

State of Minnesota

District Court  
Probate Division

County of \_\_\_\_\_

Judicial District: \_\_\_\_\_

Court File No. \_\_\_\_\_

Case Type: Guardianship/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: \_\_\_\_\_  
Relation to the Respondent: \_\_\_\_\_

2. Respondent's: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone number: \_\_\_\_\_  
Age and 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 kin are:  
a) Spouse.  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Relationship: \_\_\_\_\_

b) List the name of any adult with whom the Respondent has resided for more than 6 months before the filing of this petition.  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Relationship: \_\_\_\_\_

c) Kin [adult children and step-children of a living spouse; if none, list parents and adult brothers and sisters; and if none of these, then list the next kin of the Respondent. See Minn. Stat. § 524.5-102, subd. 7(iv)]. Use more paper if you need more space.

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

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

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: \_\_\_\_\_  
\_\_\_\_\_

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). Use more paper if you need more space.

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

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

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

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

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

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

*(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 personal decisions, and is unable to meet their personal needs. (Describe present general mental condition supporting this allegation): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - B. The Respondent 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. 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 are listed below.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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 a person subject to guardianship 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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***(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 person subject to guardianship and establish the place of abode for the person subject to guardianship within or without the State, Minn. Stat. § 524.5-313(c)(1);
- Provide for the care, comfort and maintenance needs of the person subject to guardianship, Minn. Stat. § 524.5-313(c)(2);
- Take reasonable care of the clothing, furniture, vehicles and other personal effects of the person subject to guardianship, Minn. Stat. § 524.5-313(c)(3);
- Give any necessary consent to enable, or to withhold consent for, the person subject to guardianship 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 person subject to guardianship 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 person subject to guardianship, Minn. Stat. § 524.5-313(c)(6);
- Apply on behalf of the person subject to guardianship for any assistance, services, or benefits available to the person subject to guardianship through any unit of government, 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 an ABLE account) for the person subject to guardianship, Minn. Stat. § 524.5-313(c)(9);
- Commence legal proceedings on behalf of and represent the person subject to guardianship in all civil proceedings (***only given if no conservator is appointed***), Minn. Stat. § 524.5-313(c)(10);
- (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. The Respondent has demonstrated behavioral deficits evidencing an inability to manage 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. Respondent has property that will be dissipated without proper management; or 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(c) paragraphs 1, 2, 3, 4, 5, 6, and 7. 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 person subject to conservatorship in a manner suitable to their station in life and the value of their estate, Minn. Stat. § 524.5-417(c)(1);

Pay out of the estate of the person subject to conservatorship all lawful debts of the person subject to conservatorship, Minn. Stat. § 524.5-417(c)(2);

- Possess and manage the estate of the person subject to conservatorship, collect all debts and claims in favor of the person subject to conservatorship, or with the approval of the court compromise them, institute suit on behalf of the person subject to conservatorship and represent the person subject to conservatorship in all civil court proceedings, and invest all funds not currently needed for debts, charges, and management of the estate in accordance with the provisions of sections 48A.07, subdivision 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 person subject to conservatorship may make or wish to make, Minn. Stat. § 524.5-417(c)(5);
  - Apply on behalf of the person subject to conservatorship for any assistance, services, or benefits available to the person subject to conservatorship through any unit of government, Minn. Stat. § 524.5-417(c)(6); and
  - 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 ABLÉ account), Minn. Stat. § 524.5-417(c)(7);
  - (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 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.

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 Respondent,
- nominated by the Respondent's parent;
- nominated by the Respondent's spouse, or
- nominated by some other person; and

Conservator is: Name, age: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Telephone number: \_\_\_\_\_;

The following information in Questions 13 through 20 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. A. The proposed guardian, \_\_\_\_\_, anticipates charging the following rate for the performance of these services: (list hourly, monthly, or flat rate) \_\_\_\_\_, and

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, \_\_\_\_\_, anticipates charging the following rate for the performance of these services: (list hourly, monthly, or flat rate) \_\_\_\_\_, and

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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



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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 in the last 5 years.

OR

has filed or has received protection under the bankruptcy laws in the last 5 years.

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

B. The proposed conservator, \_\_\_\_\_  
 has not filed nor has received protection under the bankruptcy laws in the last 5 years.

OR

has filed or has received protection under the bankruptcy laws in the last 5 years.

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. A. the proposed guardian, \_\_\_\_\_  
 has not been convicted of a gross misdemeanor or felony.

OR

has been convicted of a gross misdemeanor or felony.

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

B. Other than a petty misdemeanor or traffic offense, 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. The 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.

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: \_\_\_\_\_

License No.: \_\_\_\_\_

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

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

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