

# INSTRUCTIONS

## Notice of Restrictions

[Minn. Stat. § 524.5-120\(10\)](#) (revisor.mn.gov/statutes/cite/524.5-120)

### 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](http://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](http://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.

### Forms You May Need

- *Notice of Restrictions* (GAC116)
- *Affidavit of Service* (GAC 2-U)

Forms are available online at [www.mncourts.gov/forms](http://www.mncourts.gov/forms).

### What You Need to Do

1. Complete the *Notice of Restrictions* (GAC116), following all of the steps in these instructions.
2. Give a copy of the *Notice of Restrictions* to the person subject to guardianship and to the person subject to the restrictions.
3. File the *Notice of Restrictions* with court administration.

## General Information

Minn. Stat. § 524.5-120(10) (<https://www.revisor.mn.gov/statutes/cite/524.5-120>) says the person subject to guardianship has the right to communicate, visit, or interact with others. This includes the following:

- Receiving visitors
- Making or receiving telephone calls
- Sending or receiving personal mail or electronic communications including through social media
- Participating in social activities

**However, the guardian can restrict this right IF:**

1. The guardian has good reasons to believe that interaction with a person might cause significant physical, psychological, or financial harm to the person subject to guardianship;  
AND
2. There is no other way to avoid the significant harm.

If the guardian restricts the right of the person subject to guardianship to interact with someone, then the guardian **must** give written notice of the restrictions to:

1. The court;
2. The person subject to guardianship; and
3. The person subject to the restrictions.

## Step 1

### Fill Out *Notice of Restrictions (GAC116)*

#### The Caption

See Instructions (GAC118) for help in filling out this form.

State of Minnesota County of: \_\_\_\_\_ Court File Number: \_\_\_\_\_ District Court

Judicial District: \_\_\_\_\_ Case Type: Guardianship/Conservatorship

In Re the Guardianship of: \_\_\_\_\_

**Notice of Restrictions (GAC116)**  
Minn. Stat. § 524.5-120(10)

The diagram shows a form caption with four callouts: A points to the County of field, B points to the Judicial District field, C points to the Court File Number field, and D points to the In Re the Guardianship of field.

- A. List the county where the case is located.

- B. List the judicial district. Each county belongs in one of ten judicial districts. If you need help, see <https://mncourts.gov/Find-Courts.aspx>.
  - C. List the court file number.
  - D. List the name of the person subject to guardianship.
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1. My name is \_\_\_\_\_, and I am the guardian.

2. I understand that, according to Minnesota law, the person subject to guardianship has the right to communicate, visit, or interact with others, including having visitors or making telephone calls, personal mail, or electronic communications through social media, or participating in social activities, **unless the guardian has good cause to believe restriction is necessary because interaction with the person poses a risk of significant physical, psychological, or financial harm to the person subject to guardianship, and there is no other means to avoid the significant harm.** Minn. Stat. § 524.5-120(10).

- 1. List your name.
- 2. Read paragraph 2. You do not have to write or type anything.

3. This is written notice that I am imposing the following restrictions:

\_\_\_\_\_

\_\_\_\_\_

- 3. Describe the restrictions. Be very clear so that the person subject to guardianship and the person subject to the restrictions both understand what is being restricted.

4. I believe these restrictions are necessary to avoid significant physical, psychological, or financial harm to the person subject to guardianship. The reasons I am imposing these restrictions are:

- 4. Explain why you are imposing these restrictions.

5. I understand I must give a copy of this written notice to the following:

- The Court;
- The person subject to guardianship: \_\_\_\_\_ (name); and
- The person subject to restrictions, if any: \_\_\_\_\_ (name).

- 5. Fill in the names of the:

- Person subject to guardianship; and
- Person subject to the restrictions.

6. You do not have to do anything at paragraph 6.

## **Signature Block**

Sign the *Notice of Restrictions* form, and print your name, address, telephone number, and e-mail address in the blanks under the signature line.

If there is a co-guardian, the co-guardian should sign the form as well.

### **Step 2**

#### **Make Copies of the *Notice of Restrictions***

You will need at least 4 copies:

- One is for each guardian;
- One is for the court;
- One is for the person subject to guardianship; and
- One is for the person subject to the restrictions.

### **Step 3**

#### **Give *Notice of Restrictions* Complete *Affidavit of Service***

**You must give a copy of the *Notice of Restrictions* to the person subject to guardianship AND the person subject to the restrictions.**

**Next, you must file the *Notice of Restrictions* form with the court. You must also file an *Affidavit of Service* (GAC 2-U) that tells the court when and how you provided the *Notice of Restrictions* to the person subject to guardianship AND the person subject to the restrictions.**

There is no fee to file the *Notice of Restrictions* with court administration.