



ENGEL
LAW OFFICE

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**MINNESOTA
GUARDIANSHIP/CONSERVATORSHIP
QUESTIONNAIRE**

READ THE FOLLOWING CAREFULLY: Please fill out this form as completely as possible. The more time and attention that you put into the completion of this form, the less time we will need to spend in obtaining such data for you and from you. This effort on your part could result in a substantial reduction in the fees charged for professional services. If a question does not apply to your situation, answer "N/A" (not applicable). If a question applies to your situation but you do not know the answer, please write "unknown." If you need additional space for an answer, you may use the back of a page. **ALL INFORMATION YOU PROVIDE ON THIS FORM IS STRICTLY CONFIDENTIAL AND PROTECTED BY THE ATTORNEY/CLIENT PRIVILEGE.**

Date: _____ Referred by: _____

YOUR PERSONAL INFORMATION

Your full name: _____

Previous names you have used: _____

Street address: _____

City: _____ State : _____ Zip: _____ County: _____

Address to which mail should be sent: _____

Home phone:(_____) _____ Work phone:(_____) _____ ext. _____

Cell/pager: (_____) _____ E-mail: _____

Method of contact: I prefer that you contact me at home/work/cell/e-mail (circle one). You may contact me at home/work/cell/e-mail (circle all that apply). **DO NOT CONTACT ME at home/work/cell/e-mail (circle all that apply).**

Birthplace: _____ Birthdate: _____
(city county state)

SSN: _____ Length of residence in MN: _____

Emergency contact: In the event that you must be reached by this office on short notice, give the name, address, telephone number and relationship of the person most likely to know where you are at ALL times.:

Name: _____ Address: _____

Phone number(s): _____ Relationship: _____

INFORMATION REGARDING GUARDIANSHIP/CONSERVATORSHIP

Definitions:

- **Petitioner:** This is the person who is requesting the guardianship or conservatorship. This is often the same person as the person who is completing this form.
- **Respondent:** This is the person for whom a guardianship or conservatorship is being requested. This label is typically assigned to them PRIOR to an order establishing a guardianship or conservatorship
- **Ward or Person Subject to Guardianship:** Once a court order is issued, the person who has a guardianship is called a person subject to guardianship. They were formerly called Wards, and that language is still used in some documents.
- **Protected Person or Person Subject to Conservatorship:** Once a court order is issued, the person who has a conservatorship is called a person subject to guardianship. They were formerly called Protected Persons, and that language is still used in some documents.

1. **PETITIONER'S INFORMATION:**

Full Name: _____
Street address: _____
City: _____ State : _____ Zip: _____ County: _____
Home phone:(_____) _____ Work phone:(_____) _____ ext. _____
Cell/pager: (_____) _____ E-mail: _____
Relationship Ward/Protected Person: _____

2. **RESPONDENT (Proposed person subject to guardianship or conservatorship):**

Full Name: _____
Street address: _____
City: _____ State : _____ Zip: _____ County: _____
Home phone:(_____) _____ Work phone:(_____) _____ ext. _____
Cell/pager: (_____) _____ Date of Birth: _____ Age: _____
Will proposed Ward be moved to a different residence if the petition is granted?
No Yes If so, where? _____

3. **PROPOSED GUARDIAN:** Check here if you are not requesting a guardian

Full Name: _____
Street address: _____
City: _____ State : _____ Zip: _____ County: _____
Home phone:(_____) _____ Work phone:(_____) _____ ext. _____
Cell/pager: (_____) _____ E-mail: _____
Relationship to Respondent: _____ Age: _____

How was proposed guardian selected? _____

What powers should proposed guardian have?

- Have custody of the person subject to guardianship and establish the place of abode for the Person subject to guardianship within or without the State, M.S. § 524.5-313 (c)(1);
- Provide for the care, comfort and maintenance needs of the person subject to guardianship, M.S. § 524.5-313 (c)(2);
- Take reasonable care of the clothing, furniture, vehicles and other personal effects of the person subject to guardianship, M.S. § 524.5-313 (c)(3);
- Give any necessary consent to enable, or to withhold consent for, the person subject to guardianship 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 person subject to guardianship 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 person subject to guardianship, M.S. § 524.5-313 (c)(6);
- Apply on behalf of the Person subject to guardianship for any assistance, services, or benefits available to the Person subject to guardianship through any unit of government, M.S. § 524.5-313 (c)(7);
- Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as an ABLE account) for the person subject to guardianship, Minn. Stat. § 524.5-313(c)(9);
- Commence legal proceedings on behalf of and represent the person subject to guardianship in all civil proceedings (**only given if no conservator is appointed**), Minn. Stat. § 524.5-313(c)(10);
- (other) _____

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

4. **PROPOSED CONSERVATOR:** Check here if you are not requesting a conservator

Check here if the proposed conservator is the same as the proposed guardian

Full Name: _____

Street address: _____

City: _____ State : _____ Zip: _____ County: _____

Home phone:(_____) _____ Work phone:(_____) _____ ext. _____

Cell/pager: (_____) _____ E-mail: _____

Relationship to Person subject to guardianship/Protected Person: _____

Age: _____

How was proposed conservator selected? _____

What powers should proposed conservator have?

- Pay reasonable charges for the support, maintenance, and education of the person subject to conservatorship in a manner suitable to the thier station in life and the value of the Protected Person’s estate, M.S. § 524.5-417 (c)(1);
- Pay out of the estate of the person subject to conservatorship all lawful debts of the Protected Person, M.S. § 524.5-417 (c)(2);
- Possess and manage the estate of the person subject to conservatorship, collect all debts and claims in favor of the person subject to conservatorship, or with the approval of the court compromise them, institute suit on behalf of the person subject to conservatorship and represent that person in all civil court proceedings, and invest all funds not currently needed for debts, charges and management of the estate in accordance with the provisions of sections M.S. § 48A.07(6) and 501C.0901 and 524.5-423 or as otherwise ordered by the court, Minn. Stat. 524.5-417(c)(3);
- Exchange or sell an undivided interest in real property, M.S. § 524.5-417 (c)(4);
- Approve or withhold approval of any contract, except for necessities, which the person subject to conservatorship may make or wish to make, M.S. § 524.5-417 (c)(5);
- Apply on behalf of the person subject to conservatorship for any assistance assistance, services, or benefits available to the person subject to conservatorship through any unit of government, M.S. § 524.5-417 (c)(6); and
- Establish an Achieving a Better Life Experience Act of 2014 account under section 529A of the Internal Revenue Code (known as an ABLÉ account) for the person subject to guardianship, Minn. Stat. § 524.5-417(c)(7);
- (other) _____

_____ and all other powers, duties and responsibilities conferred on the Conservator under applicable law.

5. **RESPONDENT’S (PROPOSED WARD AND/OR PROTECTED PERSON’S) RELATIVES AND OTHER INTERESTED PERSONS:** In the chart below, please list the NAME, ADDRESS and PHONE number of the following individuals:

Relationship	Name	Address	Phone Number
Spouse			
Father			
Mother			
Siblings			

Children and/or step-children (specify which)			
Administrator (if a resident of a hospital, nursing home or institution)			
Legal Representative (current guardian or conservator, representative payee, trustee or custodian of property)			
Person's nominated, proposed or confirmed by prior order or other document*			
Any adult with whom the Respondent has resided for more than 6 months prior to the filing of this petition.			

*include a copy of the prior order, health care directive or related document

6. **STATUS OF RESPONDENT:** Check the box if the Respondent is

- a patient at a State Hospital for persons with mental illness
- a person with developmental disabilities
- a dependent and neglected ward of the Commissioner of Human Services
- under the temporary custody of the Commissioner of Human Services

7. **RESPONDENT'S (PROPOSED WARD AND/OR PROTECTED PERSON'S)**

ASSETS:

Type of Property	Where located	Amount (net value less amount owed)
Homestead:		
Other Real Estate:		
Money (cash on hand or in bank accounts):		
Investments (including retirement accounts):		
Personal Property (including vehicles):		
Other:		

8. **VOTING RIGHTS:** Does the Respondent understand the nature and effect of voting, such that he or she should maintain the right to vote. Yes No

9. **REASON(S) FOR GUARDIANSHIP/CONSERVATORSHIP:** List below the reason why you feel a guardianship/conservatorship is appropriate for the proposed person subject to guardianship/protected person. Describe any medical conditions the individual suffers from and explain how those conditions impact his/her decision-making ability. Attach medical reports, IEP, case plans or other documentation that you have that establishes a need for a guardianship/conservatorship.

10. **CONTESTED/NOT-CONTESTED:** Is the proposed person subject to guardianship/protected person in agreement with (a) the need for a guardianship/conservatorship and (b) the individual/corporation you have named to serve as guardian/conservator. If not, describe any area of disagreement: _____

11. **INFORMATION ABOUT THE PROPOSED GUARDIAN OR CONSERVATOR:**

The following information is required and applies to the proposed guardian / proposed conservator and any employee of the proposed guardian / proposed conservator who will be responsible for exercising powers and duties under the guardianship / conservatorship.

12. A. The proposed guardian _____
(name)

will provided the services for free or will charge \$ _____ per hour for services
 has never been removed for cause from serving as a guardian or conservator.

OR

has been removed for cause from serving as a guardian or conservator and the court location and court file number are: _____

B. The proposed conservator, _____
(name)

will provided the services for free or will charge \$ _____ per hour for services
 has never been removed for cause from serving as a guardian or conservator.

OR

has been removed for cause from serving as a guardian or conservator and the court location and court file number are: _____

13. The proposed guardian, _____, is a professional guardian and a summary of the proposed guardian's educational background, relevant work experience, and other experience is as follows: _____

The proposed conservator, _____, is a professional conservator and a summary of the proposed conservator's educational background, relevant work experience, and other experience is as follows: _____

14. A. The proposed guardian,
 has not applied for or held any professional licenses.

OR

has applied for or held the following professional licenses:

Type of License	Agency	License Number	Status

If the status of the license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: _____

B. The proposed conservator, _____
 has not applied for or held any professional licenses.

OR

has applied for or held the following professional licenses:

Type of License	Agency	License Number	Status

If the status of the license has been denied, conditioned, suspended, revoked, or cancelled, please explain why: _____

15. A. The proposed guardian, _____
 has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

OR

has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

List court location and court case number: _____

B. The proposed conservator, _____
 has not been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

OR

has been found civilly liable in an action involving fraud, misrepresentation, material omission, misappropriate, theft, or conversion.

List court location and court case number: _____

16. A. The proposed guardian,
 has not filed nor has received protection under the bankruptcy laws.

OR

has filed or has received protection under the bankruptcy laws in the last 5 years.

List court location and court case number: _____

B. The proposed conservator, _____
 has not filed nor has received protection under the bankruptcy laws in the last 5 years.

OR

has filed or has received protection under the bankruptcy laws.

List court location and court case number: _____

17. A. The proposed guardian, _____

does not have any outstanding civil monetary judgments.

OR

has outstanding civil monetary judgments.

List court location, court case number, and outstanding amount owed: _____

B. The proposed conservator, _____

does not have any outstanding civil monetary judgments.

OR

has outstanding civil monetary judgments.

List court location, court case number, and outstanding amount owed: _____

18. A. The proposed guardian, _____

does not have nor has had an order for protection or harassment restraining order issued against him / her.

OR

currently has or has had an order for protection or harassment restraining order issued against him / her.

List court location and court case number: _____

B. The proposed conservator, _____

does not have nor has had an order for protection or harassment restraining order issued against him / her.

OR

currently has or has had an order for protection or harassment restraining order issued against him / her.

List court location and court case number: _____

19. Other than a petty misdemeanor or traffic offense,

A. the proposed guardian, _____

has not been convicted of a gross misdemeanor or felony.

OR

has been convicted of a gross misdemeanor or felony.

List court case number and convicted offense: _____

B. the proposed conservator, _____
 has not been convicted of a gross misdemeanor or felony.

OR

has been convicted of a gross misdemeanor or felony.

List court case number and convicted offense: _____

Date: _____

Signed: _____