

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Guardianship

In Re: Guardianship of
_____, Respondent

Petition for 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 (file applicable document with petition including a prior order, health care directive or related document):

4. A Guardian for the person of Respondent should be appointed because:
- A. The Respondent is an incapacitated person in that Respondent lacks sufficient understanding or capacity to make or communicate responsible decisions concerning Respondent’s person (Describe present general mental condition supporting this allegation): _____

 - B. and has demonstrated behavioral deficits evidencing an inability to meet Respondent’s needs for medical care, nutrition, clothing, shelter, and/or safety (Describe behavior supporting this allegation): _____

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

5. The following powers are needed for a 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 requested in this petition.)

- 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) _____

_____;

and 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 Respondent is (not) a patient at a State Hospital for the mentally ill; is (not) a mentally retarded or dependent or neglected ward of the Commissioner of Human Services; and is (not) under the temporary custody of the Commissioner of Human Services.

9. The name, age, address, and phone number of each proposed Guardian is:

Name, age: _____

Address: _____

Telephone number: _____;

and the proposed Guardian:

- was appointed by prior order of the court;
- nominated by the proposed Ward,
- nominated by the proposed Ward's parent;
- nominated by the proposed Ward's spouse, or
- nominated by some other person.

10. 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 schedule a time and place for hearing this petition and, after the hearing, an order appointing _____ Guardian of the person 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: _____, 20____

Petitioner

Name of Petitioner's Attorney:

Name: _____

License No.: _____

Address: _____

City/State/Zip: _____