

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14, Guardianship

In Re: Guardianship of

Petition for Letters of Guardianship
Subject to Court Confirmation

_____,
Respondent

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: _____.

3. The proposed Guardian is:
Name: _____
Address: _____
Telephone number: _____
Age/Date of birth: _____.

4. The proposed guardian was nominated:
 by Will, a copy of which is filed with this petition;
 by instrument executed with the same formalities under chapter 145C, a copy of which is filed with this petition.

5. The proposed Guardian should be appointed because: the proposed guardian has been nominated to serve in such capacity by the Respondent's parent or spouse and the proposed guardian will file a petition for confirmation of appointment within 30 days of filing this petition.

6. The proposed guardian has filed a notice of acceptance of appointment with this petition.

7. Not more than 30 days has elapsed since the appointing parent or spouse:
 has died,
 was adjudicated incapacitated, or
 by written determination of a physician has been declared incapable of caring for the Ward.

8. The proposed guardian will serve a notice of acceptance of appointment upon the interested persons required by law.

9. The following powers are needed for a Guardian to protect and supervise the person of the Respondent:

GUARDIAN OF A MINOR; M.S. § 524.5-207

All of the rights and powers on behalf of the Ward under M.S. § 524.5-207. *(If the Guardian is granted limited powers and duties, specify which powers and duties vest in the Guardian by this Order.)*

The powers and responsibilities of a parent who has not been deprived of custody of the minor and unemancipated child, except that a guardian is not legally obligated to provide from the guardian's own funds for the Ward; M.S. § 524.5-207, subd. 1;

Take reasonable care of the Ward's clothing, furniture, vehicles and other personal effects; M.S. § 524.5-207, subd. 2(a);

To receive money payable to, and applied for the benefit of, the Ward's current support, care and education needs; M.S. § 524.5-207, subd. 2(b).

Give any necessary consent to enable, or to withhold consent for, the Ward to receive necessary medical or other professional care, counsel, treatment, and to facilitate the Ward's education, social, or other activities; M.S. § 524.5-207, subd. 2(c);

Report the condition of the Ward and the Ward's estate upon the Court's own motion or on petition of an interested person and by court order; M.S. § 524.5-524.5-207, subd. 2(d);

Apply on behalf of the Ward for any assistance, services, or benefits available to the Ward through any unit of government (*only given if no conservator is appointed*); M.S. § 524.5-207, subd. 2(e);

(other) _____

_____.
All other powers, duties and responsibilities conferred on the Guardian under applicable law.

GUARDIAN OF AN INCAPACITATED PERSON; M.S. § 524.5-313

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 vest 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.

- 10. 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.
- 11. 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 issue letters of Guardianship to _____ as Guardian of Respondent with the powers and duties described in allegations numbered 9 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: _____