

252A.111 POWERS AND DUTIES OF PUBLIC GUARDIAN OR CONSERVATOR.

Subdivision 1. **General.** Except as otherwise provided in this section, sections 524.5-207 and 524.5-313, apply to the powers and duties of a public guardian.

Subd. 2. **Additional powers.** In addition to the powers contained in sections 524.5-207 and 524.5-313, the powers of a public guardian that the court may grant include:

- (1) the power to permit or withhold permission for the ward to marry;
- (2) the power to begin legal action or defend against legal action in the name of the ward; and
- (3) the power to consent to the adoption of the ward as provided in section 259.24.

Subd. 3. [Repealed, 1Sp2001 c 9 art 13 s 29]

Subd. 4. **Appointment of conservator.** If the ward has a personal estate beyond that which is necessary for the ward's personal and immediate needs, the commissioner shall determine whether a conservator should be appointed. The commissioner shall consult with the parents, spouse, or nearest relative of the ward. The commissioner may petition the court for the appointment of a private conservator of the ward. The commissioner cannot act as conservator for public wards or public protected persons.

Subd. 5. **Local agencies.** The commissioner may carry out the powers and duties prescribed by this chapter directly or through local agencies.

Subd. 6. **Special duties.** In exercising powers and duties under this chapter, the commissioner shall:

- (1) maintain close contact with the ward, visiting at least twice a year;
- (2) protect and exercise the legal rights of the ward;
- (3) take actions and make decisions on behalf of the ward that encourage and allow the maximum level of independent functioning in a manner least restrictive of the ward's personal freedom consistent with the need for supervision and protection; and
- (4) permit and encourage maximum self-reliance on the part of the ward and permit and encourage input by the nearest relative of the ward in planning and decision making on behalf of the ward.

History: 1987 c 185 art 1 s 22; 1988 c 532 s 10; 1991 c 292 art 6 s 58 subd 2; 1Sp1993 c 1 art 3 s 17; 1995 c 189 s 8; 1996 c 277 s 1; 1Sp2001 c 9 art 13 s 10; 2002 c 379 art 1 s 113; 2004 c 146 art 3 s 18