of District Court Date

Judge of the District Court Date