

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Guardianship

In Re: Guardianship of
_____, Ward

Order Appointing
Guardian

This matter came on for hearing before the district court on _____, 20__ on a petition seeking appointment of a Guardian for the Respondent named above. Petitioner appeared personally with the Petitioner’s attorney, _____. The Respondent appeared personally with Respondent’s attorney, _____. The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following:

FINDINGS OF FACT

1) FINDING OF INCAPACITY:

Guardianship: The Respondent is incapacitated with regard to the person because Respondent is impaired to the extent of lacking sufficient understanding or capacity to make or communicate responsible decisions concerning Respondent’s personal needs for medical care, nutrition, clothing, shelter or safety. The Respondent’s inability is reflected by the following facts: _____

and (ii) the Respondent has demonstrated behavioral deficits evidencing an inability to meet Respondent’s needs for medical care, nutrition, safety and shelter. The Respondent’s inability is reflected by the following facts: _____

2) No appropriate alternative to guardianship exists that is less restrictive of Respondent’s civil rights and liberties including the use of appropriate technological assistance and including a protective arrangement under M.S. § 524.5-412.

3) The Respondent is incapable of exercising the following rights and powers:

- All of the rights and powers under M.S. § 524.5-313 subd.(c) for a Ward. A limited guardianship is not appropriate because _____

_____.

(If the Ward is capable of performing some but not all powers and duties, specify which powers and duties CANNOT be performed by the Ward.)

- To establish the place of abode within or without the State;
- To provide for the Respondent’s care, comfort and maintenance needs;
- To take reasonable care of the Respondent’s clothing, furniture, vehicles and other personal effects;
- To give any necessary consent to enable, or to withhold consent for, the necessary medical or other professional care, counsel, treatment or service;
- Exercise supervisory authority over the Respondent;
- To approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make; and
- To apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government.
- (other) _____

_____.

- 4) The Respondent is (not) a patient of a State Hospital for the mentally ill or a mentally retarded or dependent or neglected ward of the Commissioner of Human Services, or under the temporary custody of the Commissioner of Human Services.
- 5) The Respondent is in need of a guardian to protect Respondent’s person.
- 6) The 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).

CONCLUSIONS OF LAW

- 1) The Respondent is an incapacitated person whose needs cannot be met by less restrictive means.
- 2) A Guardian of the person of _____ should be appointed.

ORDER

NOW, THEREFORE, IT IS ORDERED:

- 1) That _____, is hereby appointed Guardian of _____.

2) That letters of Guardianship shall issue to _____, upon the filing of an acceptance of appointment and such letters shall reflect that the Guardian is appointed by the Court.

3) The Guardian of the person shall have the power and duty to:

Exercise 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) _____

_____;

and to exercise all other powers, duties and responsibilities conferred on the Guardian under applicable law.

4) That the court appointed attorney for the Ward is hereby discharged.

Order Recommended by:

Referee of District Court Date

Judge of the District Court Date