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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 1160

03/04/2013 Authored by Hilstrom
The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy
04/10/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to judiciary; imposing certain court fees and surcharge; creating a court
1.3 technology account in the special revenue fund; reimbursing certain expenses
1.4 of Court of Appeals judges; modifying certain provisions related to guardians
1.5 and conservators; appropriating money for judiciary, guardian ad litem board,
1.6 tax court, Board on Judicial Standards, Board of Public Defense, Uniform
1.7 Laws Commission, and sentencing guidelines; amending Minnesota Statutes
1.8 2012, sections 245C.32, subdivision 2; 357.021, subdivisions 6, 7, by adding a
1.9 subdivision; 357.022; 480A.02, subdivision 7; 524.5-118, subdivision 1, by
1.10 adding a subdivision; 524.5-303; 524.5-316; 524.5-403; 524.5-420; 629.59.

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

1.12 ARTICLE 1
1.13 APPROPRIATIONS

1.14 Section 1. SUMMARY OF APPROPRIATIONS.

1.15 The amounts shown in this section summarize direct appropriations, by fund, made
1.16 in this article.

Table with 4 columns: Category, 2014, 2015, Total. Rows include General and Total with dollar amounts.

1.20 Sec. 2. JUDICIARY APPROPRIATIONS.

1.21 The sums shown in the columns marked "Appropriations" are appropriated to the
1.22 agencies and for the purposes specified in this article. The appropriations are from the
1.23 general fund, or another named fund, and are available for the fiscal years indicated
1.24 for each purpose. The figures "2014" and "2015" used in this article mean that the
1.25 appropriations listed under them are available for the fiscal year ending June 30, 2014, or

2.1 June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal
 2.2 year 2015. "The biennium" is fiscal years 2014 and 2015. Appropriations for the fiscal
 2.3 year ending June 30, 2013, are effective the day following final enactment.

2.4		<u>APPROPRIATIONS</u>	
2.5		<u>Available for the Year</u>	
2.6		<u>Ending June 30</u>	
2.7		<u>2014</u>	<u>2015</u>

2.8 **Sec. 3. SUPREME COURT**

2.9	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>43,109,000</u>	<u>\$</u>	<u>43,997,000</u>
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2.10 The amounts that may be spent for each
 2.11 purpose are specified in the following
 2.12 subdivisions.

2.13	<u>Subd. 2. Supreme Court Operations</u>	<u>31,593,000</u>	<u>32,481,000</u>
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2.14 **Contingent Account.** \$5,000 each year is for
 2.15 a contingent account for expenses necessary
 2.16 for the normal operation of the court for
 2.17 which no other reimbursement is provided.

2.18	<u>Subd. 3. Civil Legal Services</u>	<u>11,516,000</u>	<u>11,516,000</u>
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2.19 **(a) Legal Services to Low-Income**
 2.20 **Clients in Family Law Matters.** Of this
 2.21 appropriation, \$877,000 each year is to
 2.22 improve the access of low-income clients to
 2.23 legal representation in family law matters.
 2.24 This appropriation must be distributed
 2.25 under Minnesota Statutes, section 480.242,
 2.26 to the qualified legal services programs
 2.27 described in Minnesota Statutes, section
 2.28 480.242, subdivision 2, paragraph (a). Any
 2.29 unencumbered balance remaining in the first
 2.30 year does not cancel and is available in the
 2.31 second year.

2.32 **(b) Use of Funds.** This appropriation shall
 2.33 be used to provide civil legal services to
 2.34 low-income Minnesota clients.

3.1	Sec. 4. <u>COURT OF APPEALS</u>	<u>\$</u>	<u>10,547,000</u>	<u>\$</u>	<u>10,932,000</u>
3.2	<u>The court of appeals general fund base shall</u>				
3.3	<u>be increased by \$69,000 in fiscal year 2016</u>				
3.4	<u>and \$89,000 in fiscal year 2017.</u>				
3.5	Sec. 5. <u>TRIAL COURTS</u>	<u>\$</u>	<u>246,327,000</u>	<u>\$</u>	<u>255,455,000</u>
3.6	<u>Of this appropriation, \$925,000 each year is</u>				
3.7	<u>to develop, expand, and maintain specialty</u>				
3.8	<u>courts.</u>				
3.9	Sec. 6. <u>GUARDIAN AD LITEM BOARD</u>	<u>\$</u>	<u>12,414,000</u>	<u>\$</u>	<u>12,756,000</u>
3.10	Sec. 7. <u>TAX COURT</u>	<u>\$</u>	<u>993,000</u>	<u>\$</u>	<u>1,000,000</u>
3.11	Sec. 8. <u>UNIFORM LAWS COMMISSION</u>	<u>\$</u>	<u>147,000</u>	<u>\$</u>	<u>84,000</u>
3.12	<u>\$63,000 in fiscal year 2014 is to pay back</u>				
3.13	<u>dues owed to the National Conference of</u>				
3.14	<u>Commissioners on Uniform State Laws. This</u>				
3.15	<u>is a onetime appropriation.</u>				
3.16	Sec. 9. <u>BOARD ON JUDICIAL STANDARDS</u>	<u>\$</u>	<u>759,000</u>	<u>\$</u>	<u>461,000</u>
3.17	<u>(a) \$300,000 the first year is for deficiencies</u>				
3.18	<u>occurring in fiscal year 2013. This</u>				
3.19	<u>appropriation is available for expenditure the</u>				
3.20	<u>day following final enactment.</u>				
3.21	<u>(b) \$125,000 each year is for special</u>				
3.22	<u>investigative and hearing costs for major</u>				
3.23	<u>disciplinary actions undertaken by the</u>				
3.24	<u>board. This appropriation does not cancel.</u>				
3.25	<u>Any encumbered and unspent balances</u>				
3.26	<u>remain available for these expenditures in</u>				
3.27	<u>subsequent fiscal years.</u>				
3.28	Sec. 10. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$</u>	<u>70,698,000</u>	<u>\$</u>	<u>73,649,000</u>

4.1 From this appropriation, the board shall pay
 4.2 all outstanding billings as of June 30, 2013,
 4.3 for transcripts required to be provided by
 4.4 court reporters under Minnesota Statutes,
 4.5 section 243.49.

4.6 Sec. 11. **SENTENCING GUIDELINES** **\$** **891,000** **\$** **596,000**

4.7 \$300,000 in fiscal year 2014 is appropriated
 4.8 to the Minnesota Sentencing Guidelines
 4.9 Commission for transfer to the Office of
 4.10 Enterprise Technology for an electronic
 4.11 sentencing worksheet system. This is a
 4.12 onetime appropriation and is available
 4.13 until expended. Any ongoing information
 4.14 technology support or costs for this
 4.15 application shall be incorporated into the
 4.16 service-level agreement and shall be paid to
 4.17 the Office of Enterprise Technology.

4.18 **ARTICLE 2**

4.19 **COURTS**

4.20 Section 1. Minnesota Statutes 2012, section 357.021, is amended by adding a
 4.21 subdivision to read:

4.22 Subd. 2b. **Court technology fund.** (a) In addition to any other filing fee under this
 4.23 chapter, the court administrator shall collect a \$2 technology fee on filings made under
 4.24 subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly
 4.25 to the commissioner of management and budget for deposit in the court technology
 4.26 account in the special revenue fund.

4.27 (b) A court technology account is established as a special account in the state
 4.28 treasury and funds deposited in the account are appropriated to the Supreme Court for
 4.29 distribution of technology funds as provided in paragraph (d). Technology funds may
 4.30 be used for the following purposes: acquisition, development, support, maintenance,
 4.31 and upgrades to computer systems, equipment and devices, network systems, electronic
 4.32 records, filings and payment systems, interactive video conferencing, and online
 4.33 services, to be used by the state courts and their justice partners.

5.1 (c) The Supreme Court may establish a board consisting of members from the
5.2 judicial branch, prosecutors, public defenders, corrections, and civil legal services to
5.3 distribute funds collected under paragraph (a). The Supreme Court may adopt policies
5.4 and procedures for the operation of the board, including but not limited to policies
5.5 and procedures governing membership terms, removal of members, and the filling of
5.6 membership vacancies.

5.7 (d) Applications for the expenditure of technology funds shall be accepted from
5.8 judicial districts, county and city attorney offices, the Board of Public Defense, qualified
5.9 legal services programs as defined under section 480.24, corrections agencies, and
5.10 part-time public defender offices. The applications shall be reviewed by the Supreme
5.11 Court and, if established, the board. In accordance with any recommendations from
5.12 the board, the Supreme Court shall distribute the funds available for this expenditure to
5.13 selected recipients. The funds to be distributed to selected recipients shall be distributed
5.14 no less than twice per calendar year.

5.15 (e) On January 15, 2015, and every two years thereafter, the Supreme Court shall
5.16 submit a report to the chairs and ranking minority members of the house of representatives
5.17 and senate committees with jurisdiction over judiciary finance providing an accounting on
5.18 the amounts collected and expended in the previous biennium, including a list of fund
5.19 recipients, the amounts awarded to each recipient, and the technology purpose funded.

5.20 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to filings
5.21 made on or after that date.

5.22 Sec. 2. Minnesota Statutes 2012, section 357.021, subdivision 6, is amended to read:

5.23 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in
5.24 this paragraph, the court shall impose and the court administrator shall collect a ~~\$75~~ \$90
5.25 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
5.26 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
5.27 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
5.28 than one offense in a case, the surcharge shall be imposed only once in that case. In the
5.29 Second Judicial District, the court shall impose, and the court administrator shall collect,
5.30 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
5.31 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
5.32 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
5.33 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
5.34 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
5.35 is convicted of a petty misdemeanor for which no fine is imposed.

6.1 (b) If the court fails to impose a surcharge as required by this subdivision, the court
6.2 administrator shall show the imposition of the surcharge, collect the surcharge, and
6.3 correct the record.

6.4 (c) The court may not waive payment of the surcharge required under this
6.5 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
6.6 or the convicted person's immediate family, the sentencing court may authorize payment
6.7 of the surcharge in installments.

6.8 (d) The court administrator or other entity collecting a surcharge shall forward it to
6.9 the commissioner of management and budget.

6.10 (e) If the convicted person is sentenced to imprisonment and has not paid the
6.11 surcharge before the term of imprisonment begins, the chief executive officer of the
6.12 correctional facility in which the convicted person is incarcerated shall collect the
6.13 surcharge from any earnings the inmate accrues from work performed in the facility or
6.14 while on conditional release. The chief executive officer shall forward the amount collected
6.15 to the court administrator or other entity collecting the surcharge imposed by the court.

6.16 (f) A person who enters a diversion program, continuance without prosecution,
6.17 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay
6.18 the surcharge described in this subdivision. A surcharge imposed under this paragraph
6.19 shall be imposed only once per case.

6.20 (g) The surcharge does not apply to administrative citations issued pursuant to
6.21 section 169.999.

6.22 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to
6.23 dispositions on or after that date.

6.24 Sec. 3. Minnesota Statutes 2012, section 357.021, subdivision 7, is amended to read:

6.25 Subd. 7. **Disbursement of surcharges by commissioner of management and**
6.26 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of
6.27 management and budget shall disburse surcharges received under subdivision 6 and
6.28 section 97A.065, subdivision 2, as follows:

6.29 (1) one percent shall be credited to the peace officer training account in the game
6.30 and fish fund to provide peace officer training for employees of the Department of Natural
6.31 Resources who are licensed under sections 626.84 to 626.863, and who possess peace
6.32 officer authority for the purpose of enforcing game and fish laws;

6.33 (2) 39 percent shall be credited to the peace officers training account in the special
6.34 revenue fund; and

6.35 (3) 60 percent shall be credited to the general fund.

7.1 (b) The commissioner of management and budget shall credit \$3 of each surcharge
7.2 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

7.3 (c) In addition to any amounts credited under paragraph (a), the commissioner of
7.4 management and budget shall credit ~~\$47~~ \$62 of each surcharge received under subdivision
7.5 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

7.6 (d) If the Ramsey County Board of Commissioners authorizes imposition of the
7.7 additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator
7.8 in the Second Judicial District shall transmit the surcharge to the commissioner of
7.9 management and budget. The \$1 special surcharge is deposited in a Ramsey County
7.10 surcharge account in the special revenue fund and amounts in the account are appropriated
7.11 to the trial courts for the administration of the petty misdemeanor diversion program
7.12 operated by the Second Judicial District Ramsey County Violations Bureau.

7.13 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to
7.14 dispositions on or after that date.

7.15 Sec. 4. Minnesota Statutes 2012, section 357.022, is amended to read:

7.16 **357.022 CONCILIATION COURT FEE.**

7.17 (a) The court administrator in every county shall charge and collect a filing fee of
7.18 \$65 as prescribed in paragraph (b) from every plaintiff and from every defendant when
7.19 the first paper for that party is filed in any conciliation court action. This section does not
7.20 apply to conciliation court actions filed by the state. The court administrator shall transmit
7.21 the fees monthly to the commissioner of management and budget for deposit in the state
7.22 treasury and credit to the general fund.

7.23 (b) The fees to be charged and collected by the court administrator shall be as follows:

7.24 (1) if the amount of the money or property that is the subject matter of the claim
7.25 does not exceed \$5,000, \$110;

7.26 (2) if the amount of the money or property that is the subject matter of the claim is
7.27 more than \$5,000 but does not exceed \$10,000, \$125; and

7.28 (3) if the amount of the money or property that is the subject matter of the claim
7.29 is more than \$10,000 but does not exceed \$15,000, \$150.

7.30 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to actions
7.31 filed on or after that date.

7.32 Sec. 5. Minnesota Statutes 2012, section 480A.02, subdivision 7, is amended to read:

8.1 Subd. 7. **Compensation; travel expenses.** (a) The salary of a judge of the Court of
8.2 Appeals shall be as provided by section 15A.082. Except as provided in paragraph (b),
8.3 travel expenses shall be paid by the state in the same manner and amount as provided for
8.4 judges of the district court in section 484.54.

8.5 (b) For any judge of the Court of Appeals whose permanent place of residence
8.6 is more than 50 miles from the judge's permanent chambers in St. Paul, in addition to
8.7 travel expenses provided in paragraph (a), the judge shall be reimbursed for the following
8.8 expenses during the judge's term of service on the Court of Appeals:

8.9 (1) housing expenses in an amount prescribed by judicial council policy, but not
8.10 less than \$1,000 per month; and

8.11 (2) mileage for travel from the judge's permanent place of residence to and from
8.12 the judge's permanent chambers charged at the current United States Internal Revenue
8.13 Service reimbursement rate.

8.14 Reimbursable expenses under this paragraph shall be paid by the state in the same manner
8.15 as provided for judges of the district court in section 484.54, subdivision 3.

8.16 **EFFECTIVE DATE.** This section is effective July 1, 2014.

8.17 Sec. 6. Minnesota Statutes 2012, section 629.59, is amended to read:

8.18 **629.59 COURT TO FORGIVE BOND FORFEITURE PENALTY.**

8.19 (a) When an action is brought in the name of the state against a principal or surety in
8.20 a recognizance entered into by a party or witness in a criminal prosecution, and the penalty
8.21 is judged forfeited, except as provided in paragraph (b), the court may forgive or reduce
8.22 the penalty according to the circumstances of the case and the situation of the party on
8.23 any terms and conditions it considers just and reasonable.

8.24 (b) If the court orders reinstatement of the bond, the court shall impose the following:

8.25 (1) a minimum penalty as provided in Rule 702 of Minnesota General Rules of
8.26 Practice; and

8.27 (2) a reinstatement fee prescribed by court rule in an amount based on a percentage
8.28 of the bond fee but in no instance less than \$100.

8.29 The minimum penalty shall be distributed by the courts as provided by law. The court
8.30 administrator shall forward the reinstatement fee to the commissioner of management and
8.31 budget to be credited in the general fund.

8.32 **EFFECTIVE DATE.** This section is effective July 1, 2013.

9.1 **ARTICLE 3**9.2 **GUARDIANS AND CONSERVATORS**

9.3 Section 1. Minnesota Statutes 2012, section 245C.32, subdivision 2, is amended to read:

9.4 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to
9.5 obtain and provide criminal history data from the Bureau of Criminal Apprehension,
9.6 criminal history data held by the commissioner, and data about substantiated maltreatment
9.7 under section 626.556 or 626.557, for other purposes, provided that:

9.8 (1) the background study is specifically authorized in statute; or

9.9 (2) the request is made with the informed consent of the subject of the study as
9.10 provided in section 13.05, subdivision 4.

9.11 (b) An individual making a request under paragraph (a), clause (2), must agree in
9.12 writing not to disclose the data to any other individual without the consent of the subject
9.13 of the data.

9.14 (c) The commissioner may recover the cost of obtaining and providing background
9.15 study data by charging the individual or entity requesting the study a fee of no more
9.16 than \$20 per study. The fees collected under this paragraph are appropriated to the
9.17 commissioner for the purpose of conducting background studies.

9.18 (d) The commissioner shall recover the cost of obtaining background study data
9.19 required under section 524.5-118 through a fee of \$22 per study for an individual who
9.20 has not lived outside Minnesota for the past ten years, and a fee of \$37 for an individual
9.21 who has resided outside of Minnesota for any period during the ten years preceding the
9.22 background study. The commissioner shall recover, from the individual, any additional
9.23 fees charged by other states' licensing agencies that are associated with these data requests.
9.24 Fees under subdivision 3 also apply when criminal history data from the National Criminal
9.25 Records Repository is required.

9.26 Sec. 2. Minnesota Statutes 2012, section 524.5-118, subdivision 1, is amended to read:

9.27 Subdivision 1. **When required; exception.** (a) The court shall require a background
9.28 study under this section:

9.29 (1) before the appointment of a guardian or conservator, unless a background study
9.30 has been done on the person under this section within the previous ~~five~~ two years; and

9.31 (2) once every ~~five~~ two years after the appointment, if the person continues to serve
9.32 as a guardian or conservator.

9.33 (b) The background study must include:

10.1 (1) criminal history data from the Bureau of Criminal Apprehension, other criminal
10.2 history data held by the commissioner of human services, and data regarding whether the
10.3 person has been a perpetrator of substantiated maltreatment of a vulnerable adult ~~and a~~
10.4 or minor;

10.5 ~~(e) The court shall request a search of the~~ (2) criminal history data from the National
10.6 Criminal Records Repository if the proposed guardian or conservator has not resided in
10.7 Minnesota for the previous five ten years or if the Bureau of Criminal Apprehension
10.8 information received from the commissioner of human services under subdivision 2,
10.9 paragraph (b), indicates that the subject is a multistate offender or that the individual's
10.10 multistate offender status is undetermined; and

10.11 (3) state licensing agency data if the proposed guardian or conservator has ever been
10.12 denied a professional license in the state of Minnesota or elsewhere that is directly related
10.13 to the responsibilities of a professional fiduciary, or has ever held a professional license
10.14 directly related to the responsibilities of a professional fiduciary that was conditioned,
10.15 suspended, revoked, or canceled.

10.16 ~~(d)~~ (c) If the guardian or conservator is not an individual, the background study must
10.17 be done on all individuals currently employed by the proposed guardian or conservator
10.18 who will be responsible for exercising powers and duties under the guardianship or
10.19 conservatorship.

10.20 ~~(e)~~ (d) If the court determines that it would be in the best interests of the ward or
10.21 protected person to appoint a guardian or conservator before the background study can
10.22 be completed, the court may make the appointment pending the results of the study,
10.23 however, the background study must then be completed as soon as reasonably possible
10.24 after appointment, no later than 30 days after appointment.

10.25 ~~(f)~~ (e) The fee for conducting a background study for appointment of a professional
10.26 guardian or conservator must be paid by the guardian or conservator. In other cases,
10.27 the fee must be paid as follows:

10.28 (1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes
10.29 of section 524.5-502, paragraph (a);

10.30 (2) if there is an estate of the ward or protected person, the fee must be paid from
10.31 the estate; or

10.32 (3) in the case of a guardianship or conservatorship of the person that is not
10.33 proceeding in forma pauperis, the court may order that the fee be paid by the guardian or
10.34 conservator or by the court.

10.35 ~~(g)~~ (f) The requirements of this subdivision do not apply if the guardian or
10.36 conservator is:

11.1 (1) a state agency or county;

11.2 (2) a parent or guardian of a proposed ward or protected person who has a
 11.3 developmental disability, if the parent or guardian has raised the proposed ward or
 11.4 protected person in the family home until the time the petition is filed, unless counsel
 11.5 appointed for the proposed ward or protected person under section 524.5-205, paragraph
 11.6 (d); 524.5-304, paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b),
 11.7 recommends a background study; or

11.8 (3) a bank with trust powers, bank and trust company, or trust company, organized
 11.9 under the laws of any state or of the United States and which is regulated by the
 11.10 commissioner of commerce or a federal regulator.

11.11 Sec. 3. Minnesota Statutes 2012, section 524.5-118, is amended by adding a
 11.12 subdivision to read:

11.13 Subd. 2a. **Procedure; state licensing agency data.** The court shall request the
 11.14 commissioner of human services to provide the court, within 25 working days of receipt of
 11.15 the request, with licensing agency data from the appropriate Minnesota licensing agencies,
 11.16 which agencies shall provide the data to the commissioner within ten working days, upon
 11.17 an e-mail request by the commissioner. The data provided by the commissioner to the court
 11.18 shall include, as applicable, license number and status; original date of issue; last renewal
 11.19 date; expiration date; date of the denial, condition, suspension, revocation, or cancellation;
 11.20 the name of the licensing agency that denied, conditioned, suspended, revoked, or canceled
 11.21 the license; and the basis for the denial, condition, suspension, revocation, or cancellation
 11.22 of the license. If the proposed guardian or conservator has resided in a state other than
 11.23 Minnesota in the previous ten years, licensing agency data shall also include the licensing
 11.24 agency data from any other state where the proposed guardian or conservator resided. If
 11.25 the proposed guardian or conservator has or has had a professional license in another state
 11.26 that is directly related to the responsibilities of a professional fiduciary, state licensing
 11.27 agency data shall also include data from the relevant licensing agency of that state.

11.28 Sec. 4. Minnesota Statutes 2012, section 524.5-303, is amended to read:

11.29 **524.5-303 JUDICIAL APPOINTMENT OF GUARDIAN: PETITION.**

11.30 (a) An individual or a person interested in the individual's welfare may petition for
 11.31 a determination of incapacity, in whole or in part, and for the appointment of a limited
 11.32 or unlimited guardian for the individual.

12.1 (b) The petition must set forth the petitioner's name, residence, current address if
12.2 different, relationship to the respondent, and interest in the appointment and, to the extent
12.3 known, state or contain the following with respect to the respondent and the relief requested:

12.4 (1) the respondent's name, age, principal residence, current street address, and, if
12.5 different, the address of the dwelling in which it is proposed that the respondent will
12.6 reside if the appointment is made;

12.7 (2) the name and address of the respondent's:

12.8 (i) spouse, or if the respondent has none, an adult with whom the respondent has
12.9 resided for more than six months before the filing of the petition; and

12.10 (ii) adult children or, if the respondent has none, the respondent's parents and adult
12.11 brothers and sisters, or if the respondent has none, at least one of the adults nearest in
12.12 kinship to the respondent who can be found;

12.13 (3) the name of the administrative head and address of the institution where the
12.14 respondent is a patient, resident, or client of any hospital, nursing home, home care
12.15 agency, or other institution;

12.16 (4) the name and address of any legal representative for the respondent;

12.17 (5) the name, address, and telephone number of any person nominated as guardian
12.18 by the respondent in any manner permitted by law, including a health care agent nominated
12.19 in a health care directive;

12.20 (6) the name, address, and telephone number of any proposed guardian and the
12.21 reason why the proposed guardian should be selected;

12.22 (7) the name and address of any health care agent or proxy appointed pursuant to
12.23 a health care directive as defined in section 145C.01, a living will under chapter 145B,
12.24 or other similar document executed in another state and enforceable under the laws of
12.25 this state;

12.26 (8) the reason why guardianship is necessary, including a brief description of the
12.27 nature and extent of the respondent's alleged incapacity;

12.28 (9) if an unlimited guardianship is requested, the reason why limited guardianship
12.29 is inappropriate and, if a limited guardianship is requested, the powers to be granted to
12.30 the limited guardian; and

12.31 (10) a general statement of the respondent's property with an estimate of its value,
12.32 including any insurance or pension, and the source and amount of any other anticipated
12.33 income or receipts.

12.34 (c) The petition must also set forth the following information regarding the proposed
12.35 guardian or any employee of the guardian responsible for exercising powers and duties
12.36 under guardianship:

- 13.1 (1) whether the proposed guardian has ever been removed for cause from serving as
13.2 a guardian or conservator and, if so, the case number and court location; ~~and~~
- 13.3 (2) if the proposed guardian is a professional guardian or conservator, a summary of
13.4 the proposed guardian's educational background and relevant work and other experience;
13.5 (3) whether the proposed guardian has ever applied for or held, at any time, any
13.6 professional license and, if so, the name of the licensing agency, and as applicable, the
13.7 license number and status; whether the license is active or has been denied, conditioned,
13.8 suspended, revoked, or canceled; and the basis for the denial, condition, suspension,
13.9 revocation, or cancellation of the license;
- 13.10 (4) whether the proposed guardian has ever been found civilly liable in an action
13.11 that involved fraud, misrepresentation, material omission, misappropriation, theft, or
13.12 conversion and, if so, the case number and court location;
- 13.13 (5) whether the proposed guardian has ever filed for or received protection under the
13.14 bankruptcy laws and, if so, the case number and court location;
- 13.15 (6) whether there are any outstanding civil monetary judgments against the proposed
13.16 guardian and, if so, the case number, court location, and outstanding amount owed;
- 13.17 (7) whether an order for protection or harassment restraining order has ever been
13.18 issued against the proposed guardian and, if so, the case number and court location; and
- 13.19 (8) whether the proposed guardian has ever been convicted of a crime other than a
13.20 petty misdemeanor or traffic offense and, if so, the case number and the crime of which
13.21 the guardian was convicted.

13.22 Sec. 5. Minnesota Statutes 2012, section 524.5-316, is amended to read:

13.23 **524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT**
13.24 **ORDERS.**

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

- 13.28 (1) the current mental, physical, and social condition of the ward;
- 13.29 (2) the living arrangements for all addresses of the ward during the reporting period;
- 13.30 (3) any restrictions placed on the ward's right to communication and visitation with
13.31 persons of the ward's choice and the factual bases for those restrictions;
- 13.32 (4) the medical, educational, vocational, and other services provided to the ward and
13.33 the guardian's opinion as to the adequacy of the ward's care;
- 13.34 (5) a recommendation as to the need for continued guardianship and any
13.35 recommended changes in the scope of the guardianship;

- 14.1 (6) an address and telephone number where the guardian can be contacted; and
14.2 ~~(7) whether the guardian has ever been removed for cause from serving as a guardian~~
14.3 ~~or conservator and, if so, the case number and court location;~~
14.4 ~~(8) any changes occurring that would affect the accuracy of information contained~~
14.5 ~~in the most recent criminal background study of the guardian conducted under section~~
14.6 ~~524.5-118; and~~
14.7 ~~(9)~~ (7) if applicable, the amount of reimbursement for services rendered to the ward
14.8 that the guardian received during the previous year that were not reimbursed by county
14.9 contract.
- 14.10 (b) A guardian shall report to the court in writing within 30 days of the occurrence
14.11 of any of the events listed in this subdivision. The guardian must report any of the
14.12 occurrences in this subdivision and follow the same reporting requirements in this
14.13 subdivision for any employee of the guardian responsible for exercising powers and
14.14 duties under the guardianship. A copy of the report must be provided to the ward and to
14.15 interested persons of record with the court. A guardian shall report when:
- 14.16 (1) the guardian is removed for cause from serving as a guardian or conservator and,
14.17 if so, the case number and court location;
- 14.18 (2) the guardian has a professional license denied, conditioned, suspended, revoked,
14.19 or canceled and, if so, the licensing agency and license number, and the basis for denial,
14.20 condition, suspension, revocation, or cancellation of the license;
- 14.21 (3) the guardian is found civilly liable in an action that involves fraud,
14.22 misrepresentation, material omission, misappropriation, theft, or conversion and, if so, the
14.23 case number and court location;
- 14.24 (4) the guardian files for or receives protection under the bankruptcy laws and,
14.25 if so, the case number and court location;
- 14.26 (5) a civil monetary judgment is entered against the guardian and, if so, the case
14.27 number, court location, and outstanding amount owed;
- 14.28 (6) the guardian is convicted of a crime other than a petty misdemeanor or traffic
14.29 offense and, if so, the case number and court location; or
- 14.30 (7) an order for protection or a harassment restraining order is issued against the
14.31 guardian and, if so, the case number and court location.
- 14.32 ~~(b)~~ (c) A ward or interested person of record with the court may submit to the court a
14.33 written statement disputing statements or conclusions regarding the condition of the ward
14.34 or addressing any disciplinary or legal action that are is contained in the report guardian's
14.35 reports and may petition the court for an order that is in the best interests of the ward or
14.36 for other appropriate relief.

15.1 ~~(e)~~ (d) An interested person may notify the court in writing that the interested person
15.2 does not wish to receive copies of reports required under this section.

15.3 ~~(d)~~ (e) The court may appoint a visitor to review a report, interview the ward or
15.4 guardian, and make any other investigation the court directs.

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

15.8 (g) If a guardian fails to comply with this section, the court may decline to appoint that
15.9 person as a guardian or conservator, or may remove a person as guardian or conservator.

15.10 Sec. 6. Minnesota Statutes 2012, section 524.5-403, is amended to read:

15.11 **524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE**
15.12 **ORDER.**

15.13 (a) The following may petition for the appointment of a conservator or for any
15.14 other appropriate protective order:

15.15 (1) the person to be protected;

15.16 (2) an individual interested in the estate, affairs, or welfare of the person to be
15.17 protected; or

15.18 (3) a person who would be adversely affected by lack of effective management of
15.19 the property and business affairs of the person to be protected.

15.20 (b) The petition must set forth the petitioner's name, residence, current address
15.21 if different, relationship to the respondent, and interest in the appointment or other
15.22 protective order, and, to the extent known, state or contain the following with respect to
15.23 the respondent and the relief requested:

15.24 (1) the respondent's name, age, principal residence, current street address, and, if
15.25 different, the address of the dwelling where it is proposed that the respondent will reside if
15.26 the appointment is made;

15.27 (2) if the petition alleges impairment in the respondent's ability to receive and
15.28 evaluate information, a brief description of the nature and extent of the respondent's
15.29 alleged impairment;

15.30 (3) if the petition alleges that the respondent is missing, detained, or unable to
15.31 return to the United States, a statement of the relevant circumstances, including the time
15.32 and nature of the disappearance or detention and a description of any search or inquiry
15.33 concerning the respondent's whereabouts;

15.34 (4) the name and address of the respondent's:

16.1 (i) spouse, or if the respondent has none, an adult with whom the respondent has
16.2 resided for more than six months before the filing of the petition; and

16.3 (ii) adult children or, if the respondent has none, the respondent's parents and adult
16.4 brothers and sisters or, if the respondent has none, at least one of the adults nearest in
16.5 kinship to the respondent who can be found;

16.6 (5) the name of the administrative head and address of the institution where the
16.7 respondent is a patient, resident, or client of any hospital, nursing home, home care
16.8 agency, or other institution;

16.9 (6) the name and address of any legal representative for the respondent;

16.10 (7) the name and address of any health care agent or proxy appointed pursuant to
16.11 a health care directive as defined in section 145C.01, a living will under chapter 145B,
16.12 or other similar document executed in another state and enforceable under the laws of
16.13 this state;

16.14 (8) a general statement of the respondent's property with an estimate of its value,
16.15 including any insurance or pension, and the source and amount of other anticipated
16.16 income or receipts; and

16.17 (9) the reason why a conservatorship or other protective order is in the best interest
16.18 of the respondent.

16.19 (c) If a conservatorship is requested, the petition must also set forth to the extent
16.20 known:

16.21 (1) the name, address, and telephone number of any proposed conservator and the
16.22 reason why the proposed conservator should be selected;

16.23 (2) the name, address, and telephone number of any person nominated as conservator
16.24 by the respondent if the respondent has attained 14 years of age; and

16.25 (3) the type of conservatorship requested and, if an unlimited conservatorship,
16.26 the reason why limited conservatorship is inappropriate or, if a limited conservatorship,
16.27 the property to be placed under the conservator's control and any limitation on the
16.28 conservator's powers and duties.

16.29 (d) The petition must also set forth the following information regarding the proposed
16.30 conservator or any employee of the conservator responsible for exercising powers and
16.31 duties under the conservatorship:

16.32 (1) whether the proposed conservator has ever been removed for cause from serving
16.33 as a guardian or conservator and, if so, the case number and court location; ~~and~~

16.34 (2) if the proposed conservator is a professional guardian or conservator, a summary
16.35 of the proposed conservator's educational background and relevant work and other
16.36 experience;₂

17.1 (3) whether the proposed conservator has ever applied for or held, at any time, any
 17.2 professional license and, if so, the name of the licensing agency and, as applicable, the
 17.3 license number and status; whether the license is active or has been denied, conditioned,
 17.4 suspended, revoked, or canceled; and the basis for the denial, condition, suspension,
 17.5 revocation, or cancellation of the license;

17.6 (4) whether the proposed conservator has ever been found civilly liable in an action
 17.7 that involved fraud, misrepresentation, material omission, misappropriation, theft, or
 17.8 conversion and, if so, the case number and court location;

17.9 (5) whether the proposed conservator has ever filed for or received protection under
 17.10 the bankruptcy laws and, if so, the case number and court location;

17.11 (6) whether there are any outstanding civil monetary judgments against the proposed
 17.12 conservator and, if so, the case number, court location, and outstanding amount owed;

17.13 (7) whether an order for protection or a harassment restraining order has ever been
 17.14 issued against the proposed conservator and, if so, the case number and court location; and

17.15 (8) whether the proposed conservator has ever been convicted of a crime other than
 17.16 a petty misdemeanor or traffic offense and, if so, the case number and the crime of which
 17.17 the conservator was convicted.

17.18 Sec. 7. Minnesota Statutes 2012, section 524.5-420, is amended to read:

17.19 **524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING;**
 17.20 **COURT ORDERS.**

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

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

17.30 (c) The report must also state:

17.31 ~~(1) an address and telephone number where the conservator can be contacted;~~

17.32 ~~(2) whether the conservator has ever been removed for cause from serving as a~~
 17.33 ~~guardian or conservator and, if so, the case number and court locations; and~~

18.1 ~~(3) any changes occurring that would affect the accuracy of information contained in~~
18.2 ~~the most recent criminal background study of the conservator conducted under section~~
18.3 ~~524.5-118.~~

18.4 (d) A conservator shall report to the court in writing within 30 days of the occurrence
18.5 of any of the events listed in this subdivision. The conservator must report any of the
18.6 occurrences in this subdivision and follow the same reporting requirements in this
18.7 subdivision for any employee of the conservator responsible for exercising powers and
18.8 duties under the conservatorship. A copy of the report must be provided to the protected
18.9 person and to interested persons of record with the court. A conservator shall report when:

18.10 (1) the conservator is removed for cause from serving as a guardian or conservator
18.11 and, if so, the case number and court location;

18.12 (2) the conservator has a professional license denied, conditioned, suspended,
18.13 revoked, or canceled and, if so, the licensing agency and license number, and the basis for
18.14 denial, condition, suspension, revocation, or cancellation of the license;

18.15 (3) the conservator is found civilly liable in an action that involves fraud,
18.16 misrepresentation, material omission, misappropriation, theft, or conversion and, if so, the
18.17 case number and court location;

18.18 (4) the conservator files for or receives protection under the bankruptcy laws and,
18.19 if so, the case number and court location;

18.20 (5) a civil monetary judgment is entered against the conservator and, if so, the case
18.21 number, court location, and outstanding amount owed;

18.22 (6) the conservator is convicted of a crime other than a petty misdemeanor or traffic
18.23 offense and, if so, the case number and court location; or

18.24 (7) an order for protection or harassment restraining order is issued against the
18.25 conservator and, if so, the case number and court location.

18.26 ~~(d)~~ (e) A protected person or an interested person of record with the court may
18.27 submit to the court a written statement disputing account statements regarding the
18.28 administration of the estate or addressing any disciplinary or legal action that are is
18.29 contained in the report reports and may petition the court for any order that is in the best
18.30 interests of the protected person and the estate or for other appropriate relief.

18.31 ~~(e)~~ (f) An interested person may notify the court in writing that the interested person
18.32 does not wish to receive copies of reports required under this section.

18.33 ~~(f)~~ (g) The court may appoint a visitor to review a report or plan, interview the
18.34 protected person or conservator, and make any other investigation the court directs. In
18.35 connection with a report, the court may order a conservator to submit the assets of the
18.36 estate to an appropriate examination to be made in a manner the court directs.

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

19.4 (i) If a conservator fails to comply with this section, the court may decline to appoint
19.5 that person as a guardian or conservator, or may remove a person as guardian or conservator.

APPENDIX
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