

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: <u>Guardianship / Conservatorship</u>

In Re: Guardianship and Conservatorship of

Minor Respondent

Petition for Appointment of Guardian and Conservator of a Minor (GAC 5-UM)

TO THE COURT:

1. Petitioner's:

Name: _____

Address: _____

City, State, Zip: _____

Telephone number: _____

Interest in this matter: _____

2. Minor Respondent's:

Name: _____

Street Address: _____

City, State, Zip: _____

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 minor Respondent's spouse and kin are:

a. Spouse (include an adult with whom Respondent has resided for 6 months or more):

Name: _____

Street Address: _____

City, State, Zip: _____

- b. Kin [parents and adult brothers and sisters; if none of these, then list the next of kin of the minor Respondent. See Minn. Stat. §§ 524.5-303(b)(3) and 524.5-102, subd. 7(iv)]. 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: _____

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

Name: _____

Street Address: _____

City, State, Zip: _____

Relationship: _____

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

Name: _____

Street Address: _____

City, State, Zip: _____

Relationship: _____

- e. 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: _____

4. A Guardian of the Respondent should be appointed because the Respondent is an incapacitated person in that Respondent has not attained the age of 18 years.
5. The following powers are needed for a Guardian to protect and supervise the person of the minor Respondent:

- All of the rights and powers on behalf of a minor person subject to guardianship under Minn. Stat. § 524.5-207, subd. 1 and 2. A limited guardianship is not appropriate because: _____

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) Exercise the powers and responsibilities of a parent who has not been deprived of the 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 person subject to guardianship. Minn. Stat. § 524.5-207, subd. 1.
- (2) Take reasonable care of the personal effects of the person subject to guardianship and commence protective proceedings if necessary to protect other property of the person subject to guardianship. Minn. Stat. § 524.5-207, subd. 2(a).
- (3) Receive money payable to, and applied for the benefit of, the person subject to guardianship's current support, care, and education needs. Minn. Stat. § 524.5-207, subd. 2(b).
- (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, and to facilitate the person subject to guardianship's education, social, or other activities. Minn. Stat. § 524.5-207, subd. 2(c).

(5) Report the condition of the person subject to guardianship and the person subject to guardianship's estate upon the Court's own motion or on petition of an interested person and by court order. Minn. Stat. § 524.5-207, subd. 2(d).

(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. § 524.5-207, subd. 2(e).

(7) Other: _____

6. A Conservator of Respondent is needed because Respondent has not attained the age of 18 years, and 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 minor Respondent:

All of the rights and powers under Minn. Stat. § 524.5-417(c)(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 minor 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 minor person subject to conservatorship all lawful debts of the minor person subject to conservatorship. Minn. Stat. § 524.5-417(c)(2).

(3) Possess and manage the estate of the minor person subject to conservatorship, collect all debts and claims in favor of the minor person subject to conservatorship, or with the approval of the Court, compromise them, institute suit on behalf of the minor person subject to conservatorship, and represent the minor 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 section 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) Engage 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 minor person subject to conservatorship may make or wish to make. Minn. Stat. § 524.5-417(c)(5).
- (6) Apply on behalf of the minor person subject to conservatorship for any assistance, services, or benefits available to the minor person subject to conservatorship. Minn. Stat. § 524.5-417(c)(6).
- (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.

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

Asset	Amount
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 name, age, address, and phone number of each proposed:

Guardian is:

Name, age: _____
Street Address: _____
City, State, Zip: _____
Telephone: _____

and the proposed Guardian was:

- Appointed by prior order of the Court;
- Nominated by the Respondent;
- Nominated by the Respondent's parent; or
- Nominated by some other person.

Conservator is:

Name, age: _____
Street Address: _____
City, State, Zip: _____
Telephone: _____

12. Each proposed Guardian and 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. §§ 524.5-309(c) or 524.5-413(d).

The Petitioner respectfully requests the Court schedule a time and place for hearing this petition, and after hearing, issue an order appointing _____ Guardian of Respondent with the powers and duties described in allegations numbered 5 above and an order appointing _____ 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.

Date: _____

Signature: _____

Printed Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____