

INSTRUCTIONS

Petition to Modify Powers of Guardian and/or Conservator

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

When to Use these Forms

The court may modify powers granted to a guardian and/or conservator when changes are needed. For example, the guardian or conservator may not need as many powers now as they did when the guardianship/conservatorship was first established or they may need more powers now.

You can use the *Petition to Modify Powers of Guardian and/or Conservator* to ask the court to change the powers and duties of a guardian and/or a conservator.

- Powers and duties of a guardian are found in [Minn. Stat. § 524.5-313](#) (revisor.mn.gov/statutes/cite/542.5-313).
- Powers and duties of a conservator are found in [Minn. Stat. § 524.5-417](#) (revisor.mn.gov/statutes/cite/524.5-417).

NOTE: These forms are not for asking the court to terminate (end) a guardianship or conservatorship, to appoint a successor guardian or conservator, or to add a co-guardian or co-conservator.

- If you want to ask the Court to **terminate** (end) the Guardianship or Conservatorship, you should use the [Petition for Termination of Guardianship/Conservatorship and Discharge of Guardian/Conservator](https://mncourts.gov/GetForms.aspx?c=21&f=423) (GAC 25-U) (mncourts.gov/GetForms.aspx?c=21&f=423).
- If you want to ask the Court to **appoint a successor guardian or a successor conservator**, you should use the [Successor Guardian/Conservator packet of forms](https://mncourts.gov/GetForms.aspx?c=21&p=154) (mncourts.gov/GetForms.aspx?c=21&p=154).

Forms You May Need to Modify the Powers of a Guardian and/or Conservator

- *Petition to Modify Powers of Guardian and/or Conservator* (GAC1002);
- *Affidavit of Service* (GAC 2-U).

Forms are available online at <https://mncourts.gov/GetForms.aspx?c=21>.

Steps to Take

1. Complete the court forms, following all of the steps in these instructions.
2. File the completed forms with Court Administration.
3. Arrange for service.
4. File the proof of service with Court Administration.
5. Appear at the hearing if one is scheduled. Each “step” here is described in more detail below.

Step 1

Fill Out *Petition to Modify Powers of Guardian and/or Conservator* (GAC1002)

The Caption

Look at the documents that have been filed in this case.

Some case filings are available for viewing on the Minnesota Judicial Branch website. See [Minnesota Court Records Online \(MCRO\)](https://mncourts.gov/Access-Case-Records/MCRO/asp) (mncourts.gov/Access-Case-Records/MCRO/asp).

The caption is at the top of the first page of a document, and it looks like this:

<p>State of Minnesota</p> <p>County of: _____ A</p> <p>Judicial District: _____ B</p> <p>D In Re the <input type="checkbox"/> Guardianship <input type="checkbox"/> Conservatorship of: _____ E</p>	<p>District Court</p> <p>Court File Number: _____ C</p> <p>Case Type: <u>Guardianship/Conservatorship</u></p>
<p>Petition to Modify Powers of Guardian and/or Conservator (GAC1002)</p>	

- A. List the county where the case is located.
- B. List the Judicial District. Each county belongs in 1 of 10 judicial districts. If you need help, see <http://www.mncourts.gov/Find-Courts.aspx>.
- C. List the Court File Number that has been assigned to this case. A Court File Number starts with a two-digit number, followed by letters and then more numbers. For example: 89-PR-23-1234 or 89-GC-PR-23-1234.
- D. Check the box or boxes showing whether this is a Guardianship case, a Conservatorship case, or both.
- E. On the blank line, list the full name of the person subject to guardianship/conservatorship.

Information about the Petitioner

The person who is asking the court to modify the powers of the guardian and/or conservator is the petitioner.

1. Give the Petitioner’s full name, address, and telephone number.
2. Explain how the Petitioner is interested in this matter.

For example:

- The Petitioner could be related to the person subject to guardianship.
 - The Petitioner could be one of the guardians.
 - The Petitioner could be the person subject to guardianship.
 - The Petitioner could be any person interested in the welfare of the person subject to guardianship. See [Minn. Stat. § 524.5-317](http://revisor.mn.gov/statutes/cite/524.5-317) (revisor.mn.gov/statutes/cite/524.5-317).
3. Check the box to let the Court know whether you are asking to modify the powers of a Guardian, a Conservator, or both.

Guardianship

If you want to ask the Court to modify the powers of a **Guardian**, fill out this section.

- If you *only* want the Court to modify the powers of a Conservator, skip #4 through #6 (fill out the “Conservatorship” section, #7 through #9, instead).
- If you want the Court to modify the powers of *both* a Guardian and a Conservator, fill out the entire form.

<p>Guardianship</p> <p>4. A Guardian was appointed by court order dated: _____</p> <p>The name of the current Guardian is: _____</p> <p>The name of the current Co-Guardian is: <input type="checkbox"/> None, OR _____</p> <p>What Should Change?</p> <p>5. Petitioner asks the Court to modify the powers of the Guardian as follows:</p> <p>_____</p> <p>Why Should the Guardian’s Powers Change?</p> <p>6. Petitioner is making this request because: _____</p> <p>_____</p>
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4. In #4, list the following information:
- The date the judicial officer signed an order appointing a Guardian;
 - The full name of the current Guardian; and
 - The full name of the current Co-Guardian (if there is one). If there is not a Co-Guardian, you can check “None.”

What Changes to the Guardianship Are You Requesting?

5. Describe how you believe the powers of the guardian should change.

NOTE: The powers and duties of a guardian are found in [Minn. Stat. § 524.5-313](http://revisor.mn.gov/statutes/cite/542.5-313) (revisor.mn.gov/statutes/cite/542.5-313).

Why Should the Guardianship Change?

6. Explain why you are making this request. If you need more room, use another sheet of paper.

Conservatorship

If you want to ask the Court to modify the powers of a **Conservator**, fill out this section.

Conservatorship

7. A **Conservator** was appointed by court order dated: _____

The name of the current Conservator is: _____

The name of the current Co-Conservator is: None, OR _____

What Should Change?

8. Petitioner asks the Court to modify the powers of the Conservator as follows:

Why Should the Conservator's Powers Change?

9. Petitioner is making this request because : _____

7. In #7, list the following information:

- The date the judicial officer signed an order appointing a Conservator;
- The full name of the current Conservator; and
- The full name of the current Co-Conservator (if there is one). If there is not a Co-Conservator, you can check "None."

What Changes to the Conservatorship Are You Requesting?

8. Describe how you believe the powers of the conservator should change.

NOTE: The powers and duties of a conservator are found in [Minn. Stat. § 524.5-417](http://revisor.mn.gov/statutes/cite/524.5-417) (revisor.mn.gov/statutes/cite/524.5-417).

Why Should the Conservatorship Change?

9. Explain why you are making this request. If you need more room, use another sheet of paper.

Signature Block

Date and sign the *Petition to Modify Powers of Guardian and/or Conservator* form and print your contact information in the blanks under the signature line.

When you sign the petition, you are signing under penalty of perjury. This means you are saying that everything in the form is true and correct; if you know something in the form is not true when you sign it, you could be found guilty of the crime of perjury (see [Minn. Stat. § 609.48](http://revisor.mn.gov/statutes/cite/609.48), revisor.mn.gov/statutes/cite/609.48).

Step 2

Make Copies of the *Petition to Modify Powers of Guardian and/or Conservator*

You need to make one copy of the *Petition* for each of the following:

- **Yourself;**
- Each **guardian** and each **conservator**; and
- **The person subject to guardianship/conservatorship.**

Each guardian and conservator, and the person subject to guardianship/conservatorship must receive a copy of the *Petition*. This is called “service,” and it is explained below in **Step 5**.

Step 3

File the *Petition* with Court Administration

File the *Petition to Modify Powers of Guardian and/or Conservator* with Court Administration in the county where the existing guardianship/conservatorship case is located.

Filing Fee

There may be a fee when filing this document, unless there is a fee waiver on file. Check with Court Administration in the county where the case is located for more details.

How to File

At the Courthouse

- File the *Petition to Modify Powers of Guardian and/or Conservator* with Court Administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://mncourts.gov/Find-Courts.aspx>.

Electronic Filing through eFS System

- The eFS System allows you to eFile your forms. Information on eFiling is on the MN Judicial Branch website at <https://www.mncourts.gov/eFile> under the “eFile and eServe Training” tab.
- Once you choose to eFile, you will need to continue to use the eFS System for the rest of the case. See [Minn. Gen. R. Prac. 14.01\(b\)\(5\)\(i\)](#) (revisor.mn.gov/court_rules/gp/id/14/).

Step 4

Wait for Court Administration to Send You a *Notice of Hearing*

Notice of Hearing

Court Administration will send you a *Notice of Hearing*. This *Notice* will include the hearing date and time. If the hearing is to be held remotely, the *Notice* will also explain how to attend the remote hearing.

Make a copy of the *Notice of Hearing* for each of the following:

- Yourself;
- Each guardian and each conservator;
- The person subject to guardianship/conservatorship; and
- All interested persons of record with the court (including the head of the facility if the person subject to guardianship/conservatorship is a patient of a state hospital, regional center, or any state-operated service).

Step 5

Serve Copies of the *Petition* and the *Notice of Hearing*

Service

The following individuals listed above must receive a copy of the forms listed in the chart below. This is called “service of process.”

Individuals Who Need to Be Served	Forms They Need to Receive
Existing guardian and/or conservator (unless the guardian and/or conservator is the petitioner)	Both: <ol style="list-style-type: none">1. <i>Petition to Modify Powers of Guardian and/or Conservator</i>; and2. <i>Notice of Hearing</i>
Co-Guardian and/or Co-Conservator	Both: <ol style="list-style-type: none">1. <i>Petition to Modify Powers of Guardian and/or Conservator</i>; and2. <i>Notice of Hearing</i>
Person Subject to Guardianship and/or Conservatorship	Both: <ol style="list-style-type: none">1. <i>Petition to Modify Powers of Guardian and/or Conservator</i>; and2. <i>Notice of Hearing</i>

Individuals Who Need to Be Served	Forms They Need to Receive
Interested persons of record with the court (including the head of the facility if the person subject to guardianship is a patient of a state hospital, regional center, or any state-operated service)	<p>Only:</p> <ol style="list-style-type: none"> 1. <i>Notice of Hearing</i> <p>NOTE: Although it is not required to serve the interested persons with the <i>Petition</i>, interested persons may appreciate receiving a copy of the <i>Petition</i> along with the <i>Notice of Hearing</i>.</p>

The papers can be served personally (handed to the person), or by mail.

Timing

For **personal service**, papers must be served at least 14 days before the hearing.

For **service by mail**, papers must be mailed at least 17 days before the hearing.

- **NOTE:** Papers *cannot* be served on a legal holiday as defined in [Minn. Stat. § 645.44, subd. 5](http://revisor.mn.gov/statutes/cite/645.44) (revisor.mn.gov/statutes/cite/645.44).

Who Can Serve

The forms can be served by any of the following:

- The sheriff;
- Another adult; or
- You.

Proof of Service

After all of the individuals are served, the server must fill out a document proving service was made, such as the [Affidavit of Service form \(GAC 2-U\)](http://mncourts.gov/GetForms.aspx?c=21&f=428) (mncourts.gov/GetForms.aspx?c=21&f=428).

Step 6

File the Proof of Service Forms with Court Administration

After service is completed, file the proof of service (*Affidavit of Service*, GAC 2-U) with Court Administration.

If you used eFS to file the *Petition* (see Step 3 above), you will need to use eFS to file the proof of service.

What to Expect Next...

There will be a hearing. Learn more about **remote hearings** online at <https://mncourts.gov/Remote-Hearings.aspx>.

To prepare for the hearing, it is a good idea to look at the court rules. You can visit a law library (<https://mncourts.gov/Help-Topics/Law-Libraries.aspx>) to read the court rules. It is important to be on time and be prepared for the hearing.

Please visit the “Representing Yourself in Court” Help Topic online at <https://mncourts.gov/Help-Topics/Representing-Yourself-in-Court.aspx>.

After the hearing, the judicial officer will issue an **order**. If the court modifies (changes) the powers, new *Letters* will issue.