

Sec. 3. Minnesota Statutes 1980, Section 462.445, is amended by adding a subdivision to read:

**Subd. 14. AUTHORITIES CREATED PURSUANT TO SPECIAL LAW.** Except as expressly limited by the special law establishing the authority, an authority created pursuant to special law shall have as powers granted by any statute to any authority created pursuant to chapter 462.

Sec. 4. **DULUTH HOUSING AND REDEVELOPMENT COMMISSIONERS.**

The Duluth housing and redevelopment authority shall consist of seven commissioners. In addition to those serving on the effective date of this act two shall be appointed for terms fixed so that the terms of two commissioners expire the first Monday in January in each of the years 1984 and 1986 and the term of one commissioner expires the first Monday in January 1983, 1985 and 1987. Their successors shall be appointed for regular five year terms.

Sec. 5. **LOCAL APPROVAL; EFFECTIVE DATE.**

Section 4 is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the Duluth city council.

Sec. 6. **EFFECTIVE DATE.**

This act is effective the day after final enactment.

Approved March 18, 1982

## CHAPTER 472 — S.F.No. 1670

*An act relating to guardianship and conservatorship; providing for delegation of certain powers by parents or guardians; applying the rules of evidence to certain proceedings; providing administrative procedures for the appointment of guardians or conservators for minors; providing a procedure for discharge of guardians or conservators in certain cases; clarifying certain provisions; amending Minnesota Statutes 1980, Sections 525.6165; and 525.618, by adding subdivisions; Minnesota Statutes 1981 Supplement, Sections 525.55, Subdivisions 1 and 3; 525.551, Subdivision 3; 525.5515, Subdivision 2; and 525.6196; proposing new law coded in Minnesota Statutes, Chapters 524 and 525; repealing Minnesota Statutes 1981 Supplement, Section 525.5515, Subdivision 3.*

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

Section 1. **[524.5-104] DELEGATION OF POWERS BY PARENT OR GUARDIAN.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any of his powers regarding care, custody, or property of the minor or ward, except his power to consent to marriage or adoption of a minor ward.

Sec. 2. Minnesota Statutes 1981 Supplement, Section 525.55, Subdivision 1, is amended to read:

Subdivision 1. **TIME OF NOTICE; TO WHOM GIVEN.** In all cases, upon the filing of the petition the court shall fix the time and place for the hearing and shall order that notice be given thereof of the hearing. At least 14 days prior to the hearing, personal service of the notice shall be made upon the proposed ward or conservatee. Notice shall also be served on his spouse, parents, adult children, brothers and sisters, and, if none of those are alive or can be located, on his nearest kindred as determined by the court, and on any other persons the court may direct, by mail postmarked at least 14 days prior to the hearing. If he is a patient or resident of any hospital or other institution, notice by mail shall also be given to the administrative head ~~thereof~~ and to the patient or resident of the institution. If he is a non-resident or if after diligent search he cannot be found in this state, notice shall be given in the manner and to such those persons as the court may determine.

Sec. 3. Minnesota Statutes 1981 Supplement, Section 525.55, Subdivision 3, is amended to read:

Subd. 3. **DEFECTIVE NOTICE OR SERVICE.** A defect in the service of notice or process, other than personal service upon the proposed ward or conservatee within the time allowed and the form prescribed in subdivisions 1 and 2, shall not invalidate any guardianship or conservatorship proceedings.

Sec. 4. Minnesota Statutes 1981 Supplement, Section 525.551, Subdivision 3, is amended to read:

Subd. 3. **CONDUCT OF HEARING; PROOF.** The proposed ward or conservatee has the right to summon and cross-examine witnesses. The rules of evidence apply. In the proceedings, there is a legal presumption of capacity and the burden of proof ~~shall be~~ is on the petitioner. The standard of proof ~~shall be~~ is that of clear and convincing evidence.

Sec. 5. Minnesota Statutes 1981 Supplement, Section 525.5515, Subdivision 2, is amended to read:

Subd. 2. **CONTENTS OF LETTERS.** Letters of guardianship or conservatorship shall issue to the guardian or conservator. They shall contain: (a) the name, address and telephone number of the guardian or conservator; (b) the name, address and telephone number of the ward or conservatee; (c) whether it is of the estate or of the person or both; and (d) the legal limitations, if any, imposed by the court on the guardian or conservator.

Sec. 6. Minnesota Statutes 1980, Section 525.6165, is amended to read:

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**525.6165 COURT APPOINTMENT OF GUARDIAN OF MINOR; CONDITIONS FOR APPOINTMENT.**

The court may appoint a guardian for an unmarried minor if all parental rights of custody have been terminated or suspended by circumstances or prior court order. A guardian appointed by will as provided in section 525.6155 whose appointment has not been prevented or nullified under section 525.616 has priority over any guardian who may be appointed by the court but the court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within 30 days after notice of the guardianship proceeding.

Sec. 7. Minnesota Statutes 1980, Section 525.618, is amended by adding a subdivision to read:

Subd. 5. COPY OF ORDER TO WARD OR CONSERVATEE. A copy of an order appointing a guardian or conservator of a minor shall be served by mail upon the ward or conservatee and his counsel, if he was represented at the hearing. The order shall be accompanied by a notice which advises the ward or conservatee of his right to appeal the guardianship or conservatorship appointment within 30 days.

Sec. 8. Minnesota Statutes 1980, Section 525.618, is amended by adding a subdivision to read:

Subd. 6. CONTENTS OF LETTERS. Letters of guardianship or conservatorship shall issue to the guardian or conservator. They shall contain: (a) the name, address, and telephone number of the guardian or conservator; (b) the name, address, and telephone number of the ward or conservatee; (c) whether it is a guardianship or conservatorship or both; and (d) the legal limitations, if any, imposed by the court on the guardian or conservator.

Sec. 9. Minnesota Statutes 1981 Supplement, Section 525.6196, is amended to read:

**525.6196 FACILITY OF PAYMENT OR DELIVERY.**

Any person other than a personal representative subject to section 524.3-915, clause (b), who is under a duty to pay or deliver money or personal property to a minor may perform this duty, in amounts not exceeding \$5,000 per annum, by paying or delivering the money or property to, (1) the minor, if he has attained the age of 16 years or is married; (2) any person having the care and custody of the minor with whom the minor resides; (3) a guardian of the minor; or (4) a financial institution incident to a deposit in a federally insured savings account in the sole name of the minor and giving notice of the deposit to the minor. This section does not apply if the person making payment or delivery has actual knowledge that a conservator has been appointed or proceedings for appointment of a conservator of the estate of the minor are pending. The

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persons, other than the minor or any financial institution under clause (4) above, receiving money or property for a minor, are obligated to apply the money to the support and education of the minor, but may not pay themselves except by way of reimbursement for out-of-pocket expenses for goods and services necessary for the minor's support. Any excess sums shall be preserved for future support of the minor and. Any balance not so used and any property received for the minor must be turned over to the minor when he attains majority. Persons who pay or deliver in accordance with provisions of this section are not responsible for the proper application thereof of it.

**Sec. 10. [525.6197] DISCHARGE OF GUARDIAN OR CONSERVATOR; PROPERTY OF A MINOR.**

When a minor receives or is entitled to personal property, the court may order a guardian or conservator to make payment of up to \$2,000 of the property to the parent or parents, custodian, or the person, corporation, or institution with whom the minor child is, for the benefit, support, maintenance, and education of the minor or may direct the investment of the whole or any part of that amount in a savings account, savings certificate, or certificate of deposit in a bank, savings bank, building and loan association, or savings and loan association having deposit insurance, in the name of the minor. When so invested the savings account passbook, savings certificate, certificate of deposit, or other acknowledgment of receipt of the deposit by the depository is to be kept as provided by the court. The depository shall be instructed not to allow the investment to be withdrawn, except by order of the court. The court may authorize the use of any part or all of that amount to purchase United States government savings bonds in the minor's name. The bonds shall be kept as provided by the court and retained until the minor reaches majority unless otherwise authorized by an order of the court.

**Sec. 11. REPEALER.**

Minnesota Statutes 1981 Supplement, Section 525.5515, Subdivision 3, is repealed.

Approved March 18, 1982

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**CHAPTER 473 — S.F.No. 1684**

*An act relating to commerce; providing uniformity in requiring insurance of accounts in depository financial institutions; clarifying examination reports as confidential records; clarifying permissible transactions at financial institutions by examiners; defining building and loan association; clarifying financial institution real estate investment authority; establishing an application procedure for certain bank detached facilities; providing for*

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