

State of Minnesota

District Court
Probate Division

County of _____

Judicial District: _____

Court File No. _____

Case Type: 14 _____

In Re: Emergency Guardianship of
 Conservatorship of

Order Appointing
 Emergency Guardian
 Emergency Conservator

This matter came on for hearing before the district court on a petition seeking an emergency appointment of a Guardian a Conservator 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. A petition for appointment of a general guardian for Respondent has been filed, or will be filed in the immediate future with this court.
2. Compliance with the procedures for appointment of a general guardian will likely result in substantial harm to the Respondent’s health, safety, or welfare, and no other person appears to have the authority and the willingness to act on Respondent’s behalf.
3. Respondent’s needs for health, safety, or welfare are at risk because: (Describe behavior and circumstances supporting this allegation):

4. A petition for appointment of a general conservator of the estate for Respondent has been filed, or will be filed in the immediate future with this court.
5. Compliance with the procedures for appointment of a general conservator will likely result in the immediate loss, waste, or dissipation of Respondent’s assets or income unless management is provided, or money is needed for support, care, education, health, and welfare of the Respondent or for individuals who are entitled to the support of Respondent and that protection is necessary or desirable to obtain or provide money, and no other person appears to have the authority and the willingness to act on Respondent’s behalf.
6. The Respondent’s needs for health, safety, or welfare are at risk, or the Respondent’s assets must be immediately preserved, because: (Describe behavior and circumstances supporting this allegation):

7. No alternative less restrictive of civil rights and liberties exists, including the use of appropriate technological assistance.
8. The Court finds that 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) or such Guardian has been approved by prior Order of a court pursuant to M.S. § 524.5-302(d).
9. The Court finds that the Conservator 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. § 524.5-413(d).

CONCLUSIONS OF LAW

1. The Respondent will likely suffer from substantial harm if an emergency guardian is not appointed.
2. The Respondent's assets
 - require an order of this Court need to be preserved;
 - property is needed for the support of the Respondent or for individuals who are in fact dependent upon the Respondent for support.

ORDER

NOW, THEREFORE, IT IS ORDERED:

1. That: _____, is hereby appointed Guardian of Respondent; and _____, is hereby appointed Conservator of Respondent.
2. That: letters of Emergency Guardianship shall issue to _____, upon the filing of an acceptance of appointment; and letters of Emergency Conservatorship shall issue to _____, upon the filing of an acceptance of appointment; and such letters shall reflect the expiration date for said appointment.
3. Appointment of powers and duties:

The Guardian 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(c) paragraphs 1, 2, 3, 4, 5, 6 and 7.
(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) _____;
To exercise all other powers, duties and responsibilities conferred on the Guardian under applicable law.

The Conservator shall have the power and duty to:

- Exercise all of the rights and powers under M.S. § 524.5-417(c) paragraphs 1, 2, 3, 4, 5 and 6.

(If the Conservator is granted limited powers and duties, specify which powers and duties are vested in the Conservator by this Order.)

- Pay reasonable charges for the support, maintenance, and education of the Protected Person in a manner suitable to the Protected Person's station in life and the value of the Protected Person's estate, M.S. § 524.5-417(c)(1);
 - Pay out of the Protected Person's estate all lawful debts of the Protected Person, M.S. § 524.5-417(c)(2);
 - Possess and manage the estate of the Protected Person, collect all debts and claims in favor of the Protected Person, or with the approval of the court compromise them, institute suit on behalf of the Protected Person and represent the Protected Person in court proceedings, and invest pursuant to M.S. § 48A.07(6) and 501B.151 all funds not currently needed for debts, charges, and management of the estate, M.S. § 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 Protected Person may make or wish to make, M.S. § 524.5-417(c)(5);
 - Apply on behalf of the Protected Person for any assistance, services, or benefits available to the Protected Person through any unit of government, M.S. § 524.5-417(c)(6); and
 - (other) _____;
To exercise all other powers, duties and responsibilities conferred on the Conservator under applicable law.
4. The conservator shall file a bond in the amount of \$_____.
5. The appointment under this Order shall terminate:
- 60 days after the date of this Order;
 - 90 days after the date of this Order (for appointments made pursuant to a county petition under M.S. § 626.557, subd. 10.)
6. That the court appointed attorney for the Ward and Protected Person, is hereby discharged.

Date

Judge of the District Court