

State of Minnesota

District Court  
Probate Division

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

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

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

Case Type: Guardianship/Conservatorship

In Re:  Guardianship and  
 Conservatorship of

**Order Appointing Guardian and  
Conservator  
(MINOR)**

\_\_\_\_\_

This matter came on for hearing before the district court on \_\_\_\_\_, 20\_\_\_\_ on a petition seeking appointment of a Guardian and Conservator for the Respondent named above. Petitioner appeared personally with the Petitioner’s attorney, \_\_\_\_\_ . The Respondent appeared personally with Respondent’s attorney, \_\_\_\_\_. The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following:

**FINDINGS OF FACT**

- 1) The petition is complete.
- 2) Venue in this county is proper.
- 3) The parents are either deceased or all of their parental rights have been terminated.
- 4) Notice has been given as required by law.
- 5) The Respondent is a minor as Respondent has not yet attained the age of 18 years.
- 6) The Respondent is ( not) a patient of a State Hospital for persons with mental illness or a person with developmental disabilities or dependent or neglected ward of the Commissioner of Human Services, or under the temporary custody of the Commissioner of Human Services.
- 7) The Respondent is in need of a Guardian to protect Respondent’s person.
- 8) The Respondent is in need of a Conservator to protect the Respondent’s assets.
- 9) The Court finds that the 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) or such Guardian has been approved by prior Order of a court pursuant to Minn. Stat. § 524.5-302(d); and the 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).

**CONCLUSIONS OF LAW**

- 1) The Respondent is an incapacitated person whose needs cannot be met by less restrictive means.
- 2) A  Guardian  Conservator of \_\_\_\_\_ should be appointed.

**ORDER**

NOW, THEREFORE, IT IS ORDERED:

- 1) That: \_\_\_\_\_, is hereby appointed Guardian of \_\_\_\_\_; and \_\_\_\_\_, is hereby appointed Conservator of \_\_\_\_\_.
  
- 2) That: letters of Guardianship shall issue to \_\_\_\_\_, upon the filing of an acceptance of appointment and such letters shall reflect that the Guardian is appointed by the Court; and letters of Conservatorship shall issue to \_\_\_\_\_, upon the filing of an acceptance of appointment.
  
- 3) The Guardian shall have the power and duty to:
  - Exercise all of the rights and powers on behalf of the minor person subject to guardianship under Minn. Stat. § 524.5-207.  
***(If the Guardian is granted limited powers and duties, specify which powers and duties vest in the Guardian by this Order.)***
  - 1. Exercise the powers and responsibilities of a parent who has not been deprived of 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 minor person subject to guardianship; Minn. Stat. § 524.5-207, subd. 1;
  - 2. Take reasonable care of the clothing, furniture, vehicles and other personal effects of the minor person subject to guardianship; Minn. Stat. § 524.5-207, subd. 2(a);
  - 3. Receive money payable to, and applied for the benefit of, the current support, care and education needs of the minor person subject to guardianship; Minn. Stat. § 524.5-207, subd. 2(b).
  - 4. 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, and to facilitate the education, social, or other activities of the minor person subject to guardianship; Minn. Stat. § 524.5-207, subd. 2(c);
  - 5. Report the condition of the minor person subject to guardianship and the estate of the minor person subject to guardianship 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 minor person subject for guardianship for any assistance, services, or benefits available to the minor person subject to

guardianship through any unit of government(*only given if no conservator is appointed*); Minn. Stat. § 524.5-207, subd. 2(e);

7. (other) \_\_\_\_\_  
\_\_\_\_\_ and  
exercise all other powers, duties and responsibilities conferred on the Guardian  
under applicable law.

4) The Conservator shall have the power and duty to:

Exercise 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.)***

- 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 sections 48A.7, subd. 6, 501C.0901, and 524.5-423, or as otherwise as 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 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 through any unit of government, 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 ABLA account) for the minor person subject to conservatorship, Minn. Stat. § 524.5-417(c)(7);

8. (other) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

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

5) The conservator shall file a bond in the amount of \$\_\_\_\_\_.

6) Any wages and salary earned by the minor person subject to conservatorship through employment  shall  shall not be a part of the conservatorship estate. Minn. Stat. § 524.5-417(g).

7) That the court appointed attorney for the  minor person subject to guardianship and  minor person subject to conservatorship is hereby discharged.

Order Recommended by:

\_\_\_\_\_  
Referee of District Court      Date

\_\_\_\_\_  
Judge of the District Court      Date