

Tips for Guardians

Understand your Powers, Duties, & Limitations

Refer to your court order appointing you as the guardian to know if you have been granted all or limited powers and duties.

Background studies

If you were required to submit a consent to background study prior to your appointment as guardian, you will be required to submit an updated consent every two years.

Submit Yearly Documents On Time:

1. Personal Well-Being Report
2. Annual Notice of Rights
3. Affidavit of Service

Submit your documents within 60 days from the anniversary date of your Letters of Guardianship.

Electronically file using EFS, mail, or deliver to the probate court where your case is filed.

If you do not submit your documents on time each year, you may be required to attend court and explain why to a judge.

General Guidelines

- Even though a ward has a guardian, the ward still retains certain rights. (See the Bill of Rights for Wards and Protected Persons in Minn. Stat. Sec. 524.5-120)
- A ward retains all rights not granted to the guardian.
- A guardian must petition the court for modification of the guardianship when the condition of the ward changes such that fewer or additional powers are required.
- A guardian with medical powers cannot consent to any medical care which violates the known conscientious, religious, or moral belief of the ward.
- If given the powers over the ward's personal property, a guardian cannot dispose of the ward's clothing, furniture, vehicles, or personal effects without giving written notice by mail to interested persons.

Things a guardian cannot do or consent to without court approval:

- Admit the ward to a regional treatment center (with limited exceptions*)
- Sterilization
- Psychosurgery and electroshock treatment
- Experimental treatment of any kind
- Revoke a health care directive

*Exceptions include: outpatient care, temporary care (under 90 days), or admitted after a hearing under Chp. 253B

Preparing Your Reports

Fill out the forms **completely**:

- Keep records of significant events in the life of the ward. You will be required to report on such things as the ward's living arrangements, the type and quality of care provided to the ward, and your interaction with the ward.
- Keep detailed records of the services you provide if you are charging fees as guardian or seeking reimbursement for expenses.
- State the relevant information. Don't just state "no change" or "see prior report."
- Be sure to include the addresses, phone numbers and emails of the ward and the guardian(s).
- All guardians must sign the report or submit separate signed reports. Only the guardian/person who actually served the documents needs to sign the affidavit of service.

Reportable events

Report to the court within 30 days of the occurrence of any of the events listed in M.S. 524.5-316(b):

- You are removed for cause from serving as guardian or conservator on any case.
- Your professional license (see statute for list of agencies) is denied, conditioned, suspended, revoked, or canceled.
- You are found civilly liable in an action that involves fraud, misrepresentation, material omission, misappropriation, theft, or conversion.
- You have filed for bankruptcy.
- A civil monetary judgment is entered against you.
- You are convicted of a crime other than a petty misdemeanor or traffic offense.
- An order for protection or harassment restraining order is issued against you.

Notify the court if:

- You change your address, email, or phone number.
- You terminate your attorney, inform the court in writing.

Resources

- Conservator Account Auditing Program (CAAP) – www.mncourts.gov/CAAP
- Court Forms – www.mncourts.gov/forms
- National Guardianship Association – www.guardianship.org
- Minnesota Statutes – www.revisor.mn.gov/pubs
- MAGiC – www.minnesotaguardianship.org/
- The Center for Excellence in Supported Decision Making – www.voamnwi.org/protective-services

PLEASE NOTE

This is a general information guide and reminder and is not a substitute for legal advice.

Consult your attorney if you have questions about your roles and responsibilities as guardian.



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