



Policy Name	Guidelines for Initiating Guardianship and/or Conservatorship Petitions for Adults
Policy Number	3.502
Origination Date	10/15/1998
Board Approval Date	2-20-2018
Policy Owner	Social Services Supervisor – Linda Erhardt
Responsible Personnel	Social Services Staff
Regulatory Requirement	<i>MN Statute 524.5-101 through 524.5-903 (Uniform Guardianship and Protective Proceedings act); 563.01 (In Forma Pauperis); Mn Rules 9555.7100-9555.7700</i>
Cross References	(Includes but not limited to Department processes, workflows, guidelines or other policies etc...)
Attachments	Guiding Principles for Guardianship and/or Conservatorship, Petition Guidelines and Best Practice Recommendations,

Policy Purpose

To guide decisions regarding the initiation of a petition for guardianship and/or conservatorship, and serving as a resource for providing information on policy to clients, families, and other involved agencies and community members. Reference the Guiding Principles for Guardianship and/or Conservatorship developed by the Minnesota ElderCare Justice Center/.

Definitions:

A guardian is appointed by the Court to make the personal decisions for the protected person (“Ward”). The guardian has authority to make decision on behalf of the protected person about such things as where to live, medical decisions, training and education, etc. (see Minnesota Statutes 524.5-313, power and duties)

A conservator is appointed to make financial decisions for the protected person (“Conservatee”). The Conservator typically has the power to enter into contracts, pay bills, invest assets, and perform other financial functions for the protected person.

An Emergency Guardianship is appropriate only when it can clearly be shown that the person or the person’s estate is in imminent harm or danger and the guardianship is immediately necessary for protection. The Court will grant to an

emergency guardian only those powers, which are necessary to provide for the demonstrated needs of the ward or protected person. The Court will specify the duration, or length of time of the emergency guardianship. Generally, an emergency guardianship cannot exceed 60 days. In the event that the County is acting as the emergency guardian, the guardianship may not exceed 90 days. (Minnesota Statutes 524.5-311).

Policy:

It is the policy of Swift County to initiate a petition for guardianship and/or conservatorship only if Swift County has been determined to be the County of Financial responsibility for a person and

A Social Worker from Swift County Human Services (SCHS) has made an assessment and determination, including consideration of a person's resources, supports, and other options, that guardianship is appropriate and necessary.

OR

An emergency guardianship has been determined to be necessary by an Adult Protection Worker in consultation with the SCHS Adult Protection staff, Supervisor and the County Attorney. SCHS personnel who identify a potential need for emergency guardianship and should make an Adult Maltreatment Report through the Minnesota Adult Abuse Reporting Center (MAARC). This may not be necessary if the Vulnerable Adult already has an open case for social services with SCHS.

Procedures:

1. A need for a guardian and/or conservator must exist. This need may arise for a number of reasons. A guardianship-screening checklist and other types of assessment/documentation may be used to help make a determination on the need for a guardian. A Social Worker identifying a client in possible need of a guardianship may want to consult with Adult Services staff, Supervisor and/or County Attorney.
2. SCHS staff will provide information to family members and others who are inquiring about petitioning for guardianship. The assistance is limited to provide information about the process. Any legal advice cannot be given. Petitioners who need or desire legal advice will be directed to consult with an attorney.
3. Family members, friends, or other informal networks of support must be considered first as a less restrictive option to a paid guardian and/or conservator. It is expected that family members who are part of the client's life will assume this responsibility, and a paid alternative would not be pursued.
4. Reference Petition Guidelines and Best Practice Recommendations developed by the Minnesota Elder Justice Center.
 - C. delete this section
 - D.
 - E. **Contracted Guardians**-SCHS contracts with agencies that provide guardianship services. The contracted rate is approved by the Swift County Board and reviewed annually. No more than three (3) hours per month of contracted guardianship/conservatorship services can be allowed for each client without prior authorization from the Department.

Violation of this Policy

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to Swift County Human Services Inc. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

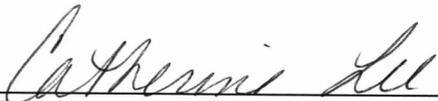
Signatures:



Linda Erhardt, Policy Owner

2-20-18

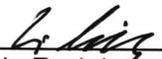
Date



Catherine Lee, Director

2/20/18

Date

Board Approval: 

Eric Rudningen, Board Chair

2/20/2018

Date