

# INSTRUCTIONS

## Transfer Venue of Guardianship/Conservatorship Case

### 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.

**NOTE:** These forms can only be used to ask the court to move the case to another county in Minnesota. **DO NOT** use these forms to move the case to another state. The person subject to guardianship and/or conservatorship must live in the new county before the *Petition for Transfer of Venue for Guardianship/Conservatorship* can be filed. If you file this *Petition*, you are asking the current county to move the entire Guardianship/Conservatorship file to the new county. If the court approves your petition, all hearings will be held in the new county. Seek legal advice if you are not sure about how to move forward.

#### Have questions about court forms or instructions?

- Call the 10th Judicial District Self-Help Center at (763) 760-6699

#### 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)

---

### Forms You May Need

- *Petition to Transfer Venue of Guardianship/Conservatorship* (10GC-102)
- *Order Granting Transfer of Venue of Guardianship/Conservatorship* (10GC-103)
- *Notice of Hearing and Notice of Rights* (10GC-104)
- *Affidavit of Service* (GAC 2-U)

---

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.

## **Steps to Take**

1. Complete the court forms, following all the steps in these instructions.
2. File the forms with Court Administration.
3. Complete service.
4. Attend the hearing.

## **General Information About Guardianship/Conservatorship**

The information contained in this document is a general guide. It explains the legal process for seeking to change venue of a guardianship/conservatorship. This is not legal advice. If you do not understand any of these procedures, talk to a lawyer. Court staff, including Self-Help staff, cannot give legal advice.

A petition to transfer venue is a way to ask the court to move the case from the county the case is in now to a different county within Minnesota.

### **Caution. Before you proceed, conservators have the responsibility to:**

Prepare a final accounting for the current county. The final accounting must be approved by the court of the current county before the case can be moved to the new county. The final accounting can be accessed through MyMNConservator (MMC) at the following link <https://mncourts.gov/Help-Topics/MyMNConservator.aspx>

### **When to use this form**

This form can **ONLY** be used if a transfer to a different county is in the best interest of person subject to guardianship/conservatorship **AND** no other relief is possible.

Before requesting a transfer of venue, Petitioner should consider alternatives, such as asking the Court for the following relief:

- Waiver of the person subject to guardianship/conservatorship's court appearance or
- Telephone or Zoom appearance for the person subject to a guardianship/conservatorship

If you are not sure if other alternatives exist, you should talk to a lawyer for legal advice. This form **CANNOT** be used just because it is convenient for the guardian/conservator to transfer the case to a different county.

### **Legal Terms**

**Guardian:** appointed by the court to make personal decisions for the person subject to guardianship, such as where to live, medical decisions, training and education, etc.

**Person Subject to Guardianship:** a minor or incapacitated adult who has a court appointed guardian, lacks sufficient understanding or capacity to make or communicate responsible personal decisions, and who has an inability to meet personal needs for medical care, nutrition, clothing, shelter, or safety.

**Conservator:** appointed by the court to make financial decisions for the person subject to conservatorship. A conservator typically has the power to enter into contracts, pay bills, invest assets, and perform other financial functions for the person subject to conservatorship.

**Person Subject to Conservatorship:** a person who has a court appointed conservator because they lack the capacity or ability to make decisions regarding their financial affairs or estate.

**Venue:** The county or district court which a case must be heard.

## **Step 1:**

### **Fill Out *Petition to Transfer Venue of Guardianship/Conservatorship (10GC-102)***

**NOTE: DO NOT fill out this instruction guide. Fill out the separate forms attached.**

If the judge is unable to read your handwriting, the court is likely to reject your documents and you will have to start over.

## **THE CAPTION**

The top part of the first page is where you will find the case caption. It looks like this:

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: Tenth _____	Case Type: <u>Guardianship/Conservatorship</u>
In Re: <input type="checkbox"/> Guardianship <input type="checkbox"/> Conservatorship of	
_____ Person Subject to Guardianship/Conservatorship	

The information you fill out on the caption must match the information from your existing guardianship/conservatorship case. If you do not have any documents from your court file, and if you do not know the information, you will need to look up the information in your court file.

- You can view some case records online at [www.mncourts.gov/publicaccess](http://www.mncourts.gov/publicaccess).
- If you cannot view your case online, you may need to go to the courthouse in the county where your case is located to view your court file.

At the top of the page, write in the following information:

- The **county** where the case is located; and
- Your **court file number**, if you have one (this usually starts with a two-digit number, followed by letters and numbers. For example, 89-FA-18-231).
- The “Tenth” **judicial district** and “Guardianship/Conservatorship” **case type** have been filled in for you.
- After In Re: check the box for Guardianship, Conservatorship, or both based on the case. Write the name of the “Person Subject to Guardianship/Conservatorship.” This person is also called “Respondent.”

### **THE PETITION**

The **petition** tells the court and the interested persons **what** you are asking for from the court and **why** you are asking for it.

**NOTE:** The instructions that follow are numbered the same as the questions on the *Petition to Transfer Venue of Guardianship/Conservatorship* form.

<b>Petition to Transfer Venue of <input type="checkbox"/> Guardianship <input type="checkbox"/> Conservatorship</b> Minn. Stat. § 524.5-108
<b>To the Honorable Judge of the District Court:</b>
1. Petitioner's: Name: _____ Address: _____ _____
Telephone number: _____ Interest in this matter: _____ Relation to Respondent: _____

Check the boxes in the title to indicate whether the case is a Guardianship, Conservatorship, or both.

1. **Petitioner's Information.** The person making the request to transfer venue is the Petitioner. Write Petitioner's full name, address, telephone number, their interest in the transfer, and relation to Respondent.
2. **Respondent's Information.** Respondent is the person subject to guardianship/conservatorship. Write Respondent's full name, address, telephone number, age and date of birth.
3. **Respondent's Residence.** The court wants to know where Respondent lives. Write in the city and county that Respondent used to live in. Write in the city and county where Respondent now lives and the date they moved.

**Complete paragraphs #4-6 if there is a guardianship. If there is no guardianship (only a conservatorship), check the box and skip to paragraph #7.**

4. **Date Guardian was Appointed.** Write the date the court appointed a guardian. Look at the date on the *Order Appointing Guardian/Conservator* for this information.
5. **Court Authority.** Write the name of the county the guardianship case is currently in. Write the name of the county you want the guardianship case to be moved to.
6. **Respondent's Best Interest.** Tell the court why it would be in Respondent's best interest to have the case moved to a new county. For example, Respondent's limited mobility makes travel difficult or Respondent is lower income and cannot afford travelling to county where case is currently located.

**Complete paragraphs #7-10 if there is a conservatorship. If there is no conservatorship (only a guardianship), check the box and skip to the section that starts "Wherefore."**

7. **Date Conservator was Appointed.** Write the date the court appointed a conservator. Look at the date on the *Order Appointing Guardian/Conservator* for this information.
8. **Court Authority.** Write the name of the county the conservatorship case is currently in. Write the name of the county you want the conservatorship case to be moved to.
9. **Respondent's Best Interest.** Tell the court why it would be in Respondent's best interest to have the case moved to a new county. For example, Respondent's limited mobility makes travel difficult or Respondent is lower income and cannot afford travelling to the county where the case is currently located.
10. **Final Accounting.** Check the box whether a final accounting was filed with the court. The conservator must file a final accounting and it must be approved by the court of the current county before the case can be moved to the new county. The final accounting can be found on MyMNConservator (MMC) at the following link <http://mncourts.gov/Help-Topics/MyMNConservator.aspx>

#### **After the "WHEREFORE"**

1. You do not have to write anything, but make sure the statement is what you want from the court.
2. Write the name of the county the guardianship/conservatorship will be moved to.
3. You do not have to write anything.

#### **The Signature Block**

When you sign your *Petition*, you are signing under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. By signing under penalty of perjury, you are stating that the information in your *Petition* is true.

Date and sign the *Petition*. Write the names of the county and state you were in when you signed it. Print your personal contact information below your signature.

## **Step 2:**

### **Fill Out Order Granting Transfer of Venue of Guardianship/Conservatorship (10GC-103)**

The *Order Granting Transfer of Venue of Guardianship/Conservatorship* is a proposed order for the judge to complete and sign. However, you must fill out the following portions:

#### **THE CAPTION**

Fill in the top part of the form (the caption) the same way you did in the *Petition* form.

#### **THE FINDINGS OF FACT**

Check the boxes in the title to indicate whether you are requesting to transfer venue of a guardianship, conservatorship, or both. Write the name of the person who signed the *Petition*. You do not need to fill in the rest of the paragraph. It will be filled in by the court after the hearing.

<p style="text-align: center;"><b>Order Granting Transfer of Venue:</b> <input type="checkbox"/> <b>Guardianship</b> <input type="checkbox"/> <b>Conservatorship</b></p> <p>The <i>Petition to Transfer Venue</i>, signed by _____, came before the above-named Court on _____, _____, 20____. Petitioner appeared personally with Petitioner’s attorney, _____. Respondent appeared personally, with Respondent’s attorney, _____. After considering the <i>Petition</i> the Court makes the following findings and order:</p> <p style="text-align: center;"><b>FINDINGS OF FACT</b></p> <ol style="list-style-type: none"><li>1. The <i>Petition</i> is complete.</li><li>2. Notice has been given to all interested persons.</li><li>3. There are no objections to the <i>Petition</i>.</li></ol>
---

Below the caption are the “Findings of Fact”. You should complete **paragraphs #1–7** of the “Findings of Fact” to match the information that you included in the *Petition* form.

You do not need to complete the “Conclusions of Law” or “Order” portions of the form.

## **Step 3:**

### **Fill Out Notice of Hearing and Notice of Rights (10GC-104)**

The *Notice of Hearing and Notice of Rights* is a proposed form for Court Administration to provide a hearing date and sign. However, you must fill out the following portions:

## **THE CAPTION**

Fill in the top part of the form (the caption) the same way you did in the previous forms.

Check the first box if you are asking the court to move a guardianship case. Check the second box if you are asking the court to move a conservatorship case. Write the name of Respondent on the line.

## **RESPONDENT'S RIGHTS AND OBLIGATIONS**

Write in Court Administration's phone number where the case is now.

## **PETITION TO TRANSFER VENUE OF GUARDIANSHIP/CONSERVATORSHIP**

Write the name of the county where you want to move the guardianship/conservatorship case.

When you file the documents with Court Administration, court staff will fill out the bottom half of the *Notice of Hearing and Notice of Rights* and return it to you for service.

## **Step 4:**

### **Make Copies and File with Court Administration**

You will need to file the following forms with Court Administration:

- *Petition to Transfer Venue of Guardianship/Conservatorship* (10GC-102)
- *Order Granting Transfer of Venue of Guardianship/Conservatorship* (10GC-103)
- *Notice of Hearing and Notice of Rights* (10CUST-204)

Make enough copies for yourself and any interested persons that need to be served.

If you have not filed into the case before, your petition may have a filing fee. If you cannot afford to pay the filing fee, you can ask for a fee waiver by completing the Affidavit to Request Fee Waiver (Guardianship/Conservatorship)

(<https://mncourts.gov/GetForms.aspx?c=21&p=71>). If a judge does not grant the fee waiver, then you must pay the filing fee before Court Administration can process your forms.

## **Step 5:**

### **Serve Copies and File Affidavit of Service (GAC 2-U)**

You will need to wait for Court Administration to return the *Notice of Hearing and Notice of Rights*. The returned *Notice of Hearing and Notice of Rights* will have the hearing date and the court administrator's signature on it. Once you receive it, service must be completed.

You must serve the *Notice of Hearing and Notice of Rights* and the *Petition to Transfer Venue of Guardianship/Conservatorship* on all interested persons and to the district court of the county where you want to move the case.

An “interested person” of Respondent includes: spouse, parent, adult siblings, adult children including adult step-children of living spouse, person who lived with the Respondent for more than six months, and other interested persons (see *Petition* and Minn. Stat. § 524.5-102, subd.7).

**NOTE:** If an interested person does not want to receive copies of notices or reports about the case, that person can fill out and sign a *Waiver of Notices and Reports* form (GAC 110).

These documents must be personally served at least fourteen days before the hearing or mailed (by first class mail) at least fourteen days before the hearing. NOTE: Papers **cannot** be served on a legal holiday.

After you serve Respondent, the district court of the county where you want to move the case, and all interested persons, fill out the *Affidavit of Service* form (GAC 2-U) and file it with Court Administration.

## **Step 6:**

### **Go to the Hearing**

You must go to court on the date set for the hearing. Respondent must also go the hearing unless excused by a physician and judge. **It is important to be on time.** If you are even a few minutes late, the judge may dismiss your *Petition*.

If your hearing is **remote** via ZOOM, you can find additional helpful materials on the Remote Hearing Information Help Topic webpage at <https://mncourts.gov/Remote-Hearings.aspx>.

**The hearing is formal.** You should dress appropriately and be respectful to everyone in the courtroom. Do not interrupt the judge or others while they are talking. Answer any questions from the judge honestly. Direct all your comments to the judge.

**Bring your copies of the paperwork with you to the hearing.** The *Conservatorship and Guardianship Manual* (GAC 101) has helpful information on how to prepare for the hearing. You can also look at the court rules. There is a Court Rules Help Topic at <http://www.mncourts.gov/SupremeCourt/Court-Rules.aspx> or you can visit a law library. You are expected to know and follow the court rules of procedure.



County of: _____	Court File Number: _____
Judicial District: <u>Tenth</u>	Case Type: <u>Guardianship/Conservatorship</u>

In Re:  Guardianship  
 Conservatorship of

\_\_\_\_\_  
 Person Subject to  
 Guardianship/Conservatorship

**Petition to Transfer Venue of  Guardianship  Conservatorship**

Minn. Stat. § 524.5-108

**To the Honorable Judge of the District Court:**

1. Petitioner's: Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Interest in this matter: \_\_\_\_\_  
 Relation to Respondent: \_\_\_\_\_

2. Respondent's: Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Telephone number: \_\_\_\_\_  
 Age and date of birth: \_\_\_\_\_

3. Respondent moved from City of \_\_\_\_\_, County of \_\_\_\_\_  
 to City of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (date).

**(Complete Paragraphs #4-6 ONLY if there is a guardianship).**

There is no guardianship case (if selected, skip to Paragraph #7).

4. A guardian was appointed by court order dated \_\_\_\_\_.

5. This Court has authority to transfer venue of the guardianship from \_\_\_\_\_  
County, Minnesota to \_\_\_\_\_ County, Minnesota. Minn. Stat. § 524.5-108

6. Transferring venue is in Respondent's best interest because:

---

---

---

---

**(Complete Paragraphs #7-10 ONLY if there is a conservatorship).**

There is no conservatorship case (if selected, only answer Paragraphs #1-6).

7. A conservator was appointed by court order dated \_\_\_\_\_.

8. This Court has authority to transfer venue of the conservatorship from \_\_\_\_\_  
County, Minnesota to \_\_\_\_\_ County, Minnesota. Minn. Stat. § 524.5-108

9. Transferring venue is in Respondent's best interest because:

---

---

---

---

10.  A final accounting has been filed with the Court.

**WHEREFORE, Petitioner respectfully requests the Court.**

1. Schedule a time and place for hearing this Petition.

2. Issue an Order transferring venue of this Guardianship/Conservatorship to \_\_\_\_\_  
\_\_\_\_\_ County, where Respondent resides.

3. Grant other appropriate relief.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

County and state where signed:

Address: \_\_\_\_\_

\_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

In Re:  Guardianship  
 Conservatorship of

\_\_\_\_\_  
 Person Subject to  
 Guardianship/Conservatorship

**Order Granting Transfer of Venue:**  
 **Guardianship**  **Conservatorship**

The Petition to Transfer Venue, signed by \_\_\_\_\_, came before the above-named Court on \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_. Petitioner appeared personally with Petitioner’s attorney, \_\_\_\_\_. Respondent appeared personally, with Respondent’s attorney, \_\_\_\_\_. After considering the Petition, the Court makes the following findings and order:

**FINDINGS OF FACT**

1. The Petition is complete.
2. Notice has been given to all interested persons.
3. There are no objections to the Petition.
4.  A guardianship was established on \_\_\_\_\_.
5.  A conservatorship was established on \_\_\_\_\_.
  - a. The Conservator’s accounts are hereby settled and allowed at the time of the hearing.
6. Respondent moved to \_\_\_\_\_ City, \_\_\_\_\_ County, Minnesota on \_\_\_\_\_ (date).
7. Transferring venue is in Respondent’s best interest because:

\_\_\_\_\_  
 \_\_\_\_\_

---

---

---

---

---

**CONCLUSIONS OF LAW**

1. Transferring venue should be granted.
2. Transferring venue is in Respondent's best interest.

**IT IS ORDERED**

1. The Petition is granted.
2. The venue in this case shall be transferred from \_\_\_\_\_ County, Minnesota to \_\_\_\_\_ County, Minnesota. All future motions shall be filed and heard in \_\_\_\_\_ County, Minnesota.
3. \_\_\_\_\_ Court Administration shall transfer the entire file to \_\_\_\_\_ County District Court, \_\_\_\_\_ County, Minnesota.

BY THE COURT

\_\_\_\_\_  
Judge of District Court                      Dated

County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____

In Re:  Guardianship  
 Conservatorship of

**Notice of Hearing and Notice of Rights**

\_\_\_\_\_  
 Person Subject to  
 Guardianship/Conservatorship

A petition has been filed requesting a transfer of venue for  guardianship  conservatorship of \_\_\_\_\_ (Respondent). A copy of the petition is attached. A transfer of venue shall be based on Respondent’s best interest.

**Respondent’s Rights and Obligations:** Respondent must be physically present at the hearing unless excused by the court. Respondent has a right to attend the hearing, to be represented by an attorney, to oppose the petition and to present evidence. If Respondent wishes to be represented by an attorney, Respondent must either obtain one of Respondent’s own choosing or if Respondent has no funds to pay an attorney, Respondent may call the Court to request an attorney at \_\_\_\_\_ (phone number) Monday through Friday, 8:00 a.m. to 4:30 P.M.

**Petition to Transfer Venue of Guardianship/Conservatorship:** If the petition is granted, the file and all future motions will be brought in \_\_\_\_\_ County, Minnesota. Respondent continues to be unable to manage Respondent’s personal and/or financial affairs and the Guardian/Conservator shall maintain all previously appointed powers, until further order of the Court.

YOU ARE HEREBY NOTIFIED that a hearing on the petition will be held at \_\_\_\_\_ **m.** on \_\_\_\_\_ at \_\_\_\_\_.

Petitioner must serve this notice by mailing or hand-delivering a copy of this notice at least fourteen days before the date of the hearing to the district court in the county where venue is proposed, the person subject to guardianship/conservatorship, and to all other interested persons entitled to notice under Minn. Stat. § 524.5-102, subd. 7.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Court Administrator

By: \_\_\_\_\_

**State of Minnesota**

**District Court  
Probate Division**

County \_\_\_\_\_

Judicial District: \_\_\_\_\_  
Court File Number: \_\_\_\_\_  
Case Type: \_\_\_\_\_ Guardianship/Conservatorship

In Re: the  Guardianship /  
 Conservatorship of

**Affidavit of Service**  
(Guardianship/Conservatorship)

My name is \_\_\_\_\_, and I am at least 18 years old. I served papers for this case as follows:

<b>Person under Guardianship or Conservatorship:</b>	<b>Forms Served:</b>
Name: _____	_____
Served at _____	_____
(location): _____	_____
Date Of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

<b>Person of Interest with the Court:</b>	<b>Forms Served:</b>
Name: _____	_____
Served at _____	_____
(location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

<b>Person of Interest with the Court:</b>	<b>Forms Served:</b>
Name: _____	_____
Served at _____ (location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

<b>Person of Interest with the Court:</b>	<b>Forms Served:</b>
Name: _____	_____
Served at _____ (location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

<b>Person of Interest with the Court:</b>	<b>Forms Served:</b>
Name: _____	_____
Served at _____ (location): _____	_____
Date of Service: _____	_____
How Served: <input type="checkbox"/> By Mail (United States Mail) <input type="checkbox"/> By Personal Service (hand-delivered)	

*If you need more space, add another sheet of paper.*

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

\_\_\_\_\_  
Dated

\_\_\_\_\_  
County and state where signed

\_\_\_\_\_  
Signature of Person Who Served the Forms

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_