

State of Minnesota

District Court

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

Court File Number: \_\_\_\_\_

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

Case Type: Guardianship/Conservatorship

**In Re:**

Guardianship

Conservatorship

of:

\_\_\_\_\_

**Petition for Appointment of  Guardian and/or  Conservator (GAC 5-U)**

TO THE COURT:

1. Petitioner's Name, Address, and Telephone Number

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

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

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

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

City, State, Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Interest in this matter: \_\_\_\_\_

Relation to the Respondent: \_\_\_\_\_

2. Respondent's Name, Address, Telephone Number, and Date of Birth

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

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

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

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

City, State, Zip: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

3. If the petition is granted, Respondent  will not be moved OR  will be moved to:

\_\_\_\_\_

4. The names and addresses of the Respondent's spouse and kin are:

a. Spouse.

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

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

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

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

b. Any adult the Respondent has lived with for more than 6 months:

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

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

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

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

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

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

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

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.]. Use more paper if you need more space.

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

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

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

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

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

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

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

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

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

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

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

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

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

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

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Name of Facility: \_\_\_\_\_

- e. Legal representative (guardian/conservator, representative payee, trustee, or custodian of property):

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
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: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Relationship: \_\_\_\_\_

5. The Respondent (answer a through c):

- a.  is /  is not a patient at a State Hospital for persons with mental illness; and

- b.  is /  is not a person with developmental disabilities or dependent and neglected ward of the Commissioner of Human Services; and
- c.  is /  is not under the temporary custody of the Commissioner of Human Services.

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

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

7. The probable amount of the debts of the Respondent is \$ \_\_\_\_\_

Complete paragraphs #8 - #22 only if you want a **Guardian** of the person appointed. Be sure to also fill out the **Request** section at the end of the form.

I am NOT asking the Court to appoint a **Guardian** (if checked, skip to paragraph #23).

### GUARDIAN

8. Proposed **Guardian**:

a. Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

b. The proposed **Guardian** is (check all that apply):

- Nominated by the Respondent;
- Nominated by the Respondent's parent;
- Nominated by the Respondent's spouse;
- Self-nominated; and/or
- Nominated by some other person.

c. The proposed **Guardian** was /  was not previously appointed as Guardian of the Respondent by order in Court File Number \_\_\_\_\_;

d. The proposed **Guardian** is the most suitable and best qualified among those available and willing to serve as guardian because:

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e. The proposed **Guardian** is not excluded from appointment under Minn. Stat. § 524.5-309(c).

9. Proposed **Co-Guardian**:

N/A because there is only 1 proposed **Guardian**, OR

a. Name: \_\_\_\_\_

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

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

Telephone: \_\_\_\_\_

b. The proposed **Co-Guardian** was:

- Nominated by the Respondent;
- Nominated by the Respondent's parent;
- Nominated by the Respondent's spouse;
- Self-nominated; and/or
- Nominated by some other person.

c. The proposed **Co-Guardian** was /  was not previously appointed as Guardian or Co-Guardian of the Respondent by order in Court File Number \_\_\_\_\_

d. The proposed **Co-Guardian** is the most suitable and best qualified among those available and willing to serve as Co-Guardian because:

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e. The **Co-Guardian** is not excluded from appointment under Minn. Stat. § 524.309(c).

*If there are more than 2 co-guardians, add these details about the other co-guardians on another sheet of paper.*

10. A Guardian 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):

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- 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):

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- c. Less restrictive means have been considered and attempted but are not sufficient to meet the Respondent's identified needs.

- d. The following less restrictive means have been considered and attempted: \_\_\_\_\_

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- i. The length of time these less restrictive means were attempted:

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- ii. The less restrictive means have not been successful because:

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11. 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  
Petitioner is asking the Court to grant to the Guardian:***

- (1) Have custody and establish the place of abode of the person subject to guardianship within or without the State. Minn. Stat. § 524.5-313(c)(1);
- (2) Provide for the care, comfort and maintenance needs of the person subject to guardianship. Minn. Stat. § 524.5-313(c)(2);
- (3) 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);
- (4) 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);
- (5) 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);
- (6) Exercise supervision authority over the person subject to guardianship but may not restrict the ability of the person subject to guardianship to communicate, visit, or interact with others unless the guardian has good cause to believe the restriction is necessary to prevent significant harm to the person subject to guardianship. Minn. Stat. § 524.5-313(c)(6);
- (7) 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 (***only given if no conservator is appointed***). Minn. Stat. § 524.5-313(c)(7);
- (8) 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);
- (9) Start a lawsuit on behalf of and represent the person in all civil proceedings (***only given if no conservator is appointed***). Minn. Stat. § 524.5-313(c)(10);
- (10) Other: \_\_\_\_\_

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

12. Is there a proposed **Co-Guardian**?       Yes       No

If Yes:

The Co-Guardian should have the same powers as the Guardian.

OR

The Co-Guardian should have the following powers:

(1)

(6)

(2)

(7)

(3)

(8)

(4)

(9)

(5)

(10) Other: \_\_\_\_\_

13. Regarding Respondent's right to vote:

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.



**Important!** The information in paragraphs #14 - #22 applies to the proposed Guardian **and** any Co-Guardian. You will need to fill out the *Attachment to Petition for Appointment of Guardian and/or Conservator* (GAC502) to answer these questions about co-guardians.

14. 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:

Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

15. The proposed **Guardian** anticipates charging the following rate for the performance of guardian services:

\$ \_\_\_\_\_  hourly /  monthly /  flat rate /  other: \_\_\_\_\_

16.  The proposed **Guardian** is a professional guardian.

a. A summary of the proposed Guardian's educational background, relevant work, and other experience is as follows: \_\_\_\_\_

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

17. 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 any license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: \_\_\_\_\_  
\_\_\_\_\_

18. The proposed **Guardian**:

Has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.

**OR**

Has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

19. The proposed **Guardian**:

Has not filed for nor has received protection under the bankruptcy laws within the last 5 years.

**OR**

Has filed for or has received protection under the bankruptcy laws within the last 5 years:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

20. The proposed **Guardian**:

Does not have any outstanding civil money judgments against them.

**OR**

Has outstanding civil money judgments against them:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

Amount still owed: \_\_\_\_\_

21. The proposed **Guardian**:

Does not have, and has not had, an order for protection or harassment restraining order issued against them.

**OR**

Currently has, or has had in the past, an order for protection or harassment restraining order issued against them:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

22. The proposed **Guardian**:

Has not been convicted of a gross misdemeanor or felony crime.

**OR**

Has been convicted of a gross misdemeanor or felony crime:

Court Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

NOTE: Do not include petty misdemeanors or traffic offenses.

Complete paragraphs #23 - #36 only if you want a **Conservator** of the estate appointed. Be sure to also fill out the **Request** section at the end of the form.

I am NOT asking the court to appoint a **Conservator** (if checked, skip to the **Request** section)

## CONSERVATOR

23. Proposed **Conservator**:

a. Name: \_\_\_\_\_

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

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

Telephone: \_\_\_\_\_

- b. The proposed **Conservator** was:
  - Nominated by the Respondent;
  - Nominated by the Respondent's parent;
  - Nominated by the Respondent's spouse;
  - Self-nominated; and/or
  - Nominated by some other person.
- c. The proposed **Conservator** was /  was not previously appointed as Conservator of the Respondent by order in Court File Number \_\_\_\_\_
- d. The proposed **Conservator** is the most suitable and best qualified among those available and willing to serve as conservator because:
   
\_\_\_\_\_
   
\_\_\_\_\_
- e. The proposed **Conservator** is not excluded from appointment under Minn. Stat. § 524.5-413(d).

24. Proposed **Co-Conservator**:

N/A because there is only 1 proposed **Conservator**, OR

- a. Name of Co-Conservator: \_\_\_\_\_
   
Address: \_\_\_\_\_
   
City/State/Zip: \_\_\_\_\_
   
Telephone: \_\_\_\_\_
- b. The proposed **Co-Conservator** was:
  - Nominated by the Respondent;
  - Nominated by the Respondent's parent;
  - Nominated by the Respondent's spouse;
  - Self-nominated; and/or
  - Nominated by some other person.
- c. The proposed **Co-Conservator** was /  was not previously appointed as Conservator or Co-Conservator of the Respondent by order in Court File Number \_\_\_\_\_.
- d. The proposed **Co-Conservator** is the most suitable and best qualified among those available and willing to serve as conservator because:
   
\_\_\_\_\_
   
\_\_\_\_\_

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- e. The proposed **Co-Conservator** is not excluded from appointment under Minn. Stat. § 524.5-309(c).

*If there are more than 2 co-conservators, add these details about the other co-conservators on another sheet of paper.*

25. A Conservator 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): \_\_\_\_\_

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- b. The Respondent has demonstrated behavioral deficits evidencing an inability to manage Respondent's estate (Describe behavior supporting this allegation):

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- c. Less restrictive means have been attempted and considered but are not sufficient to meet the Respondent's identified needs.

- i. The following less restrictive means have been considered and attempted: \_\_\_\_\_

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- ii. The length of time these less restrictive means were attempted:

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- iii. The less restrictive means have not been successful because:

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- d. Respondent has property that will be dissipated without proper management; or funds are needed for the support, care, education, health and welfare of the Respondent; and/or those entitled to the support of the Respondent.

26. 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 Petitioner is asking the Court to grant to the Conservator:***

- (1) 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);
- (2) 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);
- (3) 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 pursuant to Minn. Stat. §§ 48A.07, subd. 6; 501C.0901; and 524.5-423, or as otherwise ordered by the court. Minn. Stat. § 524.5-417(c)(3);
- (4) Exchange or sell an undivided interest in real property. Minn. Stat. § 524.5-417(c)(4);
- (5) 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);
- (6) 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

(7) 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 ABLE account). Minn. Stat. § 524.5-417(c)(7);

(8) Other: \_\_\_\_\_  
\_\_\_\_\_

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

27. Is there a proposed Co-Conservator?  Yes  No

If Yes:

The Co-Conservator should have the same powers as the Conservator.

OR

The Co-Conservator should have the following powers:

(1)

(5)

(2)

(6)

(3)

(7)

(4)

(8) Other: \_\_\_\_\_



**Important!** The information in paragraphs #28 - #36 applies to the proposed Conservator, Co-Conservator, **and** any employee of the proposed Conservator who will be responsible for exercising powers and duties under the conservatorship. You will need to fill out the *Attachment to Petition for Appointment of Guardian and/or Conservator (GAC502)* to answer these questions about co-conservators.

28. 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:

Location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

29. The proposed conservator anticipates charging the following rate for the performance of conservator services: \$ \_\_\_\_\_  hourly /  monthly /  flat rate /

other: \_\_\_\_\_

30.  The proposed **Conservator** is a professional conservator.

- a. 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 \_\_\_\_\_

31. 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: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

32. The proposed **Conservator**:

has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.

OR

has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriation, theft, or conversion.

Court location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

33. 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.

Court location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

34. The proposed **Conservator**:

does not have any outstanding civil monetary judgments.

OR

has outstanding civil monetary judgments.

Court location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

35. The proposed **Conservator**:

does not have nor has had an order for protection or harassment restraining order issued against them.

OR

currently has or has had an order for protection or harassment restraining order issued against them.

Court location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

36. The proposed **Conservator**:

has not been convicted of a gross misdemeanor or felony crime.

OR

has been convicted of a gross misdemeanor or felony crime:

Court location: \_\_\_\_\_

Court File Number: \_\_\_\_\_

**NOTE:** Do not include petty misdemeanors or traffic offenses.

**Continued on next page.**

## REQUESTS

Petitioner asks the Court to schedule hearing on this petition and, after the hearing, issue an order:

- Appointing \_\_\_\_\_ Guardian of Respondent with the powers and duties described in statements at #11 above.
- Appointing \_\_\_\_\_ as Co-Guardian of Respondent with the powers and duties described in the statements at #12 above.
- Appointing \_\_\_\_\_ as Conservator of Respondent with the powers and duties described in the statements at #26 above.
- Appointing \_\_\_\_\_ as Co-Conservator of Respondent with the powers and duties described in the statements at #27 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.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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

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

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

Phone: \_\_\_\_\_

Email: \_\_\_\_\_