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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

**EIGHTY-SIXTH  
SESSION**

**HOUSE FILE No. 804**

February 16, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act  
1.2 relating to probate; modifying provisions governing guardians and conservators;  
1.3 amending Minnesota Statutes 2008, sections 524.5-102, subdivision 7, by  
1.4 adding a subdivision; 524.5-304; 524.5-309; 524.5-310; 524.5-316; 524.5-317;  
1.5 524.5-406; 524.5-409; 524.5-413; 524.5-414; 524.5-420; proposing coding for  
1.6 new law in Minnesota Statutes, chapter 524.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 524.5-102, subdivision 7, is amended to  
1.9 read:

1.10 Subd. 7. **Interested person.** "Interested person" includes:

1.11 (i) the ward, protected person, or respondent;

1.12 (ii) a nominated guardian or conservator, or the duly appointed guardian or  
1.13 conservator;

1.14 (iii) legal representative;

1.15 (iv) the spouse, parent, adult children and siblings, or if none of such persons is  
1.16 living or can be located, the next of kin of the ward, protected person, or respondent;

1.17 (v) an adult person who has lived with a ward, protected person, or respondent for a  
1.18 period of more than six months;

1.19 (vi) an attorney for the ward or protected person;

1.20 (vii) a governmental agency paying or to which an application has been made for  
1.21 benefits for the respondent, ward, or protected person, including the county social services  
1.22 agency for the person's county of residence and the county where the proceeding is venued;

1.23 (viii) a representative of a state ombudsman's office or a federal protection and  
1.24 advocacy program that has notified the court that it has a matter regarding the ward,  
1.25 protected person, or respondent;

2.1 ~~(viii)~~ (ix) a health care agent or proxy appointed pursuant to a health care directive  
 2.2 as defined in section 145C.01, a living will under chapter 145B, or other similar document  
 2.3 executed in another state and enforceable under the laws of this state; and  
 2.4 ~~(ix)~~ (x) any other person designated by the court.

2.5 Sec. 2. Minnesota Statutes 2008, section 524.5-102, is amended by adding a  
 2.6 subdivision to read:

2.7 Subd. 13a. **Professional guardian or professional conservator.** "Professional  
 2.8 guardian" or "professional conservator" means an individual or agency acting as guardian  
 2.9 or conservator for three or more individuals not related by blood or marriage.

2.10 Sec. 3. **[524.5-119] CENTRAL REGISTRATION OF GUARDIANS AND**  
 2.11 **CONSERVATORS.**

2.12 The Supreme Court shall establish a statewide registration system for guardians  
 2.13 and conservators. Guardians and conservators appointed under sections 524.5-101  
 2.14 to 524.5-502 shall register with the Supreme Court. Registration data must include  
 2.15 the informational statement required in section 524.5-304. Registration data must be  
 2.16 accessible to the public online or through other means implemented by the Supreme Court.  
 2.17 The Supreme Court may require a registration fee to support the costs of administering  
 2.18 the registration system.

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2011.

2.20 Sec. 4. **[524.5-120] BILL OF RIGHTS FOR WARDS AND PROTECTED**  
 2.21 **PERSONS.**

2.22 The ward or protected person retains all rights not restricted by court order and these  
 2.23 rights must be enforced by the court. These rights include the right to:

2.24 (1) treatment with dignity and respect;

2.25 (2) due consideration of current and previously stated personal desires, medical  
 2.26 treatment preferences, religious beliefs, and other preferences and opinions in decisions  
 2.27 made by the guardian or conservator;

2.28 (3) receive timely and appropriate health care and medical treatment that does not  
 2.29 violate known conscientious, religious, or moral beliefs of the ward or protected person;

2.30 (4) exercise control of all aspects of life not delegated specifically by court order  
 2.31 to the guardian or conservator;

2.32 (5) guardianship or conservatorship services individually suited to the ward or  
 2.33 protected person's conditions and needs;

- 3.1 (6) petition the court to prevent or initiate a change in abode;  
 3.2 (7) care, comfort, social and recreational needs, training, education, habilitation, and  
 3.3 rehabilitation care and services, within available resources;  
 3.4 (8) be consulted concerning, and to decide to the extent possible, the reasonable  
 3.5 care and disposition of the ward or protected person's clothing, furniture, vehicles, and  
 3.6 other personal effects, to object to the disposition of personal property and effects, and to  
 3.7 petition the court for a review of the guardian's or conservator's proposed disposition;  
 3.8 (9) bodily privacy;  
 3.9 (10) unimpeded communication and visitation with persons of the ward or protected  
 3.10 person's choice;  
 3.11 (11) marry and procreate, unless court approval is required, and to consent or object  
 3.12 to sterilization as provided in section 524.5-313, paragraph (c), clause (4), item (iv);  
 3.13 (12) make a will, unless restricted by the court;  
 3.14 (13) petition the court for termination or modification of the guardianship or  
 3.15 conservatorship or for other appropriate relief;  
 3.16 (14) be represented by an attorney in any proceeding or for the purpose of petitioning  
 3.17 the court; and  
 3.18 (15) vote, unless restricted by the court.

3.19 Sec. 5. Minnesota Statutes 2008, section 524.5-304, is amended to read:

3.20 **524.5-304 JUDICIAL APPOINTMENT OF GUARDIAN: PRELIMINARIES**  
 3.21 **TO HEARING.**

3.22 (a) Upon receipt of a petition to establish a guardianship, the court shall set a date  
 3.23 and time for hearing the petition and may appoint a visitor. The duties and reporting  
 3.24 requirements of the visitor are limited to the relief requested in the petition.

3.25 (b) A proposed ward has the right to be represented by counsel at any proceeding  
 3.26 under this article. The court shall appoint counsel to represent the proposed ward for  
 3.27 the initial proceeding held pursuant to section 524.5-307 if neither the proposed ward  
 3.28 nor others provide counsel unless in a meeting with a visitor the proposed ward makes  
 3.29 an informed decision in writing to specifically waives waive the right to counsel. Before  
 3.30 appointment, the proposed counsel shall disclose to the court, the proposed ward, and  
 3.31 interested persons whether there are concurrent proceedings in which the counsel is the  
 3.32 attorney for the proposed guardian and whether there is a risk of a conflict of interest  
 3.33 under Rule 1.7 of the Rules of Professional Conduct so that the representation of the  
 3.34 prospect ward will be materially limited by counsel's concurrent responsibilities to the

4.1 proposed guardian. If there is a risk of a conflict of interest, the proposed counsel must  
4.2 not be appointed, unless:

4.3 (1) the court determines that the proposed ward is able to give informed consent  
4.4 to the representation and, if the proposed ward consents, the consent is confirmed in  
4.5 writing pursuant to Rule 1.7; or

4.6 (2) the court determines that there is not a risk of a conflict of interest under Rule 1.7  
4.7 requiring the appointment of different counsel.

4.8 Counsel must be appointed immediately after any petition under this article is served  
4.9 under section 524.5-308. Counsel has the full right of subpoena. In all proceedings under  
4.10 this article, counsel shall:

4.11 (1) consult with the proposed ward before any hearing;

4.12 (2) be given adequate time to prepare for all hearings; and

4.13 (3) continue to represent the person throughout any proceedings under section  
4.14 524.5-307, provided that such appointment shall expire upon the expiration of the appeal  
4.15 time for the order appointing guardian or the order dismissing a petition, or upon such  
4.16 other time or event as the court may direct.

4.17 The court need not appoint counsel to represent the proposed ward on a voluntary  
4.18 petition, and the court may remove a court-appointed attorney at any time if the court  
4.19 finds that the proposed ward has made a knowing and intelligent waiver of the right to  
4.20 counsel or has obtained private counsel.

4.21 (c) The visitor shall personally serve the notice and petition upon the respondent  
4.22 and shall offer to read the notice and petition to the respondent, and if so requested the  
4.23 visitor shall read the notice and petition to such person. The visitor shall also interview the  
4.24 respondent in person, and to the extent that the respondent is able to understand:

4.25 (1) explain to the respondent the substance of the petition; the nature, purpose, and  
4.26 effect of the proceeding; the respondent's rights at the hearing; and the general powers  
4.27 and duties of a guardian;

4.28 (2) determine the respondent's views about the proposed guardian, the proposed  
4.29 guardian's powers and duties, and the scope and duration of the proposed guardianship;

4.30 (3) inform the respondent of the right to employ and consult with a lawyer at the  
4.31 respondent's own expense and the right to request a court-appointed lawyer; and

4.32 (4) inform the respondent that all costs and expenses of the proceeding, including  
4.33 respondent's attorneys fees, will be paid from the respondent's estate.

4.34 (d) In addition to the duties in paragraph (c), the visitor shall make any other  
4.35 investigation the court directs.

5.1 (e) The visitor shall promptly file a report in writing with the court, which must  
5.2 include:

5.3 (1) recommendations regarding the appropriateness of guardianship, including  
5.4 whether less restrictive means of intervention are available, the type of guardianship, and,  
5.5 if a limited guardianship, the powers to be granted to the limited guardian;

5.6 (2) a statement as to whether the respondent approves or disapproves of the proposed  
5.7 guardian, and the powers and duties proposed or the scope of the guardianship; and

5.8 (3) any other matters the court directs.

5.9 (f) The county social service agency may create a screening committee to review a  
5.10 petition involving an indigent person. The screening committee must consist of individuals  
5.11 selected by the agency with knowledge of alternatives that are less restrictive than  
5.12 guardianship. If the agency has created a screening committee, the court shall make its  
5.13 decision after the screening committee has reviewed the petition. For an indigent person,  
5.14 the court may appoint a guardian under contract with the county to provide these services.

5.15 (g) Before the initial appointment, and annually within 30 days after the anniversary  
5.16 date of the appointment, the proposed guardian or guardian shall file an informational  
5.17 statement with the court. The statement must be a sworn affidavit containing the following  
5.18 information:

5.19 (1) the person's educational background and relevant work and other experience;

5.20 (2) the person's addresses and telephone numbers, including places of business or  
5.21 residence where the guardian can be contacted;

5.22 (3) whether the person has ever been removed for cause from serving as a guardian  
5.23 or conservator and if so, the case number and court location;

5.24 (4) any changes occurring that would affect the accuracy of information contained in  
5.25 the most recent criminal background study conducted pursuant to section 524.5-118; and

5.26 (5) if applicable, the amount of reimbursement for services rendered to the ward that  
5.27 the person has received during the previous year.

5.28 Sec. 6. Minnesota Statutes 2008, section 524.5-309, is amended to read:

5.29 **524.5-309 WHO MAY BE GUARDIAN: PRIORITIES.**

5.30 (a) Subject to paragraph (c), the court, in appointing a guardian, shall consider  
5.31 persons otherwise qualified in the following order of priority:

5.32 (1) a guardian, other than a temporary or emergency guardian, currently acting for  
5.33 the respondent in this state or elsewhere;

5.34 (2) an agent appointed by the respondent under a health care directive pursuant to  
5.35 chapter 145C;

6.1 (3) the spouse of the respondent or a person nominated by will or other signed  
 6.2 writing executed in the same manner as a health care directive pursuant to chapter 145C of  
 6.3 a deceased spouse;

6.4 (4) an adult child of the respondent;

6.5 (5) a parent of the respondent, or an individual nominated by will or other signed  
 6.6 writing executed in the same manner as a health care directive pursuant to chapter 145C  
 6.7 of a deceased parent; ~~and~~

6.8 (6) an adult with whom the respondent has resided for more than six months before  
 6.9 the filing of the petition; and

6.10 (7) any other individual, including a professional guardian.

6.11 (b) The court, acting in the best interest of the respondent, may decline to appoint a  
 6.12 person having priority and appoint a person having a lower priority or no priority. With  
 6.13 respect to persons having equal priority, the court shall select the one it considers best  
 6.14 qualified.

6.15 (c) Any individual or agency which provides residence, custodial care, medical care,  
 6.16 employment training or other care or services for which they receive a fee may not be  
 6.17 appointed as guardian unless related to the respondent by blood, marriage, or adoption.

6.18 Sec. 7. Minnesota Statutes 2008, section 524.5-310, is amended to read:

6.19 **524.5-310 FINDINGS; ORDER OF APPOINTMENT.**

6.20 (a) The court may appoint a limited or unlimited guardian for a respondent only if it  
 6.21 finds by clear and convincing evidence that:

6.22 (1) the respondent is an incapacitated person; and

6.23 (2) the respondent's identified needs cannot be met by less restrictive means,  
 6.24 including use of appropriate technological assistance.

6.25 (b) Alternatively, the court, with appropriate findings, may treat the petition as  
 6.26 one for a protective order under section 524.5-401, enter any other appropriate order, or  
 6.27 dismiss the proceeding.

6.28 (c) The court shall grant to a guardian only those powers necessitated by the ward's  
 6.29 limitations and demonstrated needs and, whenever feasible, make appointive and other  
 6.30 orders that will encourage the development of the ward's maximum self-reliance and  
 6.31 independence. Any power not specifically granted to the guardian, following a written  
 6.32 finding by the court of a demonstrated need for that power, is retained by the ward.

6.33 (d) Within 14 days after an appointment, a guardian shall send or deliver to the ward,  
 6.34 and counsel if represented at the hearing, a copy of the order of appointment accompanied

7.1 by a notice which advises the ward of the right to appeal the guardianship appointment in  
7.2 the time and manner provided by the Rules of Appellate Procedure.

7.3 (e) Each year, within 30 days after the anniversary date of an appointment, a  
7.4 guardian shall send or deliver to the ward and to interested persons of record a notice  
7.5 of the right to request termination or modification of the guardianship or for any order  
7.6 that is in the best interests of the ward or for other appropriate relief, and notice of the  
7.7 status of the ward's right to vote.

7.8 Sec. 8. Minnesota Statutes 2008, section 524.5-316, is amended to read:

7.9 **524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT**  
7.10 **ORDERS.**

7.11 (a) A guardian shall report to the court in writing on the condition of the ward at  
7.12 least annually and whenever ordered by the court. A copy of the report must be provided  
7.13 to the ward and to interested persons of record. A report must state or contain:

- 7.14 (1) the current mental, physical, and social condition of the ward;  
7.15 (2) the living arrangements for all addresses of the ward during the reporting period;  
7.16 (3) the medical, educational, vocational, and other services provided to the ward and  
7.17 the guardian's opinion as to the adequacy of the ward's care; and  
7.18 (4) a recommendation as to the need for continued guardianship and any  
7.19 recommended changes in the scope of the guardianship.

7.20 (b) A ward or interested person of record may challenge statements or conclusions  
7.21 regarding the condition of the ward that are contained in the report and may petition the  
7.22 court for an order that is in the best interests of the ward or for other appropriate relief.

7.23 (c) The court may appoint a visitor to review a report, interview the ward or  
7.24 guardian, and make any other investigation the court directs.

7.25 ~~(e)~~ (d) The court shall establish a system for monitoring guardianships, including the  
7.26 filing and review of annual reports. If an annual report is not filed within 60 days of the  
7.27 required date, the court shall issue an order to show cause.

7.28 Sec. 9. Minnesota Statutes 2008, section 524.5-317, is amended to read:

7.29 **524.5-317 TERMINATION OR MODIFICATION OF GUARDIANSHIP;**  
7.30 **COURT ORDERS.**

7.31 (a) A guardianship terminates upon the death of the ward or upon order of the court.

7.32 (b) On petition of any person interested in the ward's welfare the court may terminate  
7.33 a guardianship if the ward no longer needs the assistance or protection of a guardian. The  
7.34 court may modify the type of appointment or powers granted to the guardian if the extent

8.1 of protection or assistance previously granted is currently excessive or insufficient or the  
8.2 ward's capacity to provide for support, care, education, health, and welfare has so changed  
8.3 as to warrant that action. The court may make any other order that is in the best interests  
8.4 of the ward or may grant other appropriate relief.

8.5 (c) Except as otherwise ordered by the court for good cause, the court, before  
8.6 terminating a guardianship, shall follow the same procedures to safeguard the rights of  
8.7 the ward as apply to a petition for guardianship. Upon presentation by the petitioner  
8.8 of evidence establishing a prima facie case for termination, the court shall order the  
8.9 termination and discharge the guardian unless it is proven that continuation of the  
8.10 guardianship is in the best interest of the ward.

8.11 Sec. 10. Minnesota Statutes 2008, section 524.5-406, is amended to read:

8.12 **524.5-406 ORIGINAL PETITION: PERSONS UNDER DISABILITY;**  
8.13 **PRELIMINARIES TO HEARING.**

8.14 (a) Upon the filing of a petition for a conservatorship or other protective order for a  
8.15 respondent for reasons other than being a minor, the court shall set a date for hearing and  
8.16 the court may appoint a visitor. The duties and reporting requirements of the visitor are  
8.17 limited to the relief requested in the petition.

8.18 (b) A respondent has the right to be represented by counsel at any proceeding under  
8.19 this article. The court shall appoint counsel to represent the respondent for the initial  
8.20 proceeding held pursuant to section 524.5-408 if neither the respondent nor others provide  
8.21 counsel, unless in a meeting with a visitor, the proposed respondent makes an informed  
8.22 decision in writing to specifically waives waive the right to counsel. Before appointment,  
8.23 the proposed counsel shall disclose to the court, the proposed protected person, and  
8.24 interested persons whether there are concurrent proceedings in which the counsel is  
8.25 the attorney for the proposed conservator and whether there is a risk of a conflict of  
8.26 interest under Rule 1.7 of the Rules of Professional Conduct so that the representation  
8.27 of the proposed protected person will be materially limited by counsel's concurrent  
8.28 responsibilities to the proposed conservator. If there is a risk of a conflict of interest,  
8.29 the counsel must not be appointed, unless:

8.30 (1) the court determines that the proposed protected person is able to give informed  
8.31 consent to the representation and, if the proposed protected person consents, the consent is  
8.32 confirmed in writing pursuant to Rule 1.7; or

8.33 (2) the court determines that there is not a risk of a conflict of interest under Rule 1.7  
8.34 requiring the appointment of different counsel.



9.1 Counsel must be appointed immediately after any petition under this part is served  
9.2 pursuant to section 524.5-404. Counsel has the full right of subpoena. In all proceedings  
9.3 under this part, counsel shall:

9.4 (1) consult with the respondent before any hearing;

9.5 (2) be given adequate time to prepare for all hearings; and

9.6 (3) continue to represent the respondent throughout any proceedings under section  
9.7 524.5-408, provided that such appointment shall expire upon the expiration of the appeal  
9.8 time for the order appointing conservator or the order dismissing a petition, or upon such  
9.9 other time or event as the court may direct.

9.10 The court need not appoint counsel to represent the respondent on a voluntary  
9.11 petition, and the court may remove a court-appointed attorney at any time if the court finds  
9.12 that the respondent has made a knowing and intelligent waiver of the right to counsel  
9.13 or has obtained private counsel.

9.14 (c) The visitor shall personally serve the notice and petition upon the respondent  
9.15 and shall offer to read the notice and petition to the respondent, and if so requested, the  
9.16 visitor shall read the notice and petition to such person. The visitor shall also interview the  
9.17 respondent in person, and to the extent that the respondent is able to understand:

9.18 (1) explain to the respondent the substance of the petition and the nature, purpose,  
9.19 and effect of the proceeding;

9.20 (2) if the appointment of a conservator is requested, inform the respondent of the  
9.21 general powers and duties of a conservator and determine the respondent's views regarding  
9.22 the proposed conservator, the proposed conservator's powers and duties, and the scope and  
9.23 duration of the proposed conservatorship;

9.24 (3) inform the respondent of the respondent's rights, including the right to employ  
9.25 and consult with a lawyer at the respondent's own expense, and the right to request a  
9.26 court-appointed lawyer; and

9.27 (4) inform the respondent that all costs and expenses of the proceeding, including  
9.28 respondent's attorney fees, will be paid from the respondent's estate.

9.29 (d) In addition to the duties set out in paragraph (c), the visitor shall make any other  
9.30 investigations the court directs.

9.31 (e) The visitor shall promptly file a report with the court which must include:

9.32 (1) recommendations regarding the appropriateness of a conservatorship, including  
9.33 whether less restrictive means of intervention are available, the type of conservatorship,  
9.34 and, if a limited conservatorship, the powers and duties to be granted the limited  
9.35 conservator, and the assets over which the conservator should be granted authority;

10.1 (2) a statement as to whether the respondent approves or disapproves of the proposed  
10.2 conservator, and the powers and duties proposed or the scope of the conservatorship; and  
10.3 (3) any other matters the court directs.

10.4 (f) While a petition to establish a conservatorship or for another protective order  
10.5 is pending, after preliminary hearing and without notice to others, the court may make  
10.6 orders to preserve and apply the property of the respondent as may be required for the  
10.7 support of the respondent or individuals who are in fact dependent upon the respondent,  
10.8 and may appoint an agent to assist in that task.

10.9 Sec. 11. Minnesota Statutes 2008, section 524.5-409, is amended to read:

10.10 **524.5-409 FINDINGS; ORDER OF APPOINTMENT.**

10.11 (a) The court may appoint a limited or unlimited conservator for a respondent only  
10.12 if it finds that:

10.13 (1) by clear and convincing evidence, the individual is unable to manage property  
10.14 and business affairs because of an impairment in the ability to receive and evaluate  
10.15 information or make decisions, even with the use of appropriate technological assistance,  
10.16 or because the individual is missing, detained, or unable to return to the United States;

10.17 (2) by a preponderance of evidence, the individual has property that will be wasted  
10.18 or dissipated unless management is provided or money is needed for the support, care,  
10.19 education, health, and welfare of the individual or of individuals who are entitled to the  
10.20 individual's support and that protection is necessary or desirable to obtain or provide  
10.21 money; and

10.22 (3) the respondent's identified needs cannot be met by less restrictive means,  
10.23 including use of appropriate technological assistance.

10.24 (b) Alternatively, the court, with appropriate findings, may enter any other  
10.25 appropriate order, or dismiss the proceeding.

10.26 (c) The court, whenever feasible, shall grant to a conservator only those powers  
10.27 necessitated by the protected person's limitations and demonstrated needs and make  
10.28 appointive and other orders that will encourage the development of the protected person's  
10.29 maximum self-reliance and independence.

10.30 (d) Within 14 days after an appointment, the conservator shall send or deliver to the  
10.31 protected person, if the protected person has attained 14 years of age and is not missing,  
10.32 detained, or unable to return to the United States, and counsel if represented at the hearing,  
10.33 a copy of the order of appointment accompanied by a notice which advises the protected  
10.34 person of the right to appeal the conservatorship appointment in the time and manner  
10.35 provided by the Rules of Appellate Procedure.

11.1 (e) Each year, within 30 days after the anniversary date of an appointment, a  
 11.2 conservator shall send or deliver to the protected person and to interested persons of record  
 11.3 a notice of the right to request termination or modification of the conservatorship or for  
 11.4 any order that is in the best interests of the protected person or for other appropriate relief.

11.5 (f) The appointment of a conservator or the entry of another protective order is not a  
 11.6 determination of incapacity of the protected person.

11.7 Sec. 12. Minnesota Statutes 2008, section 524.5-413, is amended to read:

11.8 **524.5-413 WHO MAY BE CONSERVATOR; PRIORITIES.**

11.9 (a) Except as otherwise provided in paragraph (d), the court, in appointing a  
 11.10 conservator, shall consider persons otherwise qualified in the following order of priority:

11.11 (1) a conservator, guardian of the estate, or other like fiduciary appointed or  
 11.12 recognized by an appropriate court of any other jurisdiction in which the protected person  
 11.13 resides;

11.14 (2) a person nominated as conservator by the respondent, including the respondent's  
 11.15 most recent nomination made in a durable power of attorney, if the respondent has attained  
 11.16 14 years of age and at the time of the nomination had sufficient capacity to express  
 11.17 a preference;

11.18 (3) an agent appointed by the respondent to manage the respondent's property under  
 11.19 a durable power of attorney;

11.20 (4) the spouse of the respondent;

11.21 (5) an adult child of the respondent;

11.22 (6) a parent of the respondent; ~~and~~

11.23 (7) an adult with whom the respondent has resided for more than six months before  
 11.24 the filing of the petition; and

11.25 (8) any other individual, including a professional conservator.

11.26 (b) A person having priority under paragraph (a), clause (1), (4), (5), or (6), may  
 11.27 designate in writing a substitute to serve instead and thereby transfer the priority to the  
 11.28 substitute.

11.29 (c) The court, acting in the best interest of the protected person, may decline to  
 11.30 appoint a person having priority and appoint a person having a lower priority or no  
 11.31 priority. With respect to persons having equal priority, the court shall select the one it  
 11.32 considers best qualified.

11.33 (d) In any proceeding where the value of the estate of the proposed protected person  
 11.34 is expected to be at least \$50,000, the court shall require the conservator to post a bond.

12.1 (e) Any individual or agency which provides residence, custodial care, medical care,  
 12.2 employment training, or other care or services for which they receive a fee may not be  
 12.3 appointed as conservator unless related to the respondent by blood, marriage, or adoption.

12.4 Sec. 13. Minnesota Statutes 2008, section 524.5-414, is amended to read:

12.5 **524.5-414 PETITION FOR ORDER SUBSEQUENT TO APPOINTMENT.**

12.6 (a) A protected person or an interested person may file a petition in the appointing  
 12.7 court for an order:

12.8 (1) requiring bond or collateral or additional bond or collateral, or reducing bond;

12.9 (2) requiring an accounting for the administration of the protected person's estate;

12.10 (3) directing distribution;

12.11 (4) removing the conservator and appointing a temporary or successor conservator;

12.12 (5) modifying the type of appointment or powers granted to the conservator if

12.13 the extent of protection or management previously granted is currently excessive or

12.14 insufficient or the protected person's ability to manage the estate and business affairs

12.15 has so changed as to warrant the action; or

12.16 (6) acting in the protected person's best interests or granting other appropriate relief.

12.17 (b) A conservator may petition the appointing court for instructions concerning  
 12.18 fiduciary responsibility.

12.19 (c) On notice and hearing the petition, the court may give appropriate instructions  
 12.20 and make any appropriate order.

12.21 (d) The court may, at its own discretion, waive the notice or hearing requirements  
 12.22 for the relief requested in a petition filed under this section.

12.23 Sec. 14. Minnesota Statutes 2008, section 524.5-420, is amended to read:

12.24 **524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING;**  
 12.25 **COURT ORDERS.**

12.26 (a) A conservator shall report to the court for administration of the estate annually  
 12.27 unless the court otherwise directs, upon resignation or removal, upon termination of  
 12.28 the conservatorship, and at other times as the court directs. An order, after notice and  
 12.29 hearing, allowing an intermediate report of a conservator adjudicates liabilities concerning  
 12.30 the matters adequately disclosed in the accounting. An order, after notice and hearing,  
 12.31 allowing a final report adjudicates all previously unsettled liabilities relating to the  
 12.32 conservatorship.

13.1 (b) A report must state or contain a listing of the assets of the estate under the  
13.2 conservator's control and a listing of the receipts, disbursements, and distributions during  
13.3 the reporting period.

13.4 (c) A protected person or an interested person of record may challenge account  
13.5 statements regarding the administration of the estate that are contained in the report and  
13.6 may petition the court for any order that is in the best interests of the protected person and  
13.7 the estate or for other appropriate relief.

13.8 (d) The court may appoint a visitor to review a report or plan, interview the protected  
13.9 person or conservator, and make any other investigation the court directs. In connection  
13.10 with a report, the court may order a conservator to submit the assets of the estate to an  
13.11 appropriate examination to be made in a manner the court directs.

13.12 ~~(d)~~ (e) The court shall establish a system for monitoring of conservatorships,  
13.13 including the filing and review of conservators' reports and plans. If an annual report is  
13.14 not filed within 60 days of the required date, the court shall issue an order to show cause.