

CRIMINAL HISTORY CHECK:

Information and BCA Consent Form for Guardians and Conservators

Criminal History Check Requirement in Guardianships and Conservatorships

Criminal History Checks are done for the purpose of assisting the court in determining whether a person's appointment or continued appointment as a guardian or conservator is in the best interests of the person subject to guardianship or conservatorship (or respondent in new cases).

This section will answer three questions:

1. What is a Criminal History Check?
2. Who must get a Criminal History Check?
3. When is a Criminal History Check required in guardianship and conservatorship cases?

Information comes from [Minn. Stat. § 524.5-118](http://revisor.mn.gov/statutes/cite/524.5-118) (revisor.mn.gov/statutes/cite/524.5-118).

What is a Criminal History Check?

A criminal history check must include:

- A review of criminal records held by the Minnesota Bureau of Criminal Apprehension (BCA); and
- A search of the Federal Bureau of Investigation's (FBI) national criminal records repository.

Who Must Get a Criminal History Check?

With only a few exceptions [see Minn. Stat. § 524.5-118, subd. 1(f)], any proposed and currently active guardian or conservator must submit to a criminal history check. A proposed guardian or proposed conservator means that there is a petition filed asking the court to appoint that person or agency as the guardian or conservator.

If a guardian or conservator is not an individual, the criminal history check must be done on all individuals currently employed by the business / agency who will be responsible for exercising powers and duties under the guardianship or conservatorship.

When is a Criminal History Check Required in a Guardianship and/or Conservatorship Case?

The court must require a criminal history check:

1. Before appointing them as guardian or conservator (unless they have had an appropriate criminal history check within the past 5 years); and
2. Once every 5 years after their appointment if they continue to serve as guardian or conservator.

Notification of Rights

If you are serving as a court-appointed guardian or conservator, or if you are a proposed guardian or conservator, you have the following rights:

- The right to be informed that the court will request a criminal history check on you for the purpose of determining whether your appointment or continued appointment is in the best interests of the person subject to guardianship or conservatorship;
- The right to be informed of the results of the criminal history check and obtain from the court a copy of the criminal history check; and
- The right to challenge the accuracy and completeness of most information provided to the court by BCA by filing a challenge with the BCA under [Minn. Stat. § 13.04, subd. 4](#) (revisor.mn.gov/statutes/cite/13.04).

If you have a question about your rights, it is a good idea to [get legal advice](#) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

The FBI posts two documents on their website that list and describe certain rights. See:

- [Noncriminal Justice Applicant's Privacy Rights](#) (fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/guiding-principles-noncriminal-justice-applicants-privacy-rights); and
- [Privacy Act Statement](#), which is also found on the back of the FD-258 fingerprint card (fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/privacy-act-statement).

Fees and Payments

The Minnesota Bureau of Criminal Apprehension (BCA) charges \$33.25 for the criminal history check.

The BCA will need the completed Consent Form (below) **and** a set of your fingerprints. You can learn more about getting fingerprinted on the [BCA's website](#) (dps.mn.gov/divisions/bca/Pages/Fingerprinting.aspx).

The BCA can perform fingerprinting for \$10, but you will need to call BCA at 651-793-2410 to schedule an appointment. The BCA requires a valid government issued photo ID in order to be fingerprinted. Some local Law Enforcement agencies may also provide fingerprinting. You will need to check with local Law Enforcement to confirm if they perform fingerprinting and their fee.

Who pays for the Criminal History Check and the Fingerprinting?

According to [Minn. Stat. § 524.5-118, subd. 1\(e\)](https://revisor.mn.gov/statutes/cite/524.5-118) (revisor.mn.gov/statutes/cite/524.5-118), the fees for conducting the criminal history check for the appointment of a guardian or conservator must be paid as follows:

- If a judicial officer has signed a fee waiver order, then the fees are covered by the fee waiver order. The fee waiver order must be included with the Consent Form when given to the BCA;
- If there is an estate of the person subject to guardianship or conservatorship, then the guardian or conservator may seek reimbursement from the estate;
- If there is no fee waiver order, then the court may order that the fees be paid by the guardian or conservator or by the court;
- If the criminal history check is for the appointment of a **professional** guardian or conservator, then the guardian or conservator must pay the fees.

Instructions for Getting a Criminal History Check from the BCA for a Guardianship and/or Conservatorship Case

These are the steps needed to ask the BCA to conduct a Criminal History Check for a Guardianship and/or Conservatorship case:

1. Fill out and sign the **Consent Form** below.
2. Get **fingerprinted**.
3. Submit the consent form, fingerprint card, and fee for criminal history check (or copy of fee waiver order) to the BCA via U.S. Mail :

Bureau of Criminal Apprehension
Attn: CHA Unit
1430 Maryland Avenue East
St. Paul, MN 55106

For additional questions, please contact the BCA at 651-793-2400 or visit the BCA website <https://dps.mn.gov/divisions/bca>.

What Happens Next?

The BCA will conduct the Criminal History Check and will send the results to the court.

**BCA Criminal History Check
Consent Form**
(Guardianship/Conservatorship)

Guardian/Conservator Information

Fill in the following information for the proposed or current Guardian or Conservator:

First Name: _____

Middle Name: _____

Last Name: _____

Former names (for example, a "maiden name") and other names this person has used (for example, an "alias"): None, OR _____

Date of Birth: (MM/DD/YYYY) _____ Gender: Male Female

Race/Ethnicity: _____

Person Subject to Guardianship/Conservatorship (or Respondent if this is a new case)

First Name: _____

Middle Name: _____

Last Name: _____

Court Information

Court File Number: _____

County Where Guardianship/Conservatorship Case is Located: _____

Is there a Fee Waiver Order associated with this Guardianship/Conservatorship case?

No

Yes

NOTE: If yes, you **must** give the BCA a copy of the Fee Waiver Order along with this Consent Form. If you do not give the BCA a copy of the Fee Waiver Order, you will be required to pay the fees for the Criminal History Check and fingerprinting.

Consent

I give consent to the Bureau of Criminal Apprehension (BCA) to conduct a Criminal History Check on me as provided in Minn. Stat. § 524.5-118, and to release the results of the Criminal History Check to the court.

Dated

Signature