

of the following:

- To have custody of the person;
- To decide where the person will live;
- To make decisions about the person's personal property such as clothing, furniture and personal effects;
- To give consent for medical care or treatment;
- If there is no conservator of the estate, to make or to withhold approval of contracts for the ward;
- If there is no conservator of the estate, to apply for government benefits or assistance for the ward;
- To exercise general supervision over the ward.

become or remain your own legal Guardian, and responsible for all the decisions you make ... even the bad ones.

If someone petitions to be your Guardian, they will likely do this with a lawyer. The Court will also assign a lawyer to you, to make sure they know how you feel about getting a Guardian assigned now that you are an adult.

You will be required to go to Court. Your attorney will tell the Court what you talked about, and how you feel about having a guardian. Under some, special conditions, you may not have to go to Court and your attorney will appear for you.

### **Q) Who can be a Guardian?**

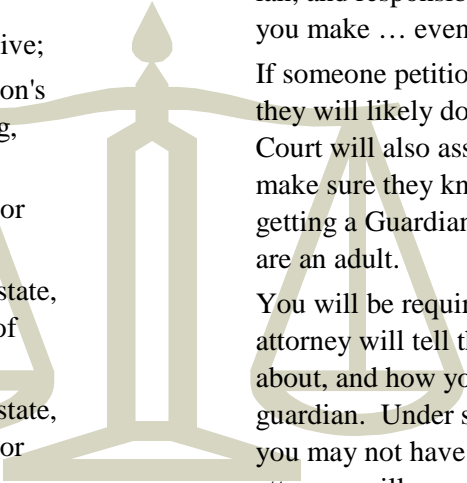
A) Parent(s), relatives or an individual who knows the person and meets Court requirements could petition for guardianship. However, it is entirely the Court's decision to appoint an appropriate party to become the guardian.

There are some reasons a person cannot be a Guardian, even if they were a Guardian of a minor. These could include some criminal activity, and substantiated child or adult protection concerns.

If there is not an available parent, relative or other individual who knows the person, the County may recommend a professional or State Guardianship.

### **Q) How is the Court involved?**

A) Assigning Guardianship of an adult must be done by the Court. Otherwise, you



WHAT DOES IT MEAN  
TO BE ASSIGNED A  
GUARDIAN NOW  
THAT I'M AN ADULT?



Ramsey County Community Human Services Department

Developmental Disabilities Unit  
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Child Intake and Information: 266-4500  
Adult Intake and Information: 266-4012

## INTRODUCTION

The purpose of this pamphlet is to explain how having a conservator or guardian can benefit you. This pamphlet is not intended to advise participants on legal issues nor is it intended to be a substitute for a lawyer or legal advice, but to provide a general description of procedures and basic information about guardianship and conservatorship matters in Ramsey County Probate Court.

Guardianships and conservatorships are protection for both the ward, or protected person, and the guardian or conservator. The ward or protected person is protected by Court monitoring of his/her well being and property. In addition, the estates of protected persons are protected by fiduciary bond. The guardian or conservator is protected by the record kept in Probate Court of all well-being reports and financial dealings. Also, a record is kept in Probate Court of the annual service of a Notice of Rights to the ward or protected person.

If at any point in a guardianship or conservatorship proceeding a procedural question arises, Court personnel may be able to give assistance. The general information number at the Ramsey County Probate Division is (651) 266-8145. By statute, Court employees may not give legal advice.

## FREQUENTLY ASKED QUESTIONS

### Q) Why would I need a Guardian, and what will they do for me?

A) Guardianships or conservatorships are designed for those people in need of protection in personal or financial matters.

A **conservator** or **guardian** is someone appointed by the Probate Court to handle the affairs of a person not quite ready to make all their adult decisions themselves.

After an appointment is made, the Court refers to the person in need of assistance as a **protected person** (in a conservatorship) or a **ward** (in a guardianship).

A **Guardian** takes care of a protected person's personal affairs (medical care, nutrition, clothing shelter, residence, and safety).

A **Conservator** manages a ward's financial affairs (finances, property and real estate).

An person may have both a **conservator** and a **guardian**. The **conservator** and the **guardian** may be the same person(s).

Guardians and Conservators are subject to the control and direction of the Court at all times and in all things.

### Q) What's the difference from my mom and/or dad being my Guardian before I turned age 18?

A) Guardianship of an adult is different from Guardianship of a minor. The Guardian of an adult can only make decisions in areas that are covered by the Court Order.

Otherwise, you have the right to make decisions for yourself in all the other areas. Remember, everyone asks for help in making decisions at some time. You may still want to consult with your Guardian on making some decisions that they won't be making for you.

Parents or family are often assigned Guardianship of an adult. However, they have to allow the Ward to make decisions where they can. In fact, the law says:

*"The duty and power to exercise supervisory authority over the ward in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services."*

This means, mom and dad have to get used to you making some decisions, and maybe even some mistakes.

### Q) What power does a guardian have?

A) Under Minnesota law, the powers of the guardian may include one or more (or all)