

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Guardianship

In Re: Emergency Guardianship of
_____, Respondent

Petition for Emergency
Appointment of Guardian

TO THE HONORABLE JUDGE OF THE DISTRICT COURT:

- 1. Petitioner's: Name: _____
Address: _____
Telephone number: _____
Interest in this matter: _____.
- 2. Respondent's: Name: _____
Address: _____
Telephone number: _____
Age/Date of birth: _____.

and if the petition is granted, Respondent will be moved to:

3. The names and addresses of the Respondent's spouse and kindred are:

Relationship	Name	Address
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a) Spouse (include an adult with whom Respondent has resided for six months or more):

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b) Kindred: (adult children, parents and adult brothers and sisters; if none of these, then list the nearest adult kin; See M.S. § 524.5-303(b)(3) and 524.5-102 subd. 7)

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c) Administrator (if Respondent is in a hospital, VA, unit, nursing home, home care agency or other institution):

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d) Legal Representative (guardian/conservator, representative payee, trustee or custodian of property):

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e) Persons nominated, proposed, or confirmed by prior order, as guardian or conservator (file applicable document with petition including a prior order, health care directive or related document):

4. An emergency appointment of a Guardian for Respondent should be made because:
- A. A petition for appointment of a general guardian for Respondent has been filed, or will be filed in the immediate future with this court;
 - B. Compliance with the procedures for appointment of a general guardian will likely result in substantial harm to the Respondent’s health, safety, or welfare, and no other person appears to have the authority and the willingness to act on Respondent’s behalf;
 - C. The Respondent’s needs for health, safety, or welfare are at risk because: (Describe behavior and circumstances supporting this allegation): _____

 _____; and
 - D. no alternative less restrictive of civil rights and liberties exists, including the use of appropriate technological assistance.

5. The following powers are needed for an Emergency Guardian to protect and supervise the person of the Respondent:

- All of the rights and powers on behalf of the Ward under M.S. § 524.5-313 subd.(c) paragraphs 1, 2, 3, 4, 5, 6 and 7. A limited guardianship is not appropriate because _____

(If the Guardian is granted limited powers and duties, specify which powers and duties are vested in the Guardian by this Order.)

- Have custody of the Ward and establish the place of abode for the Ward within or without the State, M.S. § 524.5-313 (c)(1);
- Provide for the Ward’s care, comfort and maintenance needs, M.S. § 524.5-313 (c)(2);
- Take reasonable care of the Ward’s clothing, furniture, vehicles and other personal effects, M.S. § 524.5-313 (c)(3);
- Give any necessary consent to enable, or to withhold consent for, the Ward to receive necessary medical or other professional care, counsel, treatment or service, M.S. § 524.5-313 (c)(4);

- Approve or withhold approval of any contract, except for necessities, which the Ward may make or wish to make (*only given if no conservator is appointed*), M.S. § 524.5-313 (c)(5);
 - Exercise supervision authority over the Ward, M.S. § 524.5-313 (c)(6);
 - Apply on behalf of the Ward for any assistance, services, or benefits available to the Ward through any unit of government, M.S. § 524.5-313 (c)(7);
 - (other) _____.
- All other powers, duties and responsibilities conferred on the Guardian under applicable law.

6. The probable value and the general character of the assets of the Respondent are:

Homestead: \$ _____
 Other Real Estate: \$ _____
 Money: \$ _____
 Investments: \$ _____
 Personal Property: \$ _____
 Other: \$ _____
 TOTAL: \$ _____

7. The probable amount of the debts of the Respondent is \$ _____.

8. The name, age, address, and phone number of each proposed:

Guardian is: Name, age _____
 Address: _____
 Telephone number: _____;

9. Each proposed 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 M.S. § 524.5-309(c).

WHEREFORE, your Petitioner respectfully requests the Court, without notice to interested persons, schedule a time and place for a preliminary hearing on this petition and, after the hearing, issue an order appointing _____ Guardian of Respondent with the powers and duties described in allegations numbered 5 above.

FURTHER, under penalties for perjury for deliberate falsification therein, I declare or affirm that I have read the foregoing petition and, to the best of my knowledge or information, its representations are true, correct and complete.

Dated: _____

Petitioner
 Name of Petitioner's Attorney:
 Name: _____
 License No.: _____
 Address: _____
 City/State/Zip: _____