

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: Guardianship/Conservatorship

In Re: ☐ Guardianship and
☐ Conservatorship of

**Petition for Appointment of
Guardian and Conservator
(MINOR)**

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

1. Petitioner's: Name: _____
Address: _____

Telephone number: _____

Relationship to the Respondent: _____

Interest in this matter: _____

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:

Relationship	Name	Address
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a) Spouse (include an adult with whom Respondent has resided for six months or more):

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

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c) Administrator (if Respondent is in a hospital, nursing home, group home, home care agency or other institution):

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d) Legal Representative (guardian/conservator, representative payee, trustee or custodian of property):

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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):

4. A Guardian of Respondent should be appointed because the Respondent is an incapacitated person in that Respondent has not attained the age of eighteen years.
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 minor 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: _____

(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 minor person subject to guardianship and establish the place of abode for the minor 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 minor 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 minor person subject to guardianship, Minn. Stat. § 524.5-313(c)(3);
 - ☐ Give any necessary consent to enable, or to withhold consent for, the minor 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 minor 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 minor person subject to guardianship, Minn. Stat. § 524.5-313(c)(6);
 - ☐ Apply on behalf of the minor person subject to guardianship for any assistance, services, or benefits available to the minor 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 minor person subject to guardianship;
 - ☐ (other) _____
_____.
- and all other powers, duties and responsibilities conferred on the Guardian under applicable law.

6. A Conservator of Respondent is needed because Respondent has not attained the age of eighteen 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 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 minor person subject to conservatorship in a manner suitable to their station in life and the value of the their estate, Minn. Stat. § 524.5-417(c)(1);
 - ☐ 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);
 - ☐ 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 sections 48A.07, subd. 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 minor person subject to conservatorship may make or wish to make, Minn. Stat. § 524.5-417(c)(5);
 - ☐ Apply on behalf of the minor person subject to conservatorship for any assistance, services, or benefits available to the minor person subject to conservatorship through any unit of government, Minn. Stat. § 524.5-417(c)(6);
 - ☐ 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 ABL account);
 - ☐ (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 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; or
☐ nominated by some other person; and

Conservator is: Name, age: _____
Address: _____

Telephone number: _____.

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 the hearing, 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.

Dated: _____, 20_____

Petitioner

Name of Petitioner's Attorney:

Name: _____

License No.: _____

Address: _____

City/State/Zip: _____

E-mail address: _____