

State of Minnesota

District Court  
Probate Division

County of \_\_\_\_\_

Judicial District: \_\_\_\_\_

Court File No. \_\_\_\_\_

Case Type: 14, Guardianship

In Re: Guardianship of

**Order Confirming  
Appointment of Guardian**

\_\_\_\_\_,  
Ward

This matter came on for hearing before the district court on \_\_\_\_\_ on a petition seeking an order confirming appointment of a Guardian for the Respondent named above. 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. The petition is complete.
2. Any notice required by law to confirm appointment of a guardian has been given.
3. The proposed Ward's  parent  spouse has properly nominated the following person to serve as Guardian of the Person of the Proposed Ward according to law:  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone number: \_\_\_\_\_
4. The  Will (or certified copy thereof) or  other signed writing executed in the same manner as a health care directive under chapter 145C, nominating the Guardian has been filed with the court.
5. The confirmation of the nomination of appointment of guardian is appropriate because:
  - the nominating person will not be able to care for the incapacitated person within the next two years because: \_\_\_\_\_; or
  - the nominating person:
    - has died,
    - has been adjudicated incapacitated, or
    - by written determination of a physician has been declared incapable of caring for the Ward.
6. The confirmation of appointment is in the best interests of the proposed Ward.
7. No objections to the appointment have been filed.
8. The proposed Ward 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.
9. 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 appointment of \_\_\_\_\_ as Guardian of \_\_\_\_\_ is confirmed and is in the Ward's best interests.

**ORDER**

NOW, THEREFORE, IT IS ORDERED:

1. That the appointment of \_\_\_\_\_ as Guardian of \_\_\_\_\_ is confirmed.
2. That the Court may issue letters of Guardianship to the confirmed Guardian upon (1) the filing of proof of the nominating person's death, judicial determination of incapacity, or written determination of a physician that the nominating person is incapable of caring for the Ward and (2) the filing of an acceptance of appointment and an affidavit of proper service of notice of acceptance pursuant to M.S. § 524.5-205(d) / 524.5-308;

and such letters shall reflect that the Guardian is appointed by the Ward's

parent

or

spouse.

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

**GUARDIAN OF A MINOR**; M.S. § 524.5-207

Exercise 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.)*

Exercise 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);

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)\_\_\_\_\_

\_\_\_\_\_ and

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

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

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 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) \_\_\_\_\_

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

4. That the court appointed attorney for the Ward, if any, is hereby discharged.

Order Recommended by:

\_\_\_\_\_  
Referee of District Court      Date

\_\_\_\_\_  
Judge of the District Court      Date