

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3357

(SENATE AUTHORS: LIMMER, Eichorn and Utke)

DATE	D-PG	OFFICIAL STATUS
02/20/2020	4837	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/02/2020	5057	Comm report: To pass
	5112	Second reading
03/05/2020	5267	Authors added Eichorn; Utke
05/06/2020	6277a	Special Order: Amended
	6357	Third reading Passed
05/14/2020	6991	Returned from House Presentment date 05/14/2020
	7417	Governor's action Approval 05/16/2020
	7417	Secretary of State Chapter 86 05/16/2020 Effective date Art. 1, 2, Sec. 1-3, Art. 3-4 08/01/20; Art. 2, Sec. 4 05/17/20

1.1 A bill for an act

1.2 relating to civil law; making policy, technical, and conforming changes to law

1.3 related to guardianships, minor trusts, common interest ownerships, and

1.4 garnishment; amending Minnesota Statutes 2018, sections 484.76, subdivision 2;

1.5 515B.1-102; 515B.2-118; 524.5-102, subdivisions 6, 7, 13a, by adding subdivisions;

1.6 524.5-104; 524.5-110; 524.5-113; 524.5-120; 524.5-205; 524.5-211; 524.5-303;

1.7 524.5-304; 524.5-307; 524.5-310; 524.5-311; 524.5-313; 524.5-316; 524.5-317;

1.8 524.5-403; 524.5-406; 524.5-408; 524.5-409; 524.5-411; 524.5-412; 524.5-414;

1.9 524.5-415; 524.5-416; 524.5-417; 524.5-420; 524.5-423; 524.5-431; 524.5-502;

1.10 527.32; 527.33; 527.40; 527.42; 550.136, subdivisions 3, 4, 5, 9, 10, 12; 551.04,

1.11 subdivisions 2, 11; 551.06, subdivisions 3, 4, 5, 9, 12; 571.72, subdivisions 2, 7;

1.12 571.73, subdivision 3; 571.74; 571.75, subdivisions 1, 2; 571.922; 571.923;

1.13 609.748, subdivision 2; 611A.01; proposing coding for new law in Minnesota

1.14 Statutes, chapter 524.

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

1.16 style="text-align:center">**ARTICLE 1**

1.17 style="text-align:center">**GUARDIANSHIPS**

1.18 Section 1. Minnesota Statutes 2018, section 484.76, subdivision 2, is amended to read:

1.19 Subd. 2. **Scope.** Alternative dispute resolution methods provided for under the rules

1.20 must include arbitration, private trials, neutral expert fact-finding, mediation, minitrials,

1.21 consensual special magistrates including retired judges and qualified attorneys to serve as

1.22 special magistrates for binding proceedings with a right of appeal, and any other methods

1.23 developed by the supreme court. The methods provided must be nonbinding unless otherwise

1.24 agreed to in a valid agreement between the parties. Alternative dispute resolution may not

1.25 be required in ~~guardianship, conservatorship, or~~ civil commitment matters; or in matters

1.26 arising under section 144.651, 144.652, 518B.01, or 626.557.

2.1 Sec. 2. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 1a. **ABLE account.** "ABLE account" means an Achieving a Better Life Experience
2.4 Act of 2014 account under section 529A of the Internal Revenue Code.

2.5 Sec. 3. Minnesota Statutes 2018, section 524.5-102, subdivision 6, is amended to read:

2.6 **Subd. 6. Incapacitated person.** "Incapacitated person" means an individual who, for
2.7 reasons other than being a minor, is impaired to the extent of lacking sufficient understanding
2.8 or capacity to make ~~or communicate responsible~~ personal decisions, and who ~~has~~
2.9 ~~demonstrated deficits in behavior which evidence an inability~~ is unable to meet personal
2.10 needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate
2.11 technological and supported decision making assistance.

2.12 Sec. 4. Minnesota Statutes 2018, section 524.5-102, subdivision 7, is amended to read:

2.13 **Subd. 7. Interested person.** "Interested person" includes:

2.14 (i) the adult subject to guardianship or conservatorship, ward, protected person, or
2.15 respondent;

2.16 (ii) a nominated guardian or conservator, or the duly appointed guardian or conservator;

2.17 (iii) legal representative;

2.18 (iv) the spouse, parent, adult children including adult step-children of a living spouse,
2.19 and siblings, or if none of such persons is living or can be located, the next of kin of the
2.20 ~~ward, protected person~~ subject to guardianship, person subject to conservatorship, or
2.21 respondent;

2.22 (v) an adult person who has lived with a ~~ward, protected person~~ subject to guardianship,
2.23 person subject to conservatorship, or respondent for a period of more than six months;

2.24 (vi) an attorney for the ~~ward~~ person subject to guardianship or protected person subject
2.25 to conservatorship;

2.26 (vii) a governmental agency paying or to which an application has been made for benefits
2.27 for the respondent, ~~ward, or protected person~~ subject to guardianship, or person subject to
2.28 conservatorship, including the county social services agency for the person's county of
2.29 residence and the county where the proceeding is venued;

3.1 (viii) a representative of a state ombudsman's office or a federal protection and advocacy
3.2 program that has notified the court that it has a matter regarding the ~~ward, protected~~ person
3.3 subject to guardianship, person subject to conservatorship, or respondent;

3.4 (ix) a health care agent or proxy appointed pursuant to a health care directive as defined
3.5 in section 145C.01, a living will under chapter 145B, or other similar document executed
3.6 in another state and enforceable under the laws of this state; ~~and~~

3.7 (x) in the case of a minor who is an Indian as defined under United States Code, title
3.8 25, section 1903, (1) the tribal chairman or delegated agent and (2) the regional director of
3.9 the minor child's tribe with service by registered or certified mail under Code of Federal
3.10 Regulations, title 25, parts 23.11 and 23.12; and

3.11 ~~(x)~~ (xi) any other person designated by the court.

3.12 Sec. 5. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision
3.13 to read:

3.14 Subd. 7a. **Interested party.** "Interested party" means a person who has suffered some
3.15 injury-in-fact, a person who is the beneficiary of some legislative enactment granting
3.16 standing, or a person who must have sufficient personal interest in the matter so that it is
3.17 appropriate to allow that person to participate in the matter.

3.18 Sec. 6. Minnesota Statutes 2018, section 524.5-102, subdivision 13a, is amended to read:

3.19 Subd. 13a. ~~Professional guardian or professional conservator~~ **Person subject to**
3.20 **conservatorship.** "Professional guardian" or "professional conservator" means a person
3.21 acting as guardian or conservator for three or more individuals not related by blood, adoption,
3.22 or marriage. "Person subject to conservatorship" means a minor or other individual for
3.23 whom a conservator has been appointed.

3.24 Sec. 7. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision
3.25 to read:

3.26 Subd. 13b. **Person subject to guardianship.** "Person subject to guardianship" means
3.27 an individual for whom a guardian has been appointed.

4.1 Sec. 8. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision
4.2 to read:

4.3 Subd. 13c. **Professional guardian or professional conservator.** "Professional guardian"
4.4 or "professional conservator" means a person acting as guardian or conservator for three or
4.5 more individuals not related by blood, adoption, or marriage.

4.6 Sec. 9. Minnesota Statutes 2018, section 524.5-102, is amended by adding a subdivision
4.7 to read:

4.8 Subd. 16a. **Supported decision making.** "Supported decision making" means assistance
4.9 from one or more persons of an individual's choosing in understanding the nature and
4.10 consequences of potential personal and financial decisions which enables the individual to
4.11 make the decisions and, when consistent with the individual's wishes, in communicating a
4.12 decision once made.

4.13 Sec. 10. Minnesota Statutes 2018, section 524.5-104, is amended to read:

4.14 **524.5-104 FACILITY OF TRANSFER.**

4.15 (a) A person ~~required to~~ who may transfer money or personal property to a minor may
4.16 do so, as to an amount or value not exceeding ~~\$5,000 per year~~ the amount allowable as a
4.17 tax exclusion gift under section 2503(b) of the Internal Revenue Code or a different amount
4.18 that is approved by the court, by transferring it to:

4.19 (1) a person who has the care and custody of the minor and with whom the minor resides;

4.20 (2) a guardian of the minor;

4.21 (3) a custodian under the Uniform Transfers To Minors Act or custodial trustee under
4.22 the Uniform Custodial Trust Act; ~~or~~

4.23 (4) a financial institution as a deposit in an interest-bearing account or certificate in the
4.24 sole name of the minor and giving notice of the deposit to the minor; or

4.25 (5) an ABLE account. A guardian only has the authority to establish an ABLE account.
4.26 The guardian may not administer the ABLE account in the guardian's capacity as guardian.

4.27 (b) This section does not apply if the person making payment or delivery knows that a
4.28 conservator has been appointed or that a proceeding for appointment of a conservator of
4.29 the minor is pending.

4.30 (c) A person who transfers money or property in compliance with this section is not
4.31 responsible for its proper application.

5.1 (d) A guardian or other person who receives money or property for a minor under
5.2 paragraph (a), clause (1) or (2), may only apply it to the support, care, education, health,
5.3 and welfare of the minor, and may not derive a personal financial benefit except for
5.4 reimbursement for necessary expenses. Any excess must be preserved for the future support,
5.5 care, education, health, and welfare of the minor and any balance must be transferred to the
5.6 minor upon emancipation or attaining majority.

5.7 Sec. 11. Minnesota Statutes 2018, section 524.5-110, is amended to read:

5.8 **524.5-110 LETTERS OF OFFICE.**

5.9 The court shall issue appropriate letters of guardianship upon the guardian's filing of an
5.10 acceptance of office. The court shall issue appropriate letters of conservatorship upon the
5.11 conservator's filing of an acceptance of office and any required bond. Letters of guardianship
5.12 must indicate whether the guardian was appointed by the court, a parent, or the spouse. Any
5.13 limitation on duration or on the powers of a guardian or conservator or of the assets subject
5.14 to a conservatorship must be endorsed on the guardian's or conservator's letters.

5.15 Sec. 12. Minnesota Statutes 2018, section 524.5-113, is amended to read:

5.16 **524.5-113 NOTICE.**

5.17 (a) Except for notice for which specific requirements are otherwise provided in this
5.18 article or as otherwise ordered by the court for good cause, notice of a hearing on a petition
5.19 is required for all petitions in the manner prescribed by this section. The petitioner shall
5.20 give notice of the time and place of the hearing to all interested persons. Subject to paragraph
5.21 (f), notice must be given by mail postmarked at least 14 days before the hearing.

5.22 (b) Proof of notice must be made before or at the hearing and filed in the proceeding.

5.23 (c) A notice under this article must be given in plain language.

5.24 (d) If a patient of a state hospital, regional center, or any state-operated service has a
5.25 guardianship or conservatorship established, modified, or terminated, the head of the state
5.26 hospital, regional center, or state-operated service shall be notified. The notice shall require
5.27 the institution to advise the court of the existence, if known, of a health care directive as
5.28 defined in section 145C.01, executed by the proposed ~~ward~~ person subject to guardianship,
5.29 incapacitated person, or ~~protected~~ person subject to conservatorship, a living will executed
5.30 under chapter 145B, or any other similar document executed in another state and enforceable
5.31 under the laws of this state. If a ~~ward~~ person subject to guardianship, incapacitated person,
5.32 or ~~protected~~ person subject to conservatorship is under the guardianship or conservatorship

6.1 of the commissioner of human services as developmentally disabled or dependent and
 6.2 neglected or is under the temporary custody of the commissioner of human services, the
 6.3 court shall notify the commissioner of human services if the public guardianship or
 6.4 conservatorship is established, modified, or terminated.

6.5 (e) If a conservator is required to file a bond pursuant to section 524.5-415, notice of
 6.6 any proceeding seeking a surcharge of any interested party must be sent or delivered to the
 6.7 surety at the address shown in the court records at the place where the bond is filed and to
 6.8 any other address then known to the petitioner.

6.9 (f) Except where personal service is required by statute for the petition to appoint a
 6.10 guardian under section 524.5-308 or conservator under section 524.5-404, service of all
 6.11 documents and notices under this chapter may, and where required by supreme court rule
 6.12 or order shall, be made by electronic means other than facsimile transmission if authorized
 6.13 by rule or order of the supreme court and if service is made in accordance with the rule or
 6.14 order.

6.15 (g) An interested person may notify the court in writing that the interested person does
 6.16 not wish to receive copies of notices required under any provision of this article after which
 6.17 time neither the court nor any other person is required to give notice to any person who has
 6.18 waived notice.

6.19 (h) After an initial hearing on any guardianship or conservatorship matter, the court may
 6.20 limit the notices and reports required under any provision of this article to the persons
 6.21 determined by the court.

6.22 Sec. 13. Minnesota Statutes 2018, section 524.5-120, is amended to read:

6.23 **524.5-120 BILL OF RIGHTS FOR ~~WARDS AND PROTECTED PERSONS~~**
 6.24 **SUBJECT TO GUARDIANSHIP OR CONSERVATORSHIP.**

6.25 The ~~ward or protected person~~ subject to guardianship or person subject to conservatorship
 6.26 retains all rights not restricted by court order and these rights must be enforced by the court.
 6.27 These rights include the right to:

6.28 (1) treatment with dignity and respect;

6.29 (2) due consideration of current and previously stated personal desires, and preferences,
 6.30 including but not limited to medical treatment preferences, cultural practices, religious
 6.31 beliefs, and other preferences and opinions in decisions made by the guardian or conservator;

7.1 (3) participate in decision making about and receive timely and appropriate health care
7.2 and medical treatment that does not violate known preferences or conscientious, religious,
7.3 or moral beliefs of the ~~ward or protected~~ person subject to guardianship or person subject
7.4 to conservatorship;

7.5 (4) exercise control of all aspects of life ~~not~~ unless delegated specifically to the guardian
7.6 or conservator by court order ~~to the guardian or conservator~~;

7.7 (5) guardianship or conservatorship services individually suited to the ~~ward's or protected~~
7.8 ~~person's~~ conditions and needs of the person subject to guardianship or the person subject
7.9 to conservatorship;

7.10 (6) petition the court to prevent or initiate a change in abode;

7.11 (7) care, comfort, social and recreational needs, employment and employment supports,
7.12 training, education, habilitation, and rehabilitation care and services, within available
7.13 resources;

7.14 (8) be consulted concerning, and to decide to the extent possible, the reasonable care
7.15 and disposition of the ~~ward's or protected person's~~ clothing, furniture, vehicles, and other
7.16 personal property and effects of the person subject to guardianship or person subject to
7.17 conservatorship, to object to the disposition of personal property and effects, and to petition
7.18 the court for a review of the guardian's or conservator's proposed disposition;

7.19 (9) personal privacy;

7.20 (10) ~~communication and visitation with persons of the ward's or protected person's~~
7.21 ~~choice, provided that if the guardian has found that certain communication or visitation may~~
7.22 ~~result in harm to the ward's or protected person's health, safety, or well-being, that~~
7.23 ~~communication or visitation may be restricted but only to the extent necessary to prevent~~
7.24 ~~the harm~~ communicate, visit, or interact with others, including receiving visitors or making
7.25 or receiving telephone calls, personal mail, or electronic communications including through
7.26 social media, or participating in social activities, unless the guardian has good cause to
7.27 believe restriction is necessary because interaction with the person poses a risk of significant
7.28 physical, psychological, or financial harm to the person subject to guardianship, and there
7.29 is no other means to avoid the significant harm. In all cases, the guardian shall provide
7.30 written notice of the restrictions imposed to the court, to the person subject to guardianship,
7.31 and to the person subject to restrictions. The person subject to guardianship or the person
7.32 subject to restrictions may petition the court to remove or modify the restrictions;

7.33 (11) marry and procreate, unless court approval is required, ~~and to consent~~;

8.1 (12) elect or object to sterilization as provided in section 524.5-313, paragraph (c), clause
 8.2 (4), item (iv);

8.3 ~~(12)~~ (13) at any time, petition the court for termination or modification of the guardianship
 8.4 or conservatorship, and any decisions made by the guardian or conservator in relation to
 8.5 powers granted, or for other appropriate relief;

8.6 ~~(13)~~ (14) be represented by an attorney in any proceeding or for the purpose of petitioning
 8.7 the court;

8.8 ~~(14)~~ (15) vote, unless restricted by the court; and

8.9 (16) be consulted concerning, and make decisions to the extent possible, about personal
 8.10 image and name, unless restricted by the court; and

8.11 ~~(15)~~ (17) execute a health care directive, including both health care instructions and the
 8.12 appointment of a health care agent, if the court has not granted a guardian any of the powers
 8.13 or duties under section 524.5-313, paragraph (c), clause (1), (2), or (4).

8.14 **Sec. 14. [524.5-121] BILL OF PARTICULARS.**

8.15 (a) When a bill of particulars is required to be filed under this chapter, it shall be filed
 8.16 pursuant to a form approved by the court. In the absence of a court form, a bill of particulars
 8.17 shall specify the confidential or nonpublic information within the text of the form or as an
 8.18 appendix to the form, including a reference to where the information is located in the
 8.19 pleadings, captioned consistent with the current proceedings, and identification of the bill
 8.20 of particulars as a confidential document. A bill of particulars must be filed consistent with
 8.21 all applicable court rules for submitting confidential or nonpublic documents, including
 8.22 Rule 11 of the Minnesota Rules of General Practice and the Rules of Public Access to
 8.23 Records of the Judicial Branch.

8.24 (b) Notwithstanding any provision of this article or of any other law to the contrary, a
 8.25 bill of particulars filed pursuant to this chapter shall be served upon:

8.26 (1) the respondent or the respondent's attorneys;

8.27 (2) the person subject to guardianship or their attorneys;

8.28 (3) the person subject to conservatorship or their attorneys; and

8.29 (4) interested persons or their attorneys who file objections in a guardianship or
 8.30 conservatorship or protective proceeding or object to a particular account, report or pleading
 8.31 filed with a bill of particulars.

9.1 (c) Notwithstanding any provision of this article or of any other law to the contrary, a
 9.2 bill of particulars filed pursuant to this chapter shall be served upon or otherwise provided
 9.3 to:

9.4 (1) any person upon consent of: the respondent or the respondent's attorneys, the person
 9.5 subject to guardianship or the person's attorneys, the person subject to conservatorship or
 9.6 the person's attorneys, the respondent's guardian or conservator, or the guardian or
 9.7 conservator's attorneys; and

9.8 (2) other persons by order of the court for good cause shown.

9.9 (d) Any person served or provided with a bill of particulars may only disclose the
 9.10 information within it to those authorized to receive the information as provided for in this
 9.11 section. This limitation of disclosure shall be stated in the bill of particulars.

9.12 (e) A filing of a bill of particulars consistent with this chapter is not a violation of the
 9.13 Minnesota Health Records Act or section 144.293.

9.14 Sec. 15. Minnesota Statutes 2018, section 524.5-205, is amended to read:

9.15 **524.5-205 JUDICIAL APPOINTMENT OF GUARDIAN: PROCEDURE.**

9.16 (a) A person interested in the welfare of a minor may petition for appointment of a
 9.17 guardian.

9.18 (b) After a petition is filed, the court shall set a date for hearing, and the petitioner shall
 9.19 give notice of the time and place for hearing the petition, together with a copy of the petition,
 9.20 to:

9.21 (1) the minor, if the minor has attained 14 years of age and is not the petitioner;

9.22 (2) any person alleged to have had the primary care and custody of the minor during the
 9.23 60 days before the filing of the petition;

9.24 (3) each living parent of the minor or, if there is none, the adult nearest in kinship that
 9.25 can be found;

9.26 (4) any person nominated as guardian by the minor if the minor has attained 14 years
 9.27 of age;

9.28 (5) any appointee of a parent whose appointment has not been prevented or terminated
 9.29 under section 524.5-203; and

9.30 (6) any guardian or conservator currently acting for the minor in this state or elsewhere.

10.1 (c) Any documents or information disclosing or pertaining to health or financial
 10.2 information shall be filed as confidential documents, consistent with the bill of particulars
 10.3 under section 524.5-121.

10.4 ~~(e)~~ (d) The court, upon hearing, shall make the appointment if it finds that a qualified
 10.5 person seeks appointment, venue is proper, the required notices have been given, the
 10.6 conditions of section 524.5-204, paragraph (a), have been met, and the best interest of the
 10.7 minor will be served by the appointment. In other cases, the court may dismiss the proceeding
 10.8 or make any other disposition of the matter that will serve the best interest of the minor.

10.9 ~~(d)~~ (e) If the court determines at any stage of the proceeding, before or after appointment,
 10.10 that the interests of the minor are or may be inadequately represented, it may appoint a
 10.11 lawyer to represent the minor, giving consideration to the choice of the minor if the minor
 10.12 has attained 14 years of age, provided that such appointment shall expire upon the expiration
 10.13 of the appeal time for the order appointing guardian or the order dismissing a petition or
 10.14 upon such other time or event as the court may direct.

10.15 ~~(e)~~ (f) Within 14 days after an appointment, a guardian shall send or deliver to the minor
 10.16 ~~ward~~ person subject to guardianship, and counsel if represented at the hearing, a copy of
 10.17 the order of appointment accompanied by a notice which advises the minor ~~ward~~ person
 10.18 subject to guardianship of the right to appeal the guardianship appointment in the time and
 10.19 manner provided by the Rules of Appellate Procedure.

10.20 Sec. 16. Minnesota Statutes 2018, section 524.5-211, is amended to read:

10.21 **524.5-211 DELEGATION OF POWER BY PARENT OR GUARDIAN.**

10.22 (a) A parent, legal custodian, or nonprofessional guardian of a minor or incapacitated
 10.23 person, by a properly executed power of attorney, may delegate to another person, for a
 10.24 period not exceeding one year, any powers regarding care, custody, or property of the minor
 10.25 or ~~ward~~ person subject to guardianship, except the power to consent to marriage or adoption
 10.26 of a minor ~~ward~~ person subject to guardianship.

10.27 (b) A professional guardian of a minor or incapacitated person, by a properly executed
 10.28 power of attorney, may delegate to another person, for a period not exceeding 30 days, any
 10.29 powers regarding care, custody, or property of the minor or person subject to guardianship,
 10.30 except the power to consent to marriage or adoption of a minor person subject to
 10.31 guardianship. A professional guardian delegating parental rights under this paragraph must
 10.32 submit the power of attorney to the court.

11.1 ~~(b)~~ (c) A parent who executes a delegation of powers under this section must mail or
 11.2 give a copy of the document to any other parent within 30 days of its execution unless:

11.3 (1) the other parent does not have parenting time or has supervised parenting time; or

11.4 (2) there is an existing order for protection under chapter 518B or a similar law of another
 11.5 state in effect against the other parent to protect the parent, legal custodian, or guardian
 11.6 executing the delegation of powers or the child.

11.7 ~~(e)~~ (d) A parent, legal custodian, or guardian of a minor child may also delegate those
 11.8 powers by designating a standby or temporary custodian under chapter 257B.

11.9 Sec. 17. Minnesota Statutes 2018, section 524.5-303, is amended to read:

11.10 **524.5-303 JUDICIAL APPOINTMENT OF GUARDIAN: PETITION.**

11.11 (a) An individual or a person interested in the individual's welfare may petition for a
 11.12 determination of incapacity, in whole or in part, and for the appointment of a guardian,
 11.13 limited or unlimited ~~guardian~~ in duration or power, for the individual.

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

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

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

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

11.23 (ii) adult children including adult step-children of a living spouse or, if the respondent
 11.24 has none, the respondent's parents and adult brothers and sisters, or if the respondent has
 11.25 none, at least one of the adults nearest in kinship to the respondent who can be found;

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

11.29 (4) the name and address or post office box of any legal representative for the respondent;

12.1 (5) the name, address or post office box, and telephone number of any person nominated
 12.2 as guardian by the respondent in any manner permitted by law, including a health care agent
 12.3 nominated in a health care directive;

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

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

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

12.11 (9) what less restrictive means have been attempted and considered, how long such less
 12.12 restrictive means have been attempted, and a description of why such less restrictive means
 12.13 are not sufficient to meet the respondent's identified needs;

12.14 ~~(9)~~ (10) if an unlimited guardianship is requested, the reason why limited guardianship
 12.15 is inappropriate and, if a limited guardianship is requested, the powers to be granted to the
 12.16 limited guardian; and

12.17 ~~(10)~~ (11) a general statement of the respondent's property with an estimate of its value,
 12.18 including any insurance or pension, and the source and amount of any other anticipated
 12.19 income or receipts.

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

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

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

12.27 (3) whether the proposed guardian has ever applied for or held, at any time, any
 12.28 professional license from an agency listed under section 524.5-118, subdivision 2a, and if
 12.29 so, the name of the licensing agency, and as applicable, the license number and status;
 12.30 whether the license is active or has been denied, conditioned, suspended, revoked, or
 12.31 canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of
 12.32 the license;

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

13.4 (5) whether the proposed guardian has ~~ever~~ filed for or received protection under the
 13.5 bankruptcy laws in the last five years, and if so, the case number and court location;

13.6 (6) whether the proposed guardian has any outstanding civil monetary judgments against
 13.7 the proposed guardian, and if so, the case number, court location, and outstanding amount
 13.8 owed;

13.9 (7) whether an order for protection or harassment restraining order has ever been issued
 13.10 against the proposed guardian, and if so, the case number and court location; ~~and~~

13.11 (8) whether the proposed guardian has ever been convicted of a ~~crime other than a petty~~
 13.12 ~~misdemeanor or traffic offense~~ gross misdemeanor or felony, and if so, the case number
 13.13 and the crime of which the guardian was convicted; and

13.14 (9) if the proposed guardian is a professional, the proposed guardian's current customary
 13.15 rates, and if the proposed guardian is not a professional, the proposed guardian's current
 13.16 anticipated rates.

13.17 (d) Any documents or information disclosing or pertaining to paragraph (b), clauses (7)
 13.18 to (11), or health or financial information shall be filed as confidential documents, consistent
 13.19 with the bill of particulars under section 524.5-121.

13.20 Sec. 18. Minnesota Statutes 2018, section 524.5-304, is amended to read:

13.21 **524.5-304 JUDICIAL APPOINTMENT OF GUARDIAN: PRELIMINARIES TO**
 13.22 **HEARING.**

13.23 (a) Upon receipt of a petition to establish a guardianship, the court shall set a date and
 13.24 time for hearing the petition and may appoint a visitor. The duties and reporting requirements
 13.25 of the visitor are limited to the relief requested in the petition.

13.26 (b) A proposed ~~ward~~ person subject to guardianship has the right to be represented by
 13.27 counsel at any proceeding under this article. The court shall appoint counsel to represent
 13.28 the proposed ~~ward~~ person subject to guardianship for the initial proceeding held pursuant
 13.29 to section 524.5-307 if neither the proposed ~~ward~~ person subject to guardianship nor others
 13.30 provide counsel unless in a meeting with a visitor the proposed ~~ward~~ person subject to
 13.31 guardianship makes an informed decision in writing to specifically waive the right to counsel.
 13.32 Before appointment, and at any time during the course of the representation when a risk of

14.1 a conflict of interest may arise, the proposed or appointed counsel shall disclose to the court,
14.2 the proposed ~~ward~~ person subject to guardianship or ~~ward~~ person subject to guardianship,
14.3 and interested persons whether there are concurrent proceedings in which the counsel is the
14.4 attorney for the proposed guardian or guardian and whether there is a risk of a conflict of
14.5 interest under Rule 1.7 of the Rules of Professional Conduct so that the representation of
14.6 the proposed ~~ward~~ person subject to guardianship or ~~ward~~ person subject to guardianship
14.7 will be materially limited by counsel's concurrent responsibilities to the proposed guardian
14.8 or guardian. If there is a risk of a conflict of interest, the counsel must not be appointed or
14.9 new counsel must be appointed, unless:

14.10 (1) the court determines that the proposed ~~ward~~ person subject to guardianship or ~~ward~~
14.11 person subject to guardianship is able to give informed consent to the representation and,
14.12 if the proposed ~~ward~~ person subject to guardianship or ~~ward~~ person subject to guardianship
14.13 consents, the consent is confirmed in writing pursuant to Rule 1.7; or

14.14 (2) the court determines that there is not a risk of a conflict of interest under Rule 1.7
14.15 requiring the appointment of different counsel.

14.16 (c) Counsel must be appointed immediately after any petition under this article is served
14.17 under section 524.5-308. Counsel has the full right of subpoena. In all proceedings under
14.18 this article, counsel shall:

14.19 (1) consult with the proposed ~~ward~~ person subject to guardianship before any hearing;

14.20 (2) be given adequate time to prepare for all hearings; and

14.21 (3) continue to represent the person throughout any proceedings under section 524.5-307,
14.22 provided that such appointment shall expire upon the expiration of the appeal time for the
14.23 order appointing guardian or the order dismissing a petition, or upon such other time or
14.24 event as the court may direct.

14.25 The court need not appoint counsel to represent the proposed ~~ward~~ person subject to
14.26 guardianship on a voluntary petition, and the court may remove a court-appointed attorney
14.27 at any time if the court finds that the proposed ~~ward~~ person subject to guardianship has
14.28 made a knowing and intelligent waiver of the right to counsel or has obtained private counsel.

14.29 (d) The visitor shall personally serve the notice and petition upon the respondent and
14.30 shall offer to read the notice and petition to the respondent, and if so requested the visitor
14.31 shall read the notice and petition to such person. The visitor shall also interview the
14.32 respondent in person, and to the extent that the respondent is able to understand:

15.1 (1) explain to the respondent the substance of the petition; the nature, purpose, and effect
 15.2 of the proceeding; the respondent's rights at the hearing; and the general powers and duties
 15.3 of a guardian;

15.4 (2) determine the respondent's views about the proposed guardian, the proposed guardian's
 15.5 powers and duties, and the scope and duration of the proposed guardianship;

15.6 (3) inform the respondent of the right to employ and consult with a lawyer at the
 15.7 respondent's own expense and the right to request a court-appointed lawyer; and

15.8 (4) inform the respondent that all costs and expenses of the proceeding, including
 15.9 respondent's attorneys fees, will be paid from the respondent's estate.

15.10 (e) In addition to the duties in paragraph (d), the visitor shall make any other investigation
 15.11 the court directs.

15.12 (f) The visitor shall promptly file, as a confidential document consistent with the bill of
 15.13 particulars under section 524.5-121, a report in writing with the court, which must include:

15.14 (1) recommendations regarding the appropriateness of guardianship, including whether
 15.15 less restrictive means of intervention are available, the type of guardianship, and, if a limited
 15.16 guardianship, the powers to be granted to the limited guardian;

15.17 (2) a statement as to whether the respondent approves or disapproves of the proposed
 15.18 guardian, and the powers and duties proposed or the scope of the guardianship; and

15.19 (3) any other matters the court directs.

15.20 (g) The county social service agency may create a screening committee to review a
 15.21 petition involving an indigent person. The screening committee must consist of individuals
 15.22 selected by the agency with knowledge of alternatives that are less restrictive than
 15.23 guardianship. If the agency has created a screening committee, the court shall make its
 15.24 decision after the screening committee has reviewed the petition. For an indigent person,
 15.25 the court may appoint a guardian under contract with the county to provide these services.

15.26 Sec. 19. Minnesota Statutes 2018, section 524.5-307, is amended to read:

15.27 **524.5-307 JUDICIAL APPOINTMENT OF GUARDIAN PROCEEDINGS;**
 15.28 **PRESENCE AND RIGHTS AT HEARING.**

15.29 (a) Unless excused by the court for good cause, the petitioner and the proposed guardian
 15.30 shall attend the hearing. The respondent shall attend and participate in the hearing, unless
 15.31 excused by the court for good cause. The petitioner and respondent may present evidence
 15.32 and subpoena witnesses and documents; examine witnesses, including the visitor; and

16.1 otherwise participate in the hearing. The hearing may be held in a location convenient to
 16.2 the respondent and may be closed upon the request of the respondent and a showing of good
 16.3 cause.

16.4 (b) Any person may request permission to participate in the proceeding. The court may
 16.5 grant the request, with or without hearing, upon a showing of good cause and after
 16.6 determining that the best interest of the respondent will be served. The court may attach
 16.7 appropriate conditions to the participation.

16.8 (c) A respondent to any guardianship petition and any person subject to guardianship in
 16.9 any other guardianship proceeding has not placed his or her health, physical, or mental
 16.10 condition in controversy. Any denials, allegations or affirmative assertions by the respondent
 16.11 or person subject to guardianship regarding capacity do not place these matters in controversy.

16.12 Sec. 20. Minnesota Statutes 2018, section 524.5-310, is amended to read:

16.13 **524.5-310 FINDINGS; ORDER OF APPOINTMENT.**

16.14 (a) The court may appoint a guardian, limited or unlimited guardian in duration or power,
 16.15 for a respondent only if it finds by clear and convincing evidence that:

16.16 (1) the respondent is an incapacitated person; and

16.17 (2) the respondent's identified needs cannot be met by less restrictive means, including
 16.18 but not limited to use of appropriate technological assistance, supported decision making,
 16.19 community or residential services, or appointment of a health care agent under section
 16.20 145C.01, subdivision 2. The court must make specific findings particular to the respondent
 16.21 why less restrictive alternatives do not work.

16.22 (b) Alternatively, the court, with appropriate findings, may treat the petition as one for
 16.23 a protective order under section 524.5-401, enter any other appropriate order, or dismiss
 16.24 the proceeding.

16.25 (c) The court shall grant to a guardian only those powers necessitated by the ~~ward's~~
 16.26 limitations and demonstrated needs of the person subject to guardianship and, whenever
 16.27 feasible, make appointive and other orders that will encourage the development of the ~~ward's~~
 16.28 maximum self-reliance and independence of the person subject to guardianship. Any power
 16.29 not specifically granted to the guardian, following a written finding by the court of a
 16.30 demonstrated need for that power, is retained by the ~~ward~~ person subject to guardianship.

16.31 (d) The court may limit the duration of any guardianship. However, if the person subject
 16.32 to guardianship is under the age of 30 years old on the date the court files an order appointing

17.1 a guardian, the guardianship must be of a limited duration determined by the court, not
17.2 exceeding a period over 72 months.

17.3 (e) Notwithstanding paragraph (d), a petition for guardianship for an indefinite period
17.4 of time may be filed for any person who is 29 years or older and is currently subject to a
17.5 guardianship of limited duration.

17.6 ~~(d)~~ (f) If the court grants the guardian any of the powers or duties under section 524.5-313,
17.7 paragraph (c), clause (1), (2), or (4), the authority of a previously appointed health care
17.8 agent to make health care decisions, as defined in section 145C.01, subdivision 5, is
17.9 suspended until further order of the court or as otherwise provided by this section. The court
17.10 may declare a health care directive unenforceable as provided in section 145C.09, subdivision
17.11 3. The court may declare that a health care directive has been revoked by the ~~ward~~ person
17.12 subject to guardianship if the court finds, by clear and convincing evidence, that the ~~ward~~
17.13 person subject to guardianship has revoked the health care directive as provided in section
17.14 145C.09, subdivision 1.

17.15 ~~(e)~~ (g) A health care agent or other person legally appointed by the ~~ward~~ person subject
17.16 to guardianship to control final disposition of the ~~ward's~~ remains of the person subject to
17.17 guardianship under section 145C.05, subdivision 2, clause (7), or 149A.80, or a health care
17.18 agent authorized to make organ or tissue donations under section 525A.04 or 525A.09, may
17.19 make health care decisions as defined in section 145C.01, subdivision 5, on behalf of the
17.20 ~~ward~~ person subject to guardianship for the purpose of preparing the ~~ward's~~ body of the
17.21 person subject to guardianship for organ or tissue donation or final disposition of the ~~ward's~~
17.22 remains of the person subject to guardianship, as applicable.

17.23 ~~(f)~~ (h) Within 14 days after an appointment, a guardian shall send or deliver to the ~~ward~~
17.24 person subject to guardianship, and counsel if represented at the hearing, a copy of the order
17.25 of appointment accompanied by a notice which advises the ~~ward~~ person subject to
17.26 guardianship of the right to appeal the guardianship appointment in the time and manner
17.27 provided by the Rules of Appellate Procedure.

17.28 ~~(g)~~ (i) Each year, within 30 days after the anniversary date of an appointment, a guardian
17.29 shall send or deliver to the ~~ward~~ person subject to guardianship and to interested persons
17.30 of record with the court (1) a notice of the right to request termination or modification of
17.31 the guardianship or to request an order that is in the best interests of the ~~ward~~ person subject
17.32 to guardianship or for other appropriate relief, ~~and~~ (2) notice of the status of the ~~ward's~~ right
17.33 to vote of the person subject to guardianship, and (3) a copy of the bill of rights for persons
17.34 subject to guardianship as provided in section 524.5-120.

18.1 Sec. 21. Minnesota Statutes 2018, section 524.5-311, is amended to read:

18.2 **524.5-311 EMERGENCY GUARDIAN.**

18.3 (a) If the court finds that compliance with the procedures of this article will likely result
18.4 in substantial harm to the respondent's health, safety, or welfare, and that no other person
18.5 appears to have authority and willingness to act in the circumstances, the court, on petition
18.6 by a person interested in the respondent's welfare, may appoint an emergency guardian
18.7 whose authority may not exceed 60 days and who may exercise only the powers specified
18.8 in the order. A county that is acting under section 626.557, subdivision 10, by petitioning
18.9 for appointment of an emergency guardian on behalf of a vulnerable adult may be granted
18.10 authority to act for a period not to exceed 90 days. An emergency guardian's appointment
18.11 under this section may only be extended once for a period not to exceed 60 days if the court
18.12 finds good cause for the continuation of the guardianship. Immediately upon receipt of the
18.13 petition for an emergency guardianship, the court shall appoint a lawyer to represent the
18.14 respondent in the proceeding. Except as otherwise provided in paragraph (b), reasonable
18.15 notice of the time and place of a hearing on the petition must be given to the respondent
18.16 and any other persons as the court directs.

18.17 (b) An emergency guardian may be appointed without notice to the respondent and the
18.18 respondent's lawyer only if the court finds from affidavit or other sworn testimony that the
18.19 respondent will be substantially harmed before a hearing on the appointment can be held.
18.20 If the court appoints an emergency guardian without notice to the respondent, the respondent
18.21 must be given notice of the appointment within 48 hours after the appointment. The court
18.22 shall hold a hearing on the appropriateness of the appointment within five days after the
18.23 appointment.

18.24 (c) Appointment of an emergency guardian, with or without notice, is not a determination
18.25 of the respondent's incapacity.

18.26 (d) The court may remove an emergency guardian at any time. An emergency guardian
18.27 shall make any report the court requires. In other respects, the provisions of this article
18.28 concerning guardians apply to an emergency guardian.

18.29 (e) Any documents or information disclosing or pertaining to health or financial
18.30 information shall be filed as confidential documents, consistent with the bill of particulars
18.31 under section 524.5-121.

19.1 Sec. 22. Minnesota Statutes 2018, section 524.5-313, is amended to read:

19.2 **524.5-313 POWERS AND DUTIES OF GUARDIAN.**

19.3 (a) A guardian shall be subject to the control and direction of the court at all times and
19.4 in all things.

19.5 (b) The court shall grant to a guardian only those powers necessary to provide for the
19.6 demonstrated needs of the ~~ward~~ person subject to guardianship.

19.7 (c) The court may appoint a guardian if it determines that all the powers and duties listed
19.8 in this section are needed to provide for the needs of the incapacitated person. The court
19.9 may also appoint a guardian if it determines that a guardian is needed to provide for the
19.10 needs of the incapacitated person through the exercise of some, but not all, of the powers
19.11 and duties listed in this section. The duties and powers of a guardian or those which the
19.12 court may grant to a guardian include, but are not limited to:

19.13 (1) the power to have custody of the ~~ward~~ person subject to guardianship and the power
19.14 to establish a place of abode within or outside the state, except as otherwise provided in this
19.15 clause. The ~~ward~~ person subject to guardianship or any interested person may petition the
19.16 court to prevent or to initiate a change in abode. A ~~ward~~ person subject to guardianship may
19.17 not be admitted to a regional treatment center by the guardian except:

19.18 (i) after a hearing under chapter 253B;

19.19 (ii) for outpatient services; or

19.20 (iii) for the purpose of receiving temporary care for a specific period of time not to
19.21 exceed 90 days in any calendar year;

19.22 (2) the duty to provide for the ~~ward's~~ care, comfort, and maintenance needs of the person
19.23 subject to guardianship, including food, clothing, shelter, health care, social and recreational
19.24 requirements, and, whenever appropriate, training, education, and habilitation or
19.25 rehabilitation. The guardian has no duty to pay for these requirements out of personal funds.
19.26 Whenever possible and appropriate, the guardian should meet these requirements through
19.27 governmental benefits or services to which the ~~ward~~ person subject to guardianship is
19.28 entitled, rather than from the ~~ward's~~ estate of the person subject to guardianship. Failure to
19.29 satisfy the needs and requirements of this clause shall be grounds for removal of a private
19.30 guardian, but the guardian shall have no personal or monetary liability;

19.31 (3) the duty to take reasonable care of the ~~ward's~~ clothing, furniture, vehicles, and other
19.32 personal effects of the person subject to guardianship, and, if other property requires
19.33 protection, the power to seek appointment of a conservator of the estate. The guardian must

20.1 give notice by mail to interested persons prior to the disposition of the ward's clothing,
20.2 furniture, vehicles, or other personal effects of the person subject to guardianship. The notice
20.3 must inform the person of the right to object to the disposition of the property within ten
20.4 days of the date of mailing and to petition the court for a review of the guardian's proposed
20.5 actions. Notice of the objection must be served by mail or personal service on the guardian
20.6 and the ~~ward~~ person subject to guardianship unless the ~~ward~~ person subject to guardianship
20.7 is the objector. The guardian served with notice of an objection to the disposition of the
20.8 property may not dispose of the property unless the court approves the disposition after a
20.9 hearing;

20.10 (4)(i) the power to give any necessary consent to enable the ~~ward~~ person subject to
20.11 guardianship to receive necessary medical or other professional care, counsel, treatment,
20.12 or service, except that no guardian may give consent for psychosurgery, electroshock,
20.13 sterilization, or experimental treatment of any kind unless the procedure is first approved
20.14 by order of the court as provided in this clause. The guardian shall not consent to any medical
20.15 care for the ~~ward~~ person subject to guardianship which violates the known conscientious,
20.16 religious, or moral belief of the ~~ward~~ person subject to guardianship;

20.17 (ii) a guardian who believes a procedure described in item (i) requiring prior court
20.18 approval to be necessary for the proper care of the ~~ward~~ person subject to guardianship,
20.19 shall petition the court for an order and, in the case of a public guardianship under chapter
20.20 252A, obtain the written recommendation of the commissioner of human services. The court
20.21 shall fix the time and place for the hearing and shall give notice to the ~~ward~~ person subject
20.22 to guardianship in such manner as specified in section 524.5-308 and to interested persons.
20.23 The court shall appoint an attorney to represent the ~~ward~~ person subject to guardianship
20.24 who is not represented by counsel, provided that such appointment shall expire upon the
20.25 expiration of the appeal time for the order issued by the court under this section or the order
20.26 dismissing a petition, or upon such other time or event as the court may direct. In every
20.27 case the court shall determine if the procedure is in the best interest of the ~~ward~~ person
20.28 subject to guardianship. In making its determination, the court shall consider a written
20.29 medical report which specifically considers the medical risks of the procedure, whether
20.30 alternative, less restrictive methods of treatment could be used to protect the best interest
20.31 of the ~~ward~~ person subject to guardianship, and any recommendation of the commissioner
20.32 of human services for a public ~~ward~~ person subject to guardianship. The standard of proof
20.33 is that of clear and convincing evidence;

20.34 (iii) in the case of a petition for sterilization of a ~~developmentally disabled ward~~ person
20.35 with developmental disabilities subject to guardianship, the court shall appoint a licensed

21.1 physician, a psychologist who is qualified in the diagnosis and treatment of developmental
21.2 disability, and a social worker who is familiar with the ward's social history and adjustment
21.3 of the person subject to guardianship or the case manager for the ward person subject to
21.4 guardianship to examine or evaluate the ward person subject to guardianship and to provide
21.5 written reports to the court. The reports shall indicate why sterilization is being proposed,
21.6 whether sterilization is necessary and is the least intrusive method for alleviating the problem
21.7 presented, and whether it is in the best interest of the ward person subject to guardianship.
21.8 The medical report shall specifically consider the medical risks of sterilization, the
21.9 consequences of not performing the sterilization, and whether alternative methods of
21.10 contraception could be used to protect the best interest of the ward person subject to
21.11 guardianship;

21.12 (iv) any ward person subject to guardianship whose right to consent to a sterilization
21.13 has not been restricted under this section or section 252A.101 may be sterilized only if the
21.14 ward person subject to guardianship consents in writing or there is a sworn acknowledgment
21.15 by an interested person of a nonwritten consent by the ward person subject to guardianship.
21.16 The consent must certify that the ward person subject to guardianship has received a full
21.17 explanation from a physician or registered nurse of the nature and irreversible consequences
21.18 of the sterilization;

21.19 (v) a guardian or the public guardian's designee who acts within the scope of authority
21.20 conferred by letters of guardianship under section 252A.101, subdivision 7, and according
21.21 to the standards established in this chapter or in chapter 252A shall not be civilly or criminally
21.22 liable for the provision of any necessary medical care, including, but not limited to, the
21.23 administration of psychotropic medication or the implementation of aversive and deprivation
21.24 procedures to which the guardian or the public guardian's designee has consented;

21.25 (5) in the event there is no duly appointed conservator of the ward's estate of the person
21.26 subject to guardianship, the guardian shall have the power to approve or withhold approval
21.27 of any contract, except for necessities, which the ward person subject to guardianship may
21.28 make or wish to make;

21.29 (6) the duty and power to exercise supervisory authority over the ward person subject
21.30 to guardianship in a manner which limits civil rights and restricts personal freedom only to
21.31 the extent necessary to provide needed care and services. A guardian may not restrict the
21.32 ability of the person subject to guardianship to communicate, visit, or interact with others,
21.33 including receiving visitors or making or receiving telephone calls, personal mail, or
21.34 electronic communications including through social media, or participating in social activities,
21.35 unless the guardian has good cause to believe restriction is necessary because interaction

22.1 with the person poses a risk of significant physical, psychological, or financial harm to the
 22.2 person subject to guardianship, and there is no other means to avoid such significant harm.
 22.3 In all cases, the guardian shall provide written notice of the restrictions imposed to the court,
 22.4 to the person subject to guardianship, and to the person subject to restrictions. The person
 22.5 subject to guardianship or the person subject to restrictions may petition the court to remove
 22.6 or modify the restrictions;

22.7 (7) if there is no acting conservator of the estate for the ward person subject to
 22.8 guardianship, the guardian has the power to apply on behalf of the ward person subject to
 22.9 guardianship for any assistance, services, or benefits available to the ward person subject
 22.10 to guardianship through any unit of government;

22.11 (8) unless otherwise ordered by the court, the ward person subject to guardianship retains
 22.12 the right to vote;

22.13 (9) the power to establish an ABLE account for a person subject to guardianship or
 22.14 conservatorship. By this provision a guardian only has the authority to establish an ABLE
 22.15 account, but may not administer the ABLE account in the guardian's capacity as guardian;
 22.16 and

22.17 (10) if there is no conservator appointed for the person subject to guardianship, the
 22.18 guardian has the duty and power to institute suit on behalf of the person subject to
 22.19 guardianship and represent the person subject to guardianship in expungement proceedings,
 22.20 harassment proceedings, and all civil court proceedings, including but not limited to
 22.21 restraining orders, orders for protection, name changes, conciliation court, housing court,
 22.22 family court, probate court, and juvenile court, provided that a guardian may not settle or
 22.23 compromise any claim or debt owed to the estate without court approval.

22.24 Sec. 23. Minnesota Statutes 2018, section 524.5-316, is amended to read:

22.25 **524.5-316 REPORTS; MONITORING OF GUARDIANSHIP; COURT ORDERS.**

22.26 (a) A guardian shall report to the court in writing on the condition of the ward person
 22.27 subject to guardianship at least annually and whenever ordered by the court. A copy of the
 22.28 report must be provided to the ward person subject to guardianship and to interested persons
 22.29 of record with the court. A report must state or contain:

22.30 (1) the current mental, physical, and social condition of the ward person subject to
 22.31 guardianship;

22.32 (2) the living arrangements for all addresses of the ward person subject to guardianship
 22.33 during the reporting period;

23.1 (3) any restrictions placed on the ~~ward's right~~ of the person subject to guardianship to
23.2 ~~communication and visitation with persons of the ward's choice~~ communicate, visit, or
23.3 interact with others, including receiving visitors or making or receiving telephone calls,
23.4 personal mail, or electronic communications including through social media, or participating
23.5 in social activities, and the factual bases for those restrictions;

23.6 (4) the medical, educational, vocational, and other services provided to the ~~ward~~ person
23.7 subject to guardianship and the guardian's opinion as to the adequacy of the ~~ward's care of~~
23.8 the person subject to guardianship;

23.9 (5) a recommendation as to the need for continued guardianship and any recommended
23.10 changes in the scope of the guardianship;

23.11 (6) an address or post office box and a telephone number where the guardian can be
23.12 contacted; and

23.13 (7) if applicable, the amount of ~~reimbursement~~ payment received as guardian for services
23.14 rendered to the ~~ward~~ person subject to guardianship that the guardian received during the
23.15 previous year that were not ~~reimbursed~~ paid by county contract, and the guardian's current
23.16 rates.

23.17 (b) A guardian shall report to the court in writing within 30 days of the occurrence of
23.18 any of the events listed in this paragraph. The guardian must report any of the occurrences
23.19 in this paragraph and follow the same reporting requirements in this paragraph for any
23.20 employee of the guardian responsible for exercising powers and duties under the
23.21 guardianship. A copy of the report must be provided to the ~~ward~~ person subject to
23.22 guardianship and to interested persons of record with the court. A guardian shall report
23.23 when:

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

23.26 (2) the guardian has a professional license from an agency listed under section 524.5-118,
23.27 subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so, the licensing
23.28 agency and license number, and the basis for denial, condition, suspension, revocation, or
23.29 cancellation of the license;

23.30 (3) the guardian is found civilly liable in an action that involves fraud, misrepresentation,
23.31 material omission, misappropriation, theft, or conversion, and if so, the case number and
23.32 court location;

24.1 (4) the guardian files for or receives protection under the bankruptcy laws, and if so, the
24.2 case number and court location;

24.3 (5) a civil monetary judgment is entered against the guardian, and if so, the case number,
24.4 court location, and outstanding amount owed;

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

24.7 (7) an order for protection or harassment restraining order is issued against the guardian,
24.8 and if so, the case number and court location.

24.9 (c) A ward person subject to guardianship or interested person of record with the court
24.10 may submit to the court a written statement disputing statements or conclusions regarding
24.11 the condition of the ward person subject to guardianship or addressing any disciplinary or
24.12 legal action that is contained in the guardian's reports and may petition the court for an order
24.13 that is in the best interests of the ward person subject to guardianship or for other appropriate
24.14 relief.

24.15 (d) Unless communication is prohibited by court order, a guardian shall communicate
24.16 to all known interested persons as defined by section 524.5-102, subdivision 7, clauses (iii),
24.17 (iv), (v), (vi), (ix), and (xi):

24.18 (1) within one day of awareness of:

24.19 (i) a significant or unexpected change in health or medical condition requiring physician
24.20 treatment or hospitalization of the person subject to guardianship;

24.21 (ii) a significant situation that requires action by ambulance, law enforcement, or fire
24.22 department for the person subject to guardianship; or

24.23 (iii) the death of the person subject to guardianship, provided that the court shall also
24.24 be notified of the death of the person subject to guardianship; and

24.25 (2) at least 14 days in advance of a permanent change in the primary dwelling of the
24.26 person subject to guardianship or a permanent move to a nursing home, mental health
24.27 facility, or other facility unless the move was by prior order of the court. Prior notice is not
24.28 necessary for any change of primary dwelling due to accident, injury, illness, or other
24.29 involuntary actions of the person subject to guardianship or guardian, but notice shall be
24.30 provided to interested persons defined by section 524.5-102, subdivision 7, clauses (iii),
24.31 (iv), (v), (vi), (ix), and (xi), within seven days of such a move caused by involuntary actions
24.32 of the person subject to guardianship or guardian.

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

25.3 ~~(e)~~ (f) The court may appoint a visitor to review a report, interview the ward person
 25.4 subject to guardianship or guardian, and make any other investigation the court directs.

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

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

25.10 (i) Any documents or information disclosing or pertaining to health information in the
 25.11 guardian's annual report shall be filed as confidential documents, consistent with the bill of
 25.12 particulars under section 524.5-121.

25.13 Sec. 24. Minnesota Statutes 2018, section 524.5-317, is amended to read:

25.14 **524.5-317 TERMINATION OR MODIFICATION OF GUARDIANSHIP; COURT**
 25.15 **ORDERS.**

25.16 (a) A guardianship terminates upon the death of the ward person subject to guardianship,
 25.17 upon the expiration of the duration of guardianship established in the order appointing the
 25.18 guardian, or upon order of the court.

25.19 (b) On petition of any person interested in the ward's welfare of the person subject to
 25.20 guardianship the court may terminate a guardianship if the ward person subject to
 25.21 guardianship no longer needs the assistance or protection of a guardian. The court may
 25.22 modify the type of appointment or powers granted to the guardian if the extent of protection
 25.23 or assistance previously granted is currently excessive or insufficient or the ward's capacity
 25.24 of the person subject to guardianship to provide for support, care, education, health, and
 25.25 welfare has so changed as to warrant that action. The court may make any other order that
 25.26 is in the best interests of the ward person subject to guardianship or may grant other
 25.27 appropriate relief.

25.28 (c) Except as otherwise ordered by the court for good cause, the court, before terminating
 25.29 a guardianship, shall follow the same procedures to safeguard the rights of the ward person
 25.30 subject to guardianship as apply to a petition for guardianship. Upon presentation by the
 25.31 petitioner of evidence establishing a prima facie case for termination, the court shall order
 25.32 the termination and discharge the guardian unless it is proven that continuation of the
 25.33 guardianship is in the best interest of the ward person subject to guardianship.

26.1 (d) Any documents or information disclosing or pertaining to health or financial
 26.2 information shall be filed as confidential documents, consistent with the bill of particulars
 26.3 under section 524.5-121.

26.4 (e) A guardian has the right to petition the court for discharge from the guardianship.

26.5 Sec. 25. Minnesota Statutes 2018, section 524.5-403, is amended to read:

26.6 **524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE**
 26.7 **ORDER.**

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

26.10 (1) the person to be protected;

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

26.12 or

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

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

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

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

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

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

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

27.1 (ii) adult children including adult step-children of a living spouse or, if the respondent
27.2 has none, the respondent's parents and adult brothers and sisters or, if the respondent has
27.3 none, at least one of the adults nearest in kinship to the respondent who can be found;

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

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

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

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

27.14 (9) the reason why a conservatorship or other protective order is in the best interest of
27.15 the respondent; and

27.16 (10) what less restrictive means have been attempted and considered, how long such
27.17 less restrictive means have been attempted, and a description of why such less restrictive
27.18 means are not sufficient to meet the respondent's identified needs.

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

27.20 (1) the name, address or post office box, and telephone number of any proposed
27.21 conservator and the reason why the proposed conservator should be selected;

27.22 (2) the name, address or post office box, and telephone number of any person nominated
27.23 as conservator by the respondent if the respondent has attained 14 years of age; and

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

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

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

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

28.3 (3) whether the proposed conservator has ever applied for or held, at any time, any
28.4 professional license from an agency listed under section 524.5-118, subdivision 2a, and if
28.5 so, the name of the licensing agency, and as applicable, the license number and status;
28.6 whether the license is active or has been denied, conditioned, suspended, revoked, or
28.7 canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of
28.8 the license;

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

28.12 (5) whether the proposed conservator has ~~ever~~ filed for or received protection under the
28.13 bankruptcy laws in the last five years, and if so, the case number and court location;

28.14 (6) whether the proposed conservator has any outstanding civil monetary judgments
28.15 against the proposed conservator, and if so, the case number, court location, and outstanding
28.16 amount owed;

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

28.19 (8) whether the proposed conservator has ever been convicted of a crime other than a
28.20 petty misdemeanor or traffic offense, and if so, the case number and the crime of which the
28.21 conservator was convicted; and

28.22 (9) if the proposed conservator is a professional, the proposed conservator's current
28.23 customary rates, and if the proposed conservator is not a professional, the proposed
28.24 conservator's current anticipated rates.

28.25 (e) Any documents or information disclosing or pertaining to the following information
28.26 shall be filed as confidential documents, consistent with the bill of particulars under section
28.27 524.5-121:

28.28 (1) health or financial information;

28.29 (2) information submitted pursuant to paragraph (b), clause (2);

28.30 (3) information submitted pursuant to paragraph (b), clauses (7) to (10); or

28.31 (4) information submitted pursuant to paragraph (c), clause (3).

29.1 Sec. 26. Minnesota Statutes 2018, section 524.5-406, is amended to read:

29.2 **524.5-406 ORIGINAL PETITION: PERSONS UNDER DISABILITY;**
29.3 **PRELIMINARIES TO HEARING.**

29.4 (a) Upon the filing of a petition for a conservatorship or other protective order for a
29.5 respondent for reasons other than being a minor, the court shall set a date for hearing and
29.6 the court may appoint a visitor. The duties and reporting requirements of the visitor are
29.7 limited to the relief requested in the petition.

29.8 (b) A respondent has the right to be represented by counsel at any proceeding under this
29.9 article. The court shall appoint counsel to represent the respondent for the initial proceeding
29.10 held pursuant to section 524.5-408 if neither the respondent nor others provide counsel,
29.11 unless in a meeting with a visitor, the proposed respondent makes an informed decision in
29.12 writing to specifically waive the right to counsel. Before appointment, and at any time during
29.13 the course of the representation when a risk of a conflict of interest may arise, the proposed
29.14 or appointed counsel shall disclose to the court, the proposed ~~protected~~ person subject to
29.15 conservatorship or ~~protected~~ person subject to conservatorship, and interested persons
29.16 whether there are concurrent proceedings in which the counsel is the attorney for the proposed
29.17 conservator or conservator and whether there is a risk of a conflict of interest under Rule
29.18 1.7 of the Rules of Professional Conduct so that the representation of the proposed ~~protected~~
29.19 person subject to conservatorship or ~~protected~~ person subject to conservatorship will be
29.20 materially limited by counsel's concurrent responsibilities to the proposed conservator or
29.21 conservator. If there is a risk of a conflict of interest, the counsel must not be appointed,
29.22 unless:

29.23 (1) the court determines that the proposed ~~protected~~ person subject to conservatorship
29.24 or ~~protected~~ person subject to conservatorship is able to give informed consent to the
29.25 representation and, if the proposed ~~protected~~ person subject to conservatorship or ~~protected~~
29.26 person subject to conservatorship consents, the consent is confirmed in writing pursuant to
29.27 Rule 1.7; or

29.28 (2) the court determines that there is not a risk of a conflict of interest under Rule 1.7
29.29 requiring the appointment of different counsel.

29.30 (c) Counsel must be appointed immediately after any petition under this part is served
29.31 pursuant to section 524.5-404. Counsel has the full right of subpoena. In all proceedings
29.32 under this part, counsel shall:

29.33 (1) consult with the respondent before any hearing;

30.1 (2) be given adequate time to prepare for all hearings; and

30.2 (3) continue to represent the respondent throughout any proceedings under section
30.3 524.5-408, provided that such appointment shall expire upon the expiration of the appeal
30.4 time for the order appointing conservator or the order dismissing a petition, or upon such
30.5 other time or event as the court may direct.

30.6 The court need not appoint counsel to represent the respondent on a voluntary petition,
30.7 and the court may remove a court-appointed attorney at any time if the court finds that the
30.8 respondent has made a knowing and intelligent waiver of the right to counsel or has obtained
30.9 private counsel.

30.10 (d) The visitor shall personally serve the notice and petition upon the respondent and
30.11 shall offer to read the notice and petition to the respondent, and if so requested, the visitor
30.12 shall read the notice and petition to such person. The visitor shall also interview the
30.13 respondent in person, and to the extent that the respondent is able to understand:

30.14 (1) explain to the respondent the substance of the petition and the nature, purpose, and
30.15 effect of the proceeding;

30.16 (2) if the appointment of a conservator is requested, inform the respondent of the general
30.17 powers and duties of a conservator and determine the respondent's views regarding the
30.18 proposed conservator, the proposed conservator's powers and duties, and the scope and
30.19 duration of the proposed conservatorship;

30.20 (3) inform the respondent of the respondent's rights, including the right to employ and
30.21 consult with a lawyer at the respondent's own expense, and the right to request a
30.22 court-appointed lawyer; and

30.23 (4) inform the respondent that all costs and expenses of the proceeding, including
30.24 respondent's attorney fees, will be paid from the respondent's estate.

30.25 (e) In addition to the duties set out in paragraph (d), the visitor shall make any other
30.26 investigations the court directs.

30.27 (f) The visitor shall promptly file, as a confidential document consistent with the bill of
30.28 particulars under section 524.5-121, a report with the court which must include:

30.29 (1) recommendations regarding the appropriateness of a conservatorship, including
30.30 whether less restrictive means of intervention are available, the type of conservatorship,
30.31 and, if a limited conservatorship, the powers and duties to be granted the limited conservator,
30.32 and the assets over which the conservator should be granted authority;

31.1 (2) a statement as to whether the respondent approves or disapproves of the proposed
 31.2 conservator, and the powers and duties proposed or the scope of the conservatorship; and
 31.3 (3) any other matters the court directs.

31.4 (g) While a petition to establish a conservatorship or for another protective order is
 31.5 pending, after preliminary hearing and without notice to others, the court may make orders
 31.6 to preserve and apply the property of the respondent as may be required for the support of
 31.7 the respondent or individuals who are in fact dependent upon the respondent, and may
 31.8 appoint an agent to assist in that task.

31.9 Sec. 27. Minnesota Statutes 2018, section 524.5-408, is amended to read:

31.10 **524.5-408 ORIGINAL PETITION CONSERVATORSHIP PROCEEDINGS:**
 31.11 **PROCEDURE AT HEARING.**

31.12 (a) Unless excused by the court for good cause, the petitioner and the proposed
 31.13 conservator shall attend the hearing. The respondent shall attend and participate in the
 31.14 hearing unless excused by the court for good cause. The petitioner and respondent may
 31.15 present evidence and subpoena witnesses and documents, examine witnesses, including the
 31.16 visitor, and otherwise participate in the hearing. The hearing may be held in a location
 31.17 convenient to the respondent and may be closed upon request of the respondent and a
 31.18 showing of good cause.

31.19 (b) Any person may request permission to participate in the proceeding. The court may
 31.20 grant the request, with or without hearing, upon a showing of good cause and after
 31.21 determining that the best interest of the respondent will be served. The court may attach
 31.22 appropriate conditions to the participation.

31.23 (c) A respondent to any conservatorship or protective proceeding petition and any person
 31.24 subject to conservatorship in any other conservatorship or protective proceeding has not
 31.25 placed his or her health, physical or mental condition in controversy and any denials,
 31.26 allegations or affirmative assertions by the respondent or person subject to conservatorship
 31.27 regarding capacity or their ability to receive and evaluate information do not place such
 31.28 matters in controversy.

31.29 Sec. 28. Minnesota Statutes 2018, section 524.5-409, is amended to read:

31.30 **524.5-409 FINDINGS; ORDER OF APPOINTMENT.**

31.31 Subdivision 1. **Limited or unlimited conservator.** (a) The court may appoint a limited
 31.32 or unlimited conservator for a respondent only if it finds that:

32.1 (1) by clear and convincing evidence, the individual is unable to manage property and
32.2 business affairs because of an impairment in the ability to receive and evaluate information
32.3 or make decisions, even with the use of appropriate technological assistance, or because
32.4 the individual is missing, detained, or unable to return to the United States;

32.5 (2) by a preponderance of evidence, the individual has property that will be wasted or
32.6 dissipated unless management is provided or money is needed for the support, care, education,
32.7 health, and welfare of the individual or of individuals who are entitled to the individual's
32.8 support and that protection is necessary or desirable to obtain or provide money; and

32.9 (3) the respondent's identified needs cannot be met by less restrictive means, including
32.10 but not limited to use of appropriate technological assistance, supported decision making,
32.11 representative payee, trusts, banking or bill paying assistance, or appointment of an
32.12 attorney-in-fact under section 523.01. The court must make specific findings particular to
32.13 the respondent why less restrictive alternatives do not work.

32.14 (b) Alternatively, the court, with appropriate findings, may enter any other appropriate
32.15 order, or dismiss the proceeding.

32.16 (c) The court, whenever feasible, shall grant to a conservator only those powers
32.17 necessitated by the ~~protected person's~~ limitations and demonstrated needs of the person
32.18 subject to conservatorship and make appointive and other orders that will encourage the
32.19 development of the ~~protected person's~~ maximum self-reliance and independence of the
32.20 person subject to conservatorship.

32.21 (d) Within 14 days after an appointment, the conservator shall send or deliver to the
32.22 ~~protected person~~ subject to conservatorship, if the ~~protected person~~ subject to conservatorship
32.23 has attained 14 years of age and is not missing, detained, or unable to return to the United
32.24 States, and counsel if represented at the hearing, a copy of the order of appointment
32.25 accompanied by a notice which advises the ~~protected person~~ subject to conservatorship of
32.26 the right to appeal the conservatorship appointment in the time and manner provided by the
32.27 Rules of Appellate Procedure.

32.28 (e) Each year, within 30 days after the anniversary date of an appointment, a conservator
32.29 shall send or deliver to the ~~protected person~~ subject to conservatorship and to interested
32.30 persons of record with the court a notice of the right to request termination or modification
32.31 of the conservatorship or for any order that is in the best interests of the ~~protected person~~
32.32 subject to conservatorship or for other appropriate relief as well as a copy of the bill of
32.33 rights for the person subject to conservatorship as provided in section 524.5-120.

33.1 (f) The appointment of a conservator or the entry of another protective order is not a
33.2 determination of incapacity of the ~~protected person~~ subject to conservatorship.

33.3 Subd. 2. **Emergency and temporary conservator.** (a) If the court finds that compliance
33.4 with the procedures of this article will likely result in the immediate loss, waste, or dissipation
33.5 of the individual's assets or income unless management is provided, or money is needed for
33.6 the support, care, education, health, and welfare of the individual or of individuals who are
33.7 entitled to the individual's support and that protection is necessary or desirable to obtain or
33.8 provide money, and that no other person appears to have authority and willingness to act
33.9 in the circumstances, the court, on petition by a person interested in the respondent's welfare,
33.10 may appoint an emergency conservator whose authority may not exceed 60 days and who
33.11 may exercise only the powers specified in the order. A county that is acting under section
33.12 626.557, subdivision 10, by petitioning for appointment of an emergency conservator on
33.13 behalf of a vulnerable adult may be granted authority to act for a period not to exceed 90
33.14 days. An emergency conservator's appointment under this section may be extended once
33.15 for a period not to exceed 60 days if the court finds good cause for the continuation of the
33.16 conservatorship. Immediately upon receipt of the petition for an emergency conservatorship,
33.17 the court shall appoint a lawyer to represent the respondent in the proceeding. Except as
33.18 otherwise provided in paragraph (b), reasonable notice of the time and place of a hearing
33.19 on the petition must be given to the respondent and any other persons as the court directs.

33.20 (b) An emergency conservator may be appointed without notice to the respondent and
33.21 the respondent's lawyer only if the court finds from affidavit or other sworn testimony that
33.22 the respondent will be substantially harmed before a hearing on the appointment can be
33.23 held. If the court appoints an emergency conservator without notice to the respondent, the
33.24 respondent must be given notice of the appointment within 48 hours after the appointment.
33.25 The court shall hold a hearing on the appropriateness of the appointment within five days
33.26 after the appointment.

33.27 (c) Appointment of an emergency conservator, with or without notice, is not a
33.28 determination of the respondent's incapacity.

33.29 (d) The court may remove an emergency conservator at any time. An emergency
33.30 conservator shall make any report the court requires. In other respects, the provisions of
33.31 this article concerning conservators apply to an emergency conservator.

33.32 (e) If the court finds that a conservator is not effectively performing the conservator's
33.33 duties and that the security and preservation of the ~~protected person's~~ assets of the person
33.34 subject to conservatorship requires immediate action, the court may appoint a temporary

34.1 substitute conservator for the ~~protected~~ person subject to conservatorship for a specified
34.2 period not exceeding six months. Except as otherwise ordered by the court, a temporary
34.3 substitute conservator so appointed has the powers set forth in the previous order of
34.4 appointment. The authority of any unlimited or limited conservator previously appointed
34.5 by the court is suspended as long as a temporary substitute conservator has authority. If an
34.6 appointment is made without previous notice to the ~~protected~~ person subject to
34.7 conservatorship or the affected conservator within five days after the appointment, the court
34.8 shall inform the ~~protected~~ person subject to conservatorship or conservator of the
34.9 appointment.

34.10 (f) The court may remove a temporary substitute conservator at any time. A temporary
34.11 substitute conservator shall make any report the court requires. In other respects, the
34.12 provisions of this article concerning conservators apply to a temporary substitute conservator.

34.13 (g) Any documents or information disclosing or pertaining to health or financial
34.14 information shall be filed as confidential documents, consistent with the bill of particulars
34.15 under section 524.5-121.

34.16 Sec. 29. Minnesota Statutes 2018, section 524.5-411, is amended to read:

34.17 **524.5-411 REQUIRED COURT APPROVAL.**

34.18 (a) After notice to affected persons as provided in this section, and after hearing, and
34.19 upon express authorization of the court, a conservator may:

34.20 (1) make gifts;

34.21 (2) convey, release, or disclaim contingent and expectant interests in property, including
34.22 marital property rights and any right of survivorship incident to joint tenancy or tenancy by
34.23 the entireties;

34.24 (3) exercise or release a power of appointment;

34.25 (4) create a revocable or irrevocable trust of property of the estate, whether or not the
34.26 trust extends beyond the duration of the conservatorship, or to revoke or amend a trust
34.27 revocable by the ~~protected~~ person subject to conservatorship;

34.28 (5) subject to the terms of the plan document, contract, or agreement, exercise rights to
34.29 elect options and change beneficiaries under insurance policies and annuities or surrender
34.30 the policies and annuities for their cash value, and any change pursuant to this clause, shall
34.31 invalidate the existing elections and beneficiary designations;

35.1 (6) exercise any right to exempt property and an elective share in the estate of the
35.2 ~~protected person's~~ deceased spouse of the person subject to conservatorship and to renounce
35.3 or disclaim any interest by testate or intestate succession or by transfer inter vivos;

35.4 (7) subject to the terms of the plan document, contract, or agreement, exercise rights to
35.5 elect options and change beneficiaries under any qualified or nonqualified retirement plan
35.6 including, but not limited to, defined benefit plans, defined contribution plans, plans governed
35.7 by sections 401(k), 403, 408, or 457 of the Internal Revenue Code and the regulations
35.8 thereto, and the right to exercise the options provided a plan participant or beneficiary under
35.9 section 401 and related provisions of the Internal Revenue Code and the regulations thereto,
35.10 and any change pursuant to this clause, shall invalidate the existing elections and beneficiary
35.11 designations;

35.12 (8) exercise the power to create, terminate, or alter the beneficial interests and
35.13 beneficiaries of, a payable on death (POD) account, a transfer on death (TOD) security
35.14 registration or account, or joint tenancy interests with rights of survivorship; and

35.15 (9) make, amend, or revoke the ~~protected person's~~ will of the person subject to
35.16 conservatorship.

35.17 (b) Notice of any hearing pursuant to this section shall not be given pursuant to section
35.18 524.5-113. Notice of any hearing under this section shall be given to all affected persons,
35.19 in plain language, and shall provide the time and place of the hearing and be given by mail
35.20 postmarked at least 14 days before the hearing. Proof of notice must be made before or at
35.21 the hearing and filed in the proceeding. For purposes of this section, notice to "affected
35.22 persons":

35.23 (1) shall always include (i) the ~~protected person~~ subject to conservatorship, (ii) the duly
35.24 appointed conservator, (iii) the ~~protected person's~~ heirs-at-law of the person subject to
35.25 conservatorship, (iv) any state agency or county social services agency paying benefits to
35.26 or for the benefit of the ~~protected person~~ subject to conservatorship, (v) any state agency
35.27 to which an application for benefits has been submitted and any state or county agency that
35.28 has prepared an asset assessment or could prepare an asset assessment under section
35.29 256B.059, subdivision 2, for the ~~protected person~~ subject to conservatorship or spouse, and
35.30 (vi) subject to the limitations of paragraph (c), all beneficiaries of the ~~protected person's~~
35.31 existing will or revocable trust of the person subject to conservatorship;

35.32 (2) shall also include, subject to the limitations of paragraph (c), any person who has a
35.33 beneficial vested or contingent interest that may be affected by the exercise of the power
35.34 under this section; and

36.1 (3) shall also include any other persons designated by the court.

36.2 (c) For purposes of this section, when giving notice, or for purposes of giving consent
36.3 or approval, or objecting with regard to any proceedings under this section, the sole holder
36.4 or all coholders of a presently exercisable or testamentary general power of appointment,
36.5 power of revocation, or unlimited power of withdrawal, under an existing will or trust, are
36.6 deemed to represent and act for beneficiaries to the extent that their interests as objects,
36.7 takers in default, or otherwise, are subject to the power.

36.8 (d) A conservator, in making, amending, or revoking the ~~protected person's will~~ of the
36.9 person subject to conservatorship, shall comply with sections 524.2-501 to 524.2-517 acting
36.10 on behalf of the ~~protected person~~ subject to conservatorship.

36.11 (e) The court, in exercising or in approving a conservator's exercise of the powers listed
36.12 in paragraph (a), shall consider primarily the decision that the ~~protected person~~ subject to
36.13 conservatorship would have made, to the extent that the decision can be ascertained. The
36.14 court shall also consider:

36.15 (1) the financial needs of the ~~protected person~~ subject to conservatorship and the needs
36.16 of individuals who are dependent on the ~~protected person~~ subject to conservatorship for
36.17 support and the interests of creditors;

36.18 (2) possible effect on income, estate, gift, inheritance, or other tax liabilities;

36.19 (3) eligibility for governmental assistance with the goal of avoiding reliance on such
36.20 programs;

36.21 (4) the ~~protected person's~~ previous pattern of giving or level of support of the person
36.22 subject to conservatorship;

36.23 (5) the existing estate plan;

36.24 (6) the ~~protected person's~~ life expectancy of the person subject to conservatorship and
36.25 the probability that the conservatorship will terminate before the ~~protected person's~~ death
36.26 of the person subject to conservatorship;

36.27 (7) whether the ~~protected person's~~ needs of the person subject to conservatorship can be
36.28 met from the person's remaining assets after any transfer is made, taking into account the
36.29 effect of any transfer on eligibility for medical assistance long-term care services; and

36.30 (8) any other factors the court considers relevant.

36.31 (f) If an affected person, as defined in this article, is a minor or an incapacitated person
36.32 as defined by this article and has no guardian or conservator within the state, or if an affected

37.1 person is unborn, unascertained, or a person whose identity or address is unknown to the
 37.2 petitioner, the court shall represent that person, unless the court, upon the application of the
 37.3 guardian, conservator, or any other affected person, appoints a guardian ad litem to represent
 37.4 the affected person.

37.5 (g) Notwithstanding the power granted to the conservator by the court under this section,
 37.6 the conservator owes no duty to any person other than the ~~protected~~ person subject to
 37.7 conservatorship. The conservator shall not be held liable for the exercise or the failure to
 37.8 exercise, or the decision to exercise or the decision to decline to exercise, the powers granted
 37.9 by this section. The conservator, however, may be held liable to the ~~protected person's~~ estate
 37.10 of the person subject to conservatorship for gross negligence related to the implementation
 37.11 of any action approved by the court under this section.

37.12 (h) The Uniform Guardianship and Protective Proceedings Act does not repeal section
 37.13 524.2-215 as it applies to ~~wards, protected~~ persons subject to guardianship, persons subject
 37.14 to conservatorship, or respondents, expressly or by implication. If there is a conflict between
 37.15 the act and section 524.2-215, section 524.2-215 controls and the guardian or conservator
 37.16 shall exercise the rights of the ~~ward, protected~~ person subject to guardianship, person subject
 37.17 to conservatorship, or respondent under section 524.2-215 without the need for any court
 37.18 order.

37.19 (i) Any documents or information disclosing or pertaining to health or financial
 37.20 information shall be filed as confidential documents, consistent with the bill of particulars
 37.21 under section 524.5-121.

37.22 Sec. 30. Minnesota Statutes 2018, section 524.5-412, is amended to read:

37.23 **524.5-412 PROTECTIVE ARRANGEMENTS AND SINGLE TRANSACTIONS.**

37.24 (a) If a basis is established for a protective order with respect to an individual, the court,
 37.25 without appointing a conservator, may:

37.26 (1) authorize, direct, or ratify any transaction necessary or desirable to achieve any
 37.27 arrangement for security, service, or care meeting the foreseeable needs of the ~~protected~~
 37.28 person subject to conservatorship, including:

37.29 (i) subject to the procedural and notice requirements of section 524.5-418, the sale,
 37.30 mortgage, lease, or other transfer of property;

37.31 (ii) purchase of an annuity;

38.1 (iii) making a contract for lifetime care, a deposit contract, or a contract for training and
 38.2 education; ~~or~~

38.3 (iv) addition to or establishment of a suitable trust, including a trust created under the
 38.4 Uniform Custodial Trust Act; ~~and~~ or

38.5 (v) establish, fund, and administer an ABLE account for the person subject to
 38.6 conservatorship. The conservator may exercise all powers over the ABLE account for the
 38.7 benefit of the person subject to conservatorship and shall direct investment of the ABLE
 38.8 accounts property in accordance with the provisions of sections 48A.07, subdivision 6;
 38.9 501C.0901; and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary
 38.10 shall be applicable to all ABLE account investments by a conservator; and

38.11 (2) authorize, direct, or ratify any other contract, trust, will, or transaction relating to the
 38.12 ~~protected person's~~ property and business affairs of the person subject to conservatorship,
 38.13 including a settlement of a claim, upon determining that it is in the best interest of the
 38.14 ~~protected person~~ subject to conservatorship.

38.15 (b) In deciding whether to approve a protective arrangement or other transaction under
 38.16 this section, the court shall consider the factors listed in section 524.5-411, paragraph (e).

38.17 (c) The court may appoint an agent to assist in the accomplishment of any protective
 38.18 arrangement or other transaction authorized under this section. The agent has the authority
 38.19 conferred by the order and shall serve until discharged by order after report to the court;
 38.20 provided, however, that if a conservator is appointed, only the conservator has the power
 38.21 to sign all real estate deeds.

38.22 (d) Any documents or information disclosing or pertaining to health or financial
 38.23 information shall be filed as confidential documents, consistent with the bill of particulars
 38.24 under section 524.5-121.

38.25 Sec. 31. Minnesota Statutes 2018, section 524.5-414, is amended to read:

38.26 **524.5-414 PETITION FOR ORDER SUBSEQUENT TO APPOINTMENT.**

38.27 (a) A ~~protected person~~ subject to conservatorship or an interested person may file a
 38.28 petition in the appointing court for an order:

38.29 (1) requiring bond or collateral or additional bond or collateral, or reducing bond;

38.30 (2) requiring an accounting for the administration of the ~~protected person's estate~~ of the
 38.31 person subject to conservatorship;

38.32 (3) directing distribution;

39.1 (4) removing the conservator and appointing a temporary or successor conservator;

39.2 (5) modifying the type of appointment or powers granted to the conservator if the extent
39.3 of protection or management previously granted is currently excessive or insufficient or the
39.4 ~~protected person's~~ ability of the person subject to conservatorship to manage the estate and
39.5 business affairs has so changed as to warrant the action; or

39.6 (6) acting in the ~~protected person's~~ best interests of the person subject to conservatorship
39.7 or granting other appropriate relief.

39.8 (b) A conservator may petition the appointing court for instructions concerning fiduciary
39.9 responsibility.

39.10 (c) On notice and hearing the petition, the court may give appropriate instructions and
39.11 make any appropriate order.

39.12 (d) The court may, at its own discretion, waive the notice or hearing requirements for
39.13 the relief requested in a petition filed under this section.

39.14 (e) Any documents or information disclosing or pertaining to health or financial
39.15 information shall be filed as confidential documents, consistent with the bill of particulars
39.16 under section 524.5-121.

39.17 Sec. 32. Minnesota Statutes 2018, section 524.5-415, is amended to read:

39.18 **524.5-415 BOND.**

39.19 The court may require a conservator to furnish a bond conditioned upon faithful discharge
39.20 of all duties of the conservatorship according to law, with sureties as it may specify. A bond
39.21 is not required for any conservator that is a bank or trust company provided the total
39.22 conservatorship assets do not exceed \$1,000,000. If the conservator is a bank or trust
39.23 company then a bond shall be required if the conservatorship assets exceed \$1,000,000.

39.24 Sec. 33. Minnesota Statutes 2018, section 524.5-416, is amended to read:

39.25 **524.5-416 TERMS AND REQUIREMENTS OF BOND.**

39.26 (a) The following rules apply to any bond required:

39.27 (1) Except as otherwise provided by the terms of the bond, sureties and the conservator
39.28 are jointly and severally liable.

39.29 (2) By executing the bond of a conservator, a surety submits to the jurisdiction of the
39.30 court that issued letters to the primary obligor in any proceeding pertaining to the fiduciary
39.31 duties of the conservator in which the surety is named as a party. Notice of any proceeding

40.1 seeking to surcharge any interested party or the bond must be sent or delivered to the surety
 40.2 at the address shown in the court records at the place where the bond is filed and to any
 40.3 other address then known to the petitioner.

40.4 (3) On petition of a successor conservator or any interested person, a proceeding may
 40.5 be brought against a surety for breach of the obligation of the bond of the conservator.

40.6 (4) The bond of the conservator may be proceeded against until liability under the bond
 40.7 is exhausted.

40.8 (5) Except as otherwise provided in this section, in any proceeding where the value of
 40.9 the personal property of the estate of the proposed ~~protected~~ person subject to conservatorship
 40.10 in the initial inventory of the estate filed by the conservator under section 524.5-419 is
 40.11 expected to be at least \$10,000, the court shall require the conservator to furnish a bond in
 40.12 an amount that the court determines is necessary to reasonably protect the ~~protected person's~~
 40.13 assets of the person subject to conservatorship. Joint conservators may unite in a bond or
 40.14 each may give a separate bond.

40.15 (b) In lieu of executing and filing a bond, the conservator may request that access to
 40.16 certain assets of the ~~protected~~ person subject to conservatorship be blocked. The court may
 40.17 grant the request if sufficient evidence is filed with the court to establish that those assets
 40.18 are being held in a manner that prevents the conservator from accessing the assets without
 40.19 a specific court order or the court finds that the manner in which the assets are held is
 40.20 sufficient to protect the assets. To the extent that assets not placed in blocked accounts are
 40.21 expected to be at least \$10,000, the bond requirement under paragraph (a) applies.

40.22 (c) A proceeding may not be brought against a surety on any matter as to which an action
 40.23 or proceeding against the primary obligor is barred.

40.24 Sec. 34. Minnesota Statutes 2018, section 524.5-417, is amended to read:

40.25 **524.5-417 GENERAL POWERS AND DUTIES OF CONSERVATOR.**

40.26 (a) A conservator shall be subject to the control and direction of the court at all times
 40.27 and in all things.

40.28 (b) The court shall grant to a conservator only those powers necessary to provide for the
 40.29 demonstrated needs of the ~~protected~~ person subject to conservatorship.

40.30 (c) The court may appoint a conservator if it determines that all the powers and duties
 40.31 listed in this section are needed to provide for the needs of the ~~protected~~ person subject to
 40.32 conservatorship. The court may also appoint a conservator if it determines that a conservator

41.1 is necessary to provide for the needs of the ~~protected~~ person subject to conservatorship
41.2 through the exercise of some, but not all, of the powers and duties listed in this section. The
41.3 duties and powers of a conservator include, but are not limited to:

41.4 (1) the duty to pay the reasonable charges for the support, maintenance, and education
41.5 of the ~~protected~~ person subject to conservatorship in a manner suitable to the ~~protected~~
41.6 ~~person's~~ station in life of the person subject to conservatorship and the value of the estate.
41.7 Nothing herein contained shall release parents from obligations imposed by law for the
41.8 support, maintenance, and education of their children. The conservator has no duty to pay
41.9 for these requirements out of personal funds. Wherever possible and appropriate, the
41.10 conservator should meet these requirements through governmental benefits or services to
41.11 which the ~~protected~~ person subject to conservatorship is entitled, rather than from the
41.12 ~~protected person's~~ estate of the person subject to conservatorship. Failure to satisfy the needs
41.13 and requirements of this section shall be grounds for removal, but the conservator shall have
41.14 no personal or monetary liability;

41.15 (2) the duty to pay out of the ~~protected person's~~ estate of the person subject to
41.16 conservatorship all lawful debts of the ~~protected~~ person subject to conservatorship and the
41.17 reasonable charges incurred for the support, maintenance, and education of the ~~protected~~
41.18 ~~person's~~ spouse and dependent children of the person subject to conservatorship and, upon
41.19 order of the court, pay such sum as the court may fix as reasonable for the support of any
41.20 person unable to earn a livelihood who is legally entitled to support from the ~~protected~~
41.21 person subject to conservatorship;

41.22 (3) the duty to possess and manage the estate, collect all debts and claims in favor of
41.23 the ~~protected~~ person subject to conservatorship, or, with the approval of the court,
41.24 compromise them, institute suit on behalf of the ~~protected~~ person subject to conservatorship
41.25 and represent the ~~protected~~ person subject to conservatorship ~~in any court proceedings,~~
41.26 expungement proceedings, harassment proceedings, and all civil court proceedings, including
41.27 but not limited to restraining orders, orders for protection, name changes, conciliation court,
41.28 housing court, family court, probate court and juvenile court; and invest all funds not
41.29 currently needed for the debts and charges named in clauses (1) and (2) and the management
41.30 of the estate, in accordance with the provisions of sections 48A.07, subdivision 6, 501C.0901,
41.31 and 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be
41.32 applicable to all investments by a conservator. A conservator shall also have the power to
41.33 purchase certain contracts of insurance as provided in section 50.14, subdivision 14, clause
41.34 (b);

42.1 (4) where a ~~protected~~ person subject to conservatorship has inherited an undivided
42.2 interest in real estate, the court, on a showing that it is for the best interest of the ~~protected~~
42.3 person subject to conservatorship, may authorize an exchange or sale of the ~~protected~~
42.4 ~~person's interest of the person subject to conservatorship~~ or a purchase by the ~~protected~~
42.5 person subject to conservatorship of any interest other heirs may have in the real estate,
42.6 subject to the procedures and notice requirements of section 524.5-418;

42.7 (5) the power to approve or withhold approval of any contract, except for necessities,
42.8 which the ~~protected~~ person subject to conservatorship may make or wish to make; ~~and~~

42.9 (6) the power to apply on behalf of the ~~protected~~ person subject to conservatorship for
42.10 any assistance, services, or benefits available to the ~~protected~~ person subject to
42.11 conservatorship through any unit of government; and

42.12 (7) the power to establish an ABLE account for the person subject to conservatorship.
42.13 The conservator may exercise all powers over the ABLE account for the benefit of the
42.14 person subject to conservatorship and shall direct investment of the ABLE accounts property
42.15 in accordance with the provisions of sections 48A.07, subdivision 6, 501C.0901, and
42.16 524.5-423, or as otherwise ordered by the court. The standard of a fiduciary shall be
42.17 applicable to all ABLE account investments by a conservator.

42.18 (d) The conservator shall have the power to revoke, suspend, or terminate all or any part
42.19 of a durable power of attorney of which the ~~protected~~ person subject to conservatorship is
42.20 the principal with the same power the principal would have if the principal were not
42.21 incapacitated. If a durable power of attorney is in effect, a decision of the conservator takes
42.22 precedence over that of an attorney-in-fact.

42.23 (e) Transaction set aside. If a ~~protected~~ person subject to conservatorship has made a
42.24 financial transaction or gift or entered into a contract during the two-year period before
42.25 establishment of the conservatorship, the conservator may petition for court review of the
42.26 transaction, gift, or contract. If the court finds that the ~~protected~~ person subject to
42.27 conservatorship was incapacitated or subject to duress, coercion, or undue influence when
42.28 the transaction, gift, or contract was made, the court may declare the transaction, gift, or
42.29 contract void except as against a bona fide transferee for value and order reimbursement or
42.30 other appropriate relief. This paragraph does not affect any other right or remedy that may
42.31 be available to the ~~protected~~ person subject to conservatorship with respect to the transaction,
42.32 gift, or contract.

42.33 (f) After the filing of the petition, a certificate of the district court certified to that fact
42.34 may be filed for record with the Minnesota secretary of state in the same manner as provided

43.1 in section 336.9-501. The certificate shall state that a petition is pending and the name and
 43.2 address of the person for whom a conservator is sought. If a conservator is appointed on
 43.3 the petition, and if the conservatorship order removes or restricts the right of the ~~protected~~
 43.4 person subject to conservatorship to transfer property or to contract, then all contracts except
 43.5 for necessities, and all transfers of personal property, tangible or intangible, including, but
 43.6 not limited to, cash or securities transfers at banks, brokerage houses, or other financial
 43.7 institutions, or transfers of cash or securities, made by the ~~protected~~ person subject to
 43.8 conservatorship after the filing and before the termination of the conservatorship shall be
 43.9 voidable.

43.10 (g) Unless otherwise ordered by the court, if the person subject to conservatorship shall
 43.11 at any time during the continuance of the conservatorship be employed, the wages or salary
 43.12 for employment of the person subject to conservatorship shall not be a part of the
 43.13 conservatorship estate and the wages and salaries shall be paid to the person subject to
 43.14 conservatorship and shall be subject to the control of the person subject to conservatorship
 43.15 to the same extent as if the conservatorship did not exist. The conservator shall not have to
 43.16 account for the wages and salary.

43.17 Sec. 35. Minnesota Statutes 2018, section 524.5-420, is amended to read:

43.18 **524.5-420 REPORTS; APPOINTMENT OF VISITOR; MONITORING; COURT**
 43.19 **ORDERS.**

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

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

43.29 (c) The report must also state an address or post office box and a telephone number
 43.30 where the conservator can be contacted.

43.31 (d) A conservator shall report to the court in writing within 30 days of the occurrence
 43.32 of any of the events listed in this paragraph. The conservator must report any of the
 43.33 occurrences in this paragraph and follow the same reporting requirements in this paragraph

44.1 for any employee of the conservator responsible for exercising powers and duties under the
44.2 conservatorship. A copy of the report must be provided to the ~~protected~~ person subject to
44.3 conservatorship and to interested persons of record with the court. A conservator shall report
44.4 when:

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

44.7 (2) the conservator has a professional license from an agency listed under section
44.8 524.5-118, subdivision 2a, denied, conditioned, suspended, revoked, or canceled, and if so,
44.9 the licensing agency and license number, and the basis for denial, condition, suspension,
44.10 revocation, or cancellation of the license;

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

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

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

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

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

44.22 (e) A ~~protected~~ person subject to conservatorship or an interested person of record with
44.23 the court may submit to the court a written statement disputing account statements regarding
44.24 the administration of the estate or addressing any disciplinary or legal action that is contained
44.25 in the reports and may petition the court for any order that is in the best interests of the
44.26 ~~protected~~ person subject to conservatorship and the estate or for other appropriate relief.

44.27 (f) An interested person may notify the court in writing that the interested person does
44.28 not wish to receive copies of reports required under this section after which time neither
44.29 the court nor any other person is required to give notice to any person who has waived
44.30 notice.

44.31 (g) The court may appoint a visitor to review a report or plan, interview the ~~protected~~
44.32 person subject to conservatorship or conservator, and make any other investigation the court

45.1 directs. In connection with a report, the court may order a conservator to submit the assets
45.2 of the estate to an appropriate examination to be made in a manner the court directs.

45.3 (h) The court shall establish a system for monitoring of conservatorships, including the
45.4 filing and review of conservators' reports and plans. If an annual report is not filed within
45.5 60 days of the required date, the court shall issue an order to show cause. Unless otherwise
45.6 ordered by the court, a report under this section shall be filed publicly.

45.7 (i) If there is no acting guardian, a conservator that becomes aware of the death of the
45.8 person subject to conservatorship shall notify in writing; orally; or by phone, text message,
45.9 e-mail, or electronic service, all known interested persons as defined by section 524.5-102,
45.10 subdivision 7, clauses (iii), (iv), (v), (vi), (ix), and (xi), and the court as soon as is reasonably
45.11 practical, that the person subject to conservatorship has died. The conservator may delegate
45.12 this task under reasonable circumstances.

45.13 ~~(j)~~ (j) If a conservator fails to comply with this section, the court may decline to appoint
45.14 that person as a guardian or conservator, or may remove a person as guardian or conservator.

45.15 Sec. 36. Minnesota Statutes 2018, section 524.5-423, is amended to read:

45.16 **524.5-423 SALE, ENCUMBRANCE, OR OTHER TRANSACTION INVOLVING**
45.17 **CONFLICT OF INTEREST.**

45.18 Any transaction involving the conservatorship estate which is affected by a conflict
45.19 between the conservator's fiduciary and personal interests is voidable unless the transaction
45.20 is expressly authorized by the court after notice to interested persons. A transaction affected
45.21 by a conflict between personal and fiduciary interests includes any sale, encumbrance, or
45.22 other transaction involving the conservatorship estate entered into by the conservator, the
45.23 spouse, descendant, agent, or lawyer of a conservator, or corporation or other enterprise in
45.24 which the conservator has a beneficial interest. ~~Notwithstanding a conflict between the~~
45.25 ~~conservator's fiduciary and personal interests, if the protected person is a parent, child, or~~
45.26 ~~sibling of the conservator, the court has discretion to allow a transaction of beneficial interest~~
45.27 ~~to the conservator, as long as the conservator can prove that this transaction is primarily in~~
45.28 ~~the best interest of the protected person.~~

45.29 Sec. 37. Minnesota Statutes 2018, section 524.5-431, is amended to read:

45.30 **524.5-431 TERMINATION OF PROCEEDINGS.**

45.31 (a) A conservatorship terminates upon the death of the ~~protected~~ protected person subject to
45.32 conservatorship or upon order of the court. Unless created for reasons other than that the

46.1 ~~protected~~ person subject to conservatorship is a minor, a conservatorship created for a minor
46.2 also terminates when the ~~protected~~ person subject to conservatorship attains majority or is
46.3 emancipated.

46.4 (b) Upon the death of a ~~protected~~ person subject to conservatorship, the conservator
46.5 shall conclude the administration of the estate by distribution of probate property to the
46.6 personal representative of the ~~protected person's estate~~ of the person subject to
46.7 conservatorship. The conservator shall distribute nonprobate property to the successor in
46.8 interest. The conservator shall file a final report and petition for discharge no later than 30
46.9 days after distribution, and notice of hearing for allowance of said report shall be given to
46.10 interested persons and to the personal representative of the ~~protected person's estate~~ of the
46.11 person subject to conservatorship.

46.12 (c) On petition of any person interested in the ~~protected person's welfare~~ of the person
46.13 subject to conservatorship, the court may terminate the conservatorship if the ~~protected~~
46.14 person subject to conservatorship no longer needs the assistance or protection of a
46.15 conservator. Termination of the conservatorship does not affect a conservator's liability for
46.16 previous acts or the obligation to account for funds and assets of the ~~protected person~~ subject
46.17 to conservatorship.

46.18 (d) Except as otherwise ordered by the court for good cause, before terminating a
46.19 conservatorship, the court shall follow the same procedures to safeguard the rights of the
46.20 ~~protected person~~ subject to conservatorship that apply to a petition for conservatorship.
46.21 Upon the establishment of a prima facie case for termination, the court shall order termination
46.22 unless it is proved that continuation of the conservatorship is in the best interest of the
46.23 ~~protected person~~ subject to conservatorship.

46.24 (e) Upon termination of a conservatorship, whether or not formally distributed by the
46.25 conservator, title to assets of the estate remains vested in the formerly ~~protected~~ person
46.26 subject to conservatorship or passes to the person's successors subject to administration,
46.27 including claims of creditors and allowances of surviving spouse and dependent children,
46.28 and subject to the rights of others resulting from abatement, retainer, advancement, and
46.29 ademption. The order of termination must provide for payment of expenses of administration
46.30 and include payment of fees and costs of final administration for guardians, conservators,
46.31 and attorneys. The order must direct the conservator to execute appropriate instruments to
46.32 evidence the transfer of title or confirm a distribution previously made and to file a final
46.33 report and a petition for discharge upon approval of the final report.

47.1 (f) The court shall enter a final order of discharge upon the approval of the final report
47.2 and satisfaction by the conservator of any other conditions placed by the court on the
47.3 conservator's discharge.

47.4 (g) Any documents or information disclosing or pertaining to health or financial
47.5 information shall be filed as confidential documents, consistent with the bill of particulars
47.6 under section 524.5-121.

47.7 (h) A conservator may petition the court for discharge from the conservatorship.

47.8 Sec. 38. Minnesota Statutes 2018, section 524.5-502, is amended to read:

47.9 **524.5-502 COMPENSATION AND EXPENSES.**

47.10 (a) The court may authorize a proceeding under this article to proceed in forma pauperis,
47.11 as provided in chapter 563.

47.12 (b) In proceedings under this article, a lawyer or health professional rendering necessary
47.13 services with regard to the appointment of a guardian or conservator, the administration of
47.14 the protected person's estate or personal affairs, or the restoration of that person's capacity
47.15 or termination of the protective proceeding shall be entitled to compensation from the
47.16 ~~protected person's~~ estate of the person subject to guardianship or conservatorship or from
47.17 the county having jurisdiction over the proceedings if the ~~ward or protected~~ person subject
47.18 to guardianship or conservatorship is indigent. When the court determines that other necessary
47.19 services have been provided for the benefit of the ~~ward or protected~~ person subject to
47.20 guardianship or conservatorship by a lawyer or health professional, the court may order
47.21 fees to be paid from the estate of the ~~protected~~ person subject to guardianship or
47.22 conservatorship or from the county having jurisdiction over the proceedings if the ~~ward or~~
47.23 ~~protected~~ person subject to guardianship or conservatorship is indigent. If, however, the
47.24 court determines that a petitioner, guardian, or conservator has not acted in good faith, the
47.25 court shall order some or all of the fees or costs incurred in the proceedings to be borne by
47.26 the petitioner, guardian, or conservator not acting in good faith. In determining compensation
47.27 for a guardian or conservator of an indigent person, the court shall consider a fee schedule
47.28 recommended by the Board of County Commissioners. The fee schedule may also include
47.29 a maximum compensation based on the living arrangements of the ~~ward or protected~~ person
47.30 subject to guardianship or conservatorship. If these services are provided by a public or
47.31 private agency, the county may contract on a fee-for-service basis with that agency.

47.32 (c) When the court determines that a guardian or conservator has rendered necessary
47.33 services or has incurred necessary expenses for the benefit of the ~~ward or protected~~ person

48.1 subject to guardianship or conservatorship, the court may order reimbursement or
 48.2 compensation to be paid from the estate of the ~~protected~~ person subject to guardianship or
 48.3 conservatorship or from the county having jurisdiction over the guardianship or protective
 48.4 proceeding if the ~~ward or protected~~ person subject to guardianship or conservatorship is
 48.5 indigent. The court may not deny an award of fees solely because the ~~ward or protected~~
 48.6 person subject to guardianship or conservatorship is a recipient of medical assistance. In
 48.7 determining compensation for a guardian or conservator of an indigent person, the court
 48.8 shall consider a fee schedule recommended by the Board of County Commissioners. The
 48.9 fee schedule may also include a maximum compensation based on the living arrangements
 48.10 of the ward or protected person. If these services are provided by a public or private agency,
 48.11 the county may contract on a fee-for-service basis with that agency.

48.12 (d) The court shall order reimbursement or compensation if the guardian or conservator
 48.13 requests payment and the guardian or conservator was nominated by the court or by the
 48.14 county adult protection unit because no suitable relative or other person was available to
 48.15 provide guardianship or protective proceeding services necessary to prevent maltreatment
 48.16 of a vulnerable adult, as defined in section 626.5572, subdivision 15. In determining
 48.17 compensation for a guardian or conservator of an indigent person, the court shall consider
 48.18 a fee schedule recommended by the Board of County Commissioners. The fee schedule
 48.19 may also include a maximum compensation based on the living arrangements of the ~~ward~~
 48.20 ~~or protected~~ person subject to guardianship or conservatorship. If these services are provided
 48.21 by a public or private agency, the county may contract on a fee-for-service basis with that
 48.22 agency.

48.23 (e) When a county employee serves as a guardian or conservator as part of employment
 48.24 duties, the court shall order compensation if the guardian or conservator performs necessary
 48.25 services that are not compensated by the county. The court may order reimbursement to the
 48.26 county from the protected person's estate for compensation paid by the county for services
 48.27 rendered by a guardian or conservator who is a county employee but only if the county
 48.28 shows that after a diligent effort it was unable to arrange for an independent guardian or
 48.29 conservator.

48.30 Sec. 39. Minnesota Statutes 2018, section 609.748, subdivision 2, is amended to read:

48.31 Subd. 2. **Restraining order; court jurisdiction.** A person who is a victim of harassment
 48.32 or the victim's guardian or conservator may seek a restraining order from the district court
 48.33 in the manner provided in this section. The parent, guardian or conservator, or stepparent
 48.34 of a minor who is a victim of harassment may seek a restraining order from the district court

49.1 on behalf of the minor. An application for relief under this section may be filed in the county
49.2 of residence of either party or in the county in which the alleged harassment occurred. There
49.3 are no residency requirements that apply to a petition for a harassment restraining order.

49.4 Sec. 40. Minnesota Statutes 2018, section 611A.01, is amended to read:

49.5 **611A.01 DEFINITIONS.**

49.6 For the purposes of sections 611A.01 to 611A.06:

49.7 (a) "Crime" means conduct that is prohibited by local ordinance and results in bodily
49.8 harm to an individual; or conduct that is included within the definition of "crime" in section
49.9 609.02, subdivision 1, or would be included within that definition but for the fact that (1)
49.10 the person engaging in the conduct lacked capacity to commit the crime under the laws of
49.11 this state, or (2) the act was alleged or found to have been committed by a juvenile.

49.12 (b) "Victim" means a natural person who incurs loss or harm as a result of a crime,
49.13 including a good faith effort to prevent a crime, and for purposes of sections 611A.04 and
49.14 611A.045, also includes (1) a corporation that incurs loss or harm as a result of a crime, (2)
49.15 a government entity that incurs loss or harm as a result of a crime, and (3) any other entity
49.16 authorized to receive restitution under section 609.10 or 609.125. The term "victim" includes
49.17 the family members, guardian, conservator, or custodian of a minor, incompetent,
49.18 incapacitated, or deceased person. In a case where the prosecutor finds that the number of
49.19 family members makes it impracticable to accord all of the family members the rights
49.20 described in sections 611A.02 to 611A.0395, the prosecutor shall establish a reasonable
49.21 procedure to give effect to those rights. The procedure may not limit the number of victim
49.22 impact statements submitted to the court under section 611A.038. The term "victim" does
49.23 not include the person charged with or alleged to have committed the crime.

49.24 (c) "Juvenile" has the same meaning as given to the term "child" in section 260B.007,
49.25 subdivision 3.

49.26 Sec. 41. **REVISOR INSTRUCTION.**

49.27 The revisor of statutes shall substitute the term "person subject to guardianship" for the
49.28 term "ward" and "person subject to conservatorship" for the term "protected person" in
49.29 Minnesota Statutes, sections 524.5-101 to 524.5-505, except in section 524.5-102,
49.30 subdivisions 7, 14, and 17. The revisor shall make grammatical changes related to the change
49.31 in terms.

50.1 Sec. 42. **EFFECTIVE DATE.**

50.2 Sections 17, 20, 25, and 28 are effective August 1, 2020, and apply to cases commenced
 50.3 on or after August 1, 2020. Sections 1 to 16, 18, 19, 21 to 24, 26, 27, and 29 to 41 are
 50.4 effective August 1, 2020, and apply to cases commenced before, on, or after that date.

50.5 **ARTICLE 2**50.6 **MINOR TRUSTS**

50.7 Section 1. Minnesota Statutes 2018, section 527.32, is amended to read:

50.8 **527.32 CARE OF CUSTODIAL PROPERTY.**

50.9 (a) A custodian shall:

50.10 (1) take control of custodial property;

50.11 (2) register or record title to custodial property if appropriate; and

50.12 (3) collect, hold, manage, invest, and reinvest custodial property.

50.13 (b) In dealing with custodial property, a custodian shall ~~observe the standard of care that~~
 50.14 ~~would be observed by a prudent person dealing with property of another and is not limited~~
 50.15 ~~by any other statute restricting investments by fiduciaries. If a custodian has a special skill~~
 50.16 ~~or expertise or is named custodian on the basis of representations of a special skill or~~
 50.17 ~~expertise, the custodian shall use that skill or expertise~~ comply with the prudent investor
 50.18 rule set forth in section 501C.0901 as if such custodial property were trust property. However,
 50.19 a custodian, in the custodian's discretion and without liability to the minor or the minor's
 50.20 estate, may retain any custodial property received from a transferor.

50.21 (c) A custodian may invest in or pay premiums on life insurance or endowment policies
 50.22 on (i) the life of the minor only if the minor or the minor's estate is the sole beneficiary, or
 50.23 (ii) the life of another person in whom the minor has an insurable interest only to the extent
 50.24 that the minor, the minor's estate, or the custodian in the capacity of custodian, is the
 50.25 irrevocable beneficiary.

50.26 (d) A custodian at all times shall keep custodial property separate and distinct from all
 50.27 other property in a manner sufficient to identify it clearly as custodial property of the minor.
 50.28 Custodial property consisting of certificated securities may be held on deposit at a stock
 50.29 brokerage firm or financial institution registered in a street name or nominee name. Custodial
 50.30 property consisting of an undivided interest is so identified if the minor's interest is held as
 50.31 a tenant in common and is fixed. Custodial property subject to recordation is so identified
 50.32 if it is recorded, and custodial property subject to registration is so identified if it is either

51.1 registered, or held in an account designated, in the name of the custodian, followed in
 51.2 substance by the words: "as a custodian for (name of minor) under the Minnesota
 51.3 Uniform Transfers to Minors Act."

51.4 (e) A custodian shall keep records of all transactions with respect to custodial property,
 51.5 including information necessary for the preparation of the minor's tax returns, and shall
 51.6 make them available for inspection at reasonable intervals by a parent or legal representative
 51.7 of the minor or by the minor if the minor has attained the age of 14 years.

51.8 Sec. 2. Minnesota Statutes 2018, section 527.33, is amended to read:

51.9 **527.33 POWERS OF CUSTODIAN.**

51.10 (a) A custodian, acting in a custodial capacity, has all the rights, powers, and authority
 51.11 over custodial property that unmarried adult owners have over their own property, but a
 51.12 custodian may exercise those rights, powers, and authority in that capacity only.

51.13 (b) This section does not relieve a custodian from liability for breach of section 527.32.

51.14 (c) At any time, with or without a court order, a custodian may transfer all or part of the
 51.15 custodial property to a trust, including a trust created by a custodian, that satisfies the
 51.16 requirements of section 2503(c) of the Internal Revenue Code and the regulations
 51.17 implementing that section. A transfer to a trust pursuant to this paragraph terminates the
 51.18 custodianship to the extent of the transfer.

51.19 Sec. 3. Minnesota Statutes 2018, section 527.40, is amended to read:

51.20 **527.40 TRANSFER UPON TERMINATION OF CUSTODIANSHIP.**

51.21 Subdivision 1. Terminating events. The custodian shall transfer in an appropriate
 51.22 manner the custodial property to the minor or to the minor's estate upon the earlier of the
 51.23 following terminating events:

51.24 (1) the minor's attainment of 21 years of age with respect to custodial property transferred
 51.25 under section 527.24 ~~or~~, 527.25, 527.26, or 527.27; or

51.26 ~~(2) the minor's attainment of age 18 with respect to custodial property transferred under~~
 51.27 ~~section 527.26 or 527.27; or~~

51.28 ~~(3)~~ (2) the minor's death.

51.29 Subd. 2. Transfer. (a) Upon the date of the applicable terminating event pursuant to
 51.30 subdivision 1, if (1) there is no custodian then serving or (2) no court proceeding is pending
 51.31 and the custodian fails to transfer the custodial property to the minor or the minor's estate

52.1 within 90 days of that date, then the minor or the minor's personal representative may execute
 52.2 an affidavit setting forth the date of the terminating event and facts that show that the
 52.3 terminating event has occurred. The person in possession of the custodial property must
 52.4 transfer to the minor or the minor's personal representative the custodial property when
 52.5 presented with the executed affidavit and a certified copy of the minor's birth certificate or,
 52.6 in the case of a deceased minor, a certified copy of the minor's death certificate.

52.7 (b) The affidavit and documentation under paragraph (a) are conclusive proof for any
 52.8 party relying on the affidavit of the occurrence of the applicable terminating event pursuant
 52.9 to subdivision 1 and the right of the minor or the minor's estate to receive the custodial
 52.10 property outright. Any person in possession of the custodial property that transfers assets
 52.11 to the minor or the minor's estate pursuant to this subdivision shall not be liable to any
 52.12 person for the transfer.

52.13 Sec. 4. Minnesota Statutes 2018, section 527.42, is amended to read:

52.14 **527.42 EFFECT ON EXISTING CUSTODIANSHIPS.**

52.15 ~~(a) Any transfer of custodial property as now defined in sections 527.21 to 527.40 made~~
 52.16 ~~before January 1, 1986, is validated notwithstanding that there was no specific authority in~~
 52.17 ~~Minnesota Statutes 1984, sections 527.01 to 527.11 for the coverage of custodial property~~
 52.18 ~~of that kind or for a transfer from that source at the time the transfer was made.~~

52.19 ~~(b) Sections 527.21 to 527.40 apply to all transfers made before January 1, 1986, in a~~
 52.20 ~~manner and form prescribed in Minnesota Statutes 1984, sections 527.01 to 527.11, except~~
 52.21 ~~insofar as the application impairs constitutionally vested rights or extends the duration of~~
 52.22 ~~custodianships in existence before January 1, 1986.~~

52.23 ~~(c) Sections 527.21 and 527.40 with respect to the age of a minor for whom custodial~~
 52.24 ~~property is held under those sections do not apply to custodial property held in a~~
 52.25 ~~custodianship that terminated because of the minor's attainment of the age of 18 after May~~
 52.26 ~~31, 1973, and before January 1, 1986.~~

52.27 Section 527.40, subdivision 1, does not apply to custodial property transferred under
 52.28 section 527.26 or 527.27 before the effective date of this section. For custodial property
 52.29 transferred under section 527.26 or 527.27 before the effective date of this section, the
 52.30 custodian shall transfer in an appropriate manner the custodial property to the minor or to
 52.31 the minor's estate upon the earlier of the following terminating events: (1) the minor's
 52.32 attainment of 18 years of age or (2) the minor's death.

52.33 **EFFECTIVE DATE.** This section is effective the day following final enactment.

53.1 **ARTICLE 3**53.2 **COMMON INTEREST OWNERSHIPS**

53.3 Section 1. Minnesota Statutes 2018, section 515B.1-102, is amended to read:

53.4 **515B.1-102 APPLICABILITY.**

53.5 (a) Except as provided in this section, this chapter, and not chapters 515 and 515A,
53.6 applies to all common interest communities created within this state on and after June 1,
53.7 1994.

53.8 (b) The applicability of this chapter to common interest communities created prior to
53.9 June 1, 1994, shall be as follows:

53.10 (1) This chapter shall apply to condominiums created under chapter 515A with respect
53.11 to events and circumstances occurring on and after June 1, 1994; provided (i) that this
53.12 chapter shall not invalidate the declarations, bylaws or condominium plats of those
53.13 condominiums, and (ii) that chapter 515A, and not this chapter, shall govern all rights and
53.14 obligations of a declarant of a condominium created under chapter 515A, and the rights and
53.15 claims of unit owners against that declarant.

53.16 (2) The following sections in this chapter apply to condominiums created under chapter
53.17 515: 515B.1-104 (Variation by Agreement); 515B.1-105 (Separate Titles and Taxation);
53.18 515B.1-106 (Applicability of Local Requirements); 515B.1-107 (Eminent Domain);
53.19 515B.1-108 (This Chapter Prevails; Supplemental Law); 515B.1-109 (Construction Against
53.20 Implicit Repeal); 515B.1-112 (Unconscionable Agreement or Term of Contract); 515B.1-113
53.21 (Obligation of Good Faith); 515B.1-114 (Remedies to be Liberally Administered);
53.22 515B.1-115 (Notice); 515B.1-116 (Recording); 515B.2-103 (Construction and Validity of
53.23 Declaration and Bylaws); 515B.2-104 (Description of Units); 515B.2-108(d) (Allocation
53.24 of Interests); 515B.2-109(f) (Common Elements and Limited Common Elements);
53.25 515B.2-112 (Subdivision, Combination, or Conversion of Units); 515B.2-113 (Alteration
53.26 of Units); 515B.2-114 (Relocation of Boundaries Between Adjoining Units); 515B.2-115
53.27 (Minor Variations in Boundaries); 515B.2-118 (Amendment of Declaration); 515B.2-119
53.28 (Termination of Common Interest Community); 515B.3-102 (Powers of Unit Owners'
53.29 Association); 515B.3-103(a), (b), and (g) (Board of Directors, Officers, and Declarant
53.30 Control); 515B.3-107 (Upkeep of Common Interest Community); 515B.3-108 (Meetings);
53.31 515B.3-109 (Quorums); 515B.3-110 (Voting; Proxies); 515B.3-111 (Tort and Contract
53.32 Liability); 515B.3-112 (Conveyance of, or Creation of Security Interests in, Common
53.33 Elements); 515B.3-113 (Insurance); 515B.3-114 (Replacement Reserves); 515B.3-115(c),
53.34 (e), (f), (g), (h), and (i) (Assessments for Common Expenses); 515B.3-116 (Lien for

54.1 Assessments); 515B.3-117 (Other Liens); 515B.3-118 (Association Records); 515B.3-119
54.2 (Association as Trustee); 515B.3-121 (Accounting Controls); 515B.4-107 (Resale of Units);
54.3 515B.4-108 (Purchaser's Right to Cancel Resale); and 515B.4-116 (Rights of Action;
54.4 Attorney's Fees). Section 515B.1-103 (Definitions) shall apply to the extent necessary in
54.5 construing any of the sections referenced in this section. Sections 515B.1-105, 515B.1-106,
54.6 515B.1-107, 515B.1-116, 515B.2-103, 515B.2-104, 515B.2-118, 515B.3-102, 515B.3-110,
54.7 515B.3-111, 515B.3-113, 515B.3-116, 515B.3-117, 515B.3-118, 515B.3-121, 515B.4-107,
54.8 515B.4-108, and 515B.4-116 apply only with respect to events and circumstances occurring
54.9 on and after June 1, 1994. All other sections referenced in this section apply only with
54.10 respect to events and circumstances occurring after July 31, 1999. A section referenced in
54.11 this section does not invalidate the declarations, bylaws or condominium plats of
54.12 condominiums created before August 1, 1999. But all sections referenced in this section
54.13 prevail over the declarations, bylaws, CIC plats, rules and regulations under them, of
54.14 condominiums created before August 1, 1999, except to the extent that this chapter defers
54.15 to the declarations, bylaws, CIC plats, or rules and regulations issued under them.

54.16 (3) This chapter shall not apply to cooperatives and planned communities created prior
54.17 to June 1, 1994, or to planned communities that were created on or after June 1, 1994, and
54.18 before August 1, 2006, and that consist of more than two but fewer than 13 units; except
54.19 by election pursuant to subsection (d), and except that sections 515B.1-116, subsections
54.20 (a), (c), (d), and (e), 515B.4-107, and 515B.4-108, apply to all planned communities and
54.21 cooperatives regardless of when they are created, unless they are exempt under subsection
54.22 (e).

54.23 (c) This chapter shall not invalidate any amendment to the declaration, bylaws or
54.24 condominium plat of any condominium created under chapter 515 or 515A if the amendment
54.25 was recorded before June 1, 1994. Any amendment recorded on or after June 1, 1994, shall
54.26 be adopted in conformity with the procedures and requirements specified by those instruments
54.27 and by this chapter. If the amendment grants to any person any rights, powers or privileges
54.28 permitted by this chapter, all correlative obligations, liabilities and restrictions contained
54.29 in this chapter shall also apply to that person.

54.30 (d) Any condominium created under chapter 515, any planned community or cooperative
54.31 which would be exempt from this chapter under subsection (e), or any planned community
54.32 or cooperative created prior to June 1, 1994, or any planned community that was created
54.33 on or after June 1, 1994, and prior to August 1, 2006, and that consists of more than two
54.34 but fewer than 13 units, may elect to be subject to this chapter, as follows:

55.1 (1) The election shall be accomplished by recording a declaration or amended declaration,
55.2 and a new or amended CIC plat where required, and by approving bylaws or amended
55.3 bylaws, which conform to the requirements of this chapter, and which, in the case of
55.4 amendments, are adopted in conformity with the procedures and requirements specified by
55.5 the existing declaration and bylaws of the common interest community, and by any applicable
55.6 statutes.

55.7 (2) In a condominium, the preexisting condominium plat shall be the CIC plat and an
55.8 amended CIC plat shall be required only if the amended declaration or bylaws contain
55.9 provisions inconsistent with the preexisting condominium plat. The condominium's CIC
55.10 number shall be the apartment ownership number or condominium number originally
55.11 assigned to it by the recording officer. In a cooperative in which the unit owners' interests
55.12 are characterized as real estate, a CIC plat shall be required. In a planned community, the
55.13 preexisting plat or registered land survey recorded pursuant to chapter 505, 508, or 508A,
55.14 or the part of the plat or registered land survey upon which the common interest community
55.15 is located, shall be the CIC plat.

55.16 (3) The amendment shall comply with section 515B.2-118(a)(3) and (c); except that the
55.17 unanimous consent of the unit owners shall not be required for (i) a clarification of the unit
55.18 boundary description if the clarified boundary description is substantially consistent with
55.19 the preexisting CIC plat, or (ii) changes from common elements to limited common elements
55.20 that occur by operation of section 515B.2-109(c) and (d).

55.21 (4) Except as permitted by paragraph (3), no declarant, affiliate of declarant, association,
55.22 master association nor unit owner may acquire, increase, waive, reduce or revoke any
55.23 previously existing warranty rights or causes of action that one of said persons has against
55.24 any other of said persons by reason of exercising the right of election under this subsection.

55.25 (5) A common interest community which elects to be subject to this chapter may, as a
55.26 part of the election process, change its form of ownership by complying with section
55.27 515B.2-123.

55.28 (e) Except as otherwise provided in this subsection, this chapter shall not apply, except
55.29 by election pursuant to subsection (d), to the following:

55.30 (1) a planned community which consists of two units, which utilizes a CIC plat complying
55.31 with section 515B.2-110(d)(1) and (2), or section 515B.2-1101(d)(1) and (2), which is not
55.32 subject to any rights to subdivide or convert units or to add additional real estate, and which
55.33 is not subject to a master association;

56.1 (2) a common interest community that consists solely of platted lots or other separate
56.2 parcels of real estate designed or utilized for detached single family dwellings or agricultural
56.3 purposes, with or without common property, where no association or master association
56.4 has an obligation to maintain any building containing a dwelling or any agricultural building
56.5 located or to be located on such platted lots or parcels; except that section 515B.4-101(e)
56.6 shall apply to the sale of such platted lots or parcels of real estate if the common interest
56.7 community is or will be subject to a master declaration;

56.8 (3) a cooperative where, at the time of creation of the cooperative, the unit owners'
56.9 interests in the dwellings as described in the declaration consist solely of proprietary leases
56.10 having an unexpired term of fewer than 20 years, including renewal options;

56.11 (4) planned communities utilizing a CIC plat complying with section 515B.2-110(d)(1)
56.12 and (2), or section 515B.2-1101(d)(1) and (2), and cooperatives, which are limited by the
56.13 declaration to nonresidential uses; or

56.14 (5) real estate subject only to an instrument or instruments filed primarily for the purpose
56.15 of creating or modifying rights with respect to access, utilities, parking, ditches, drainage,
56.16 or irrigation.

56.17 (f) Section 515B.4-101(e) applies to any platted lot or other parcel of real estate that is
56.18 subject to a master declaration and is not subject to or is exempt from this chapter.

56.19 (g) Section 515B.1-106 and section 515B.2-118, subsections (a)(5), (a)(7), and (d), shall
56.20 apply to all common interest communities.

56.21 (h) Sections 515B.1-103(33a), 515B.2-110, 515B.3-105, 515B.3-115, 515B.4-102, and
56.22 515B.4-115 apply only to common interest communities created before August 1, 2010.
56.23 Sections 515B.1-103(33b), 515B.2-1101, 515B.3-1051, 515B.3-1151, 515B.4-1021, and
56.24 515B.4-1151 apply only to common interest communities created on or after August 1,
56.25 2010.

56.26 (i) Section 515B.3-114 applies to common interest communities only for the association's
56.27 fiscal years commencing before January 1, 2012. Section 515B.3-1141 applies to common
56.28 interest communities only for the association's fiscal years commencing on or after January
56.29 1, 2012.

56.30 (j) Section 515B.3-104 applies only to transfers of special declarant rights that are
56.31 effective before August 1, 2010. Section 515B.3-1041, subsections (a) through (i), apply
56.32 only to transfers of special declarant rights that are effective on or after August 1, 2010.

57.1 Section 515B.3-1041, subsections (j) and (k), apply only to special declarant rights reserved
57.2 in a declaration that is first recorded on or after August 1, 2010.

57.3 Sec. 2. Minnesota Statutes 2018, section 515B.2-118, is amended to read:

57.4 **515B.2-118 AMENDMENT OF DECLARATION.**

57.5 (a) Except as otherwise provided in subsection (d), the declaration, including any CIC
57.6 plat, may be amended only by vote or written consent of unit owners of units to which at
57.7 least 67 percent of the votes in the association are allocated, or any greater or other
57.8 requirement the declaration specifies, subject to the following qualifications:

57.9 (1) A declarant may execute supplemental declarations or amendments under section
57.10 515B.2-111 or 515B.2-112.

57.11 (2) The association and certain unit owners, as applicable, may execute amendments
57.12 under section 515B.2-107, 515B.2-109, 515B.2-112, 515B.2-114, or 515B.2-124.

57.13 (3) Except for amendments or supplemental declarations under subsection (a)(1) and
57.14 (2), and except as provided in sections 515B.1-102(d)(3) and 515B.2-106(a)(2), the
57.15 unanimous written consent of the unit owners is required for any amendment which (i)
57.16 creates or increases special declarant rights, (ii) increases the number of units, (iii) changes
57.17 the boundaries of any unit, (iv) changes the allocated interests of a unit, (v) changes common
57.18 elements to limited common elements or units, (vi) changes the authorized use of a unit
57.19 from residential to nonresidential, or conversely, or (vii) changes the characterization of
57.20 the unit owner's interest in a cooperative from real estate to personal property, or conversely.
57.21 Where the amendment involves the conversion of common elements into a unit or units,
57.22 the title to the unit or units created shall, upon recording of the amendment, vest in the
57.23 association free and clear of the interests of the unit owners and all secured parties holding
57.24 security interests in units.

57.25 (4) In addition to any other requirements contained in this section, a declarant must
57.26 execute an amendment that eliminates or modifies any special declarant rights held by that
57.27 declarant.

57.28 (5) If any provision of this chapter, the declaration, the bylaws, or the articles of
57.29 incorporation requires the consent of a secured party holding a security interest in a unit as
57.30 a condition for the approval or effectiveness of an amendment to the declaration, the bylaws,
57.31 or the articles of incorporation, the consent is deemed to be granted if the secured party's
57.32 written refusal to consent is not received by the association within 60 days after the secured
57.33 party receives from the association notice and a copy of the amendment, by certified United

58.1 States mail, postage prepaid and return receipt requested. If the secured party has not
58.2 otherwise provided to the association an address for notice, the association shall send the
58.3 notice to the address, if any, set forth in the recorded instrument that evidences the security
58.4 interest. This subsection shall not apply to an amendment that affects the priority of a secured
58.5 party's security interest or the ability of a secured party to foreclose its security interest. In
58.6 such cases, the number or percentage of secured parties whose consent is required by the
58.7 instrument to be amended must consent to the amendment in writing.

58.8 (6) The declaration may specify less than 67 percent for approval of an amendment, but
58.9 only if all of the units are restricted to nonresidential use.

58.10 (7) If any provision of this chapter, the declaration, the bylaws, or the articles of
58.11 incorporation requires the vote or consent of unit owners as a condition for the approval or
58.12 effectiveness of an amendment to the declaration, the bylaws, or the articles of incorporation,
58.13 the affirmative vote or consent of a unit owner is deemed to be granted if the association
58.14 sends notice and a copy of the amendment, by certified United States mail, postage prepaid
58.15 and return receipt requested, and (i) if a vote is conducted, the unit owner's vote is not cast
58.16 against the proposed amendment, or (ii) if consent is requested, the unit owner's written
58.17 refusal to consent is not received by the association within 60 days after notice is mailed.
58.18 This subsection shall not apply to any amendment that would require execution by the
58.19 association and certain unit owners pursuant to subsection (a)(2).

58.20 (b) No action to challenge the validity of an amendment or a supplemental declaration
58.21 may be brought more than two years after the amendment or supplemental declaration is
58.22 recorded.

58.23 (c) Every amendment to a declaration or supplemental declaration shall be recorded in
58.24 every county in which any portion of the common interest community is located and is
58.25 effective only when recorded. If an amendment (i) changes the number of units, (ii) changes
58.26 the boundary of a unit, (iii) changes common elements to limited common elements, where
58.27 the limited common element is required by section 515B.2-110(c), to be shown on the CIC
58.28 plat, (iv) changes limited common elements to common elements if the limited common
58.29 elements are shown as limited common elements on the CIC plat, or (v) makes any other
58.30 change that creates an inconsistency between the declaration, as amended, and the CIC plat,
58.31 then an amendment to the CIC plat reflecting the change shall be recorded.

58.32 (d) The association may petition the district court of any county in which any portion
58.33 of the common interest community is located for an order reducing the percentage of

59.1 affirmative votes or consents necessary for an amendment to the declaration, bylaws, or
59.2 articles of incorporation, subject to the following qualifications:

59.3 (1) The petition shall describe the reason for the amendment, the approval requirements
59.4 based on the governing documents and applicable law, the effort that has been made to
59.5 solicit approval of the association members, the number of affirmative votes or consents
59.6 actually received, the number of negative votes or denials actually received, the number or
59.7 percentage of affirmative votes or consents required to effect the amendment, and other
59.8 matters the petitioner considers relevant to the court's determination. The petition shall also
59.9 contain, as exhibits thereto, copies of all of the following: (i) the governing documents; (ii)
59.10 the complete text of the amendment; (iii) copies of any notice and solicitation materials
59.11 utilized in the solicitation of member approvals; and (iv) any other documentation that the
59.12 petitioner believes will be useful to the court in deciding whether to grant the petition.

59.13 (2) Upon filing the petition, the association shall contact the court administrator to obtain
59.14 a hearing date not less than 90 days after the date of filing the petition.

59.15 (3) Not less than 15 days prior to the date of the hearing, the association shall serve a
59.16 copy of the petition, excluding the exhibits, and notice of the hearing date on all members
59.17 of the association in the same manner as service of a summons by personal service, or by
59.18 publication in circumstances in which service of a summons by publication would be allowed
59.19 under the Minnesota Rules of Civil Procedure. Notwithstanding the foregoing, to avoid
59.20 unnecessary expenses of service, the association may obtain from any member of the
59.21 association a signed waiver of service (i) acknowledging receipt of a copy of the petition,
59.22 excluding the exhibits, and notice of the hearing date, and (ii) waiving service thereof.

59.23 (4) The court may grant the petition if it finds all of the following:

59.24 (i) each member of the association was served with a copy of the petition, excluding the
59.25 exhibits, and notice of the hearing date not less than 15 days prior to the date of the hearing,
59.26 or waived service thereof, pursuant to subsection (d)(3);

59.27 (ii) each secured party that is entitled to notice of the proposed amendment under the
59.28 terms of the declaration, bylaws, or articles of incorporation, if any, either consented to the
59.29 amendment, is deemed to have consented to the amendment pursuant to subsection (a)(5),
59.30 or received a copy of the petition, excluding the exhibits, and notice of the hearing date not
59.31 less than 15 days prior to the date of the hearing;

59.32 (iii) the association conducted a vote or requested the consent of the members regarding
59.33 the proposed amendment in accordance with the declaration, the bylaws, the articles of
59.34 incorporation, this chapter, and any other applicable law;

60.1 (iv) a reasonably diligent effort was made to permit all eligible members to vote, or to
60.2 grant or deny consent, regarding the proposed amendment;

60.3 (v) the amendment was approved by the affirmative vote or consent of unit owners of
60.4 units to which at least 67 percent of the votes in the association are allocated, or if all of the
60.5 units are restricted to nonresidential use, by the affirmative vote or consent of unit owners
60.6 of units to which a majority of the votes in the association are allocated;

60.7 (vi) the amendment is reasonable; and

60.8 (vii) granting the petition is not improper for any reason stated in subsection (d)(6).

60.9 (5) If the court makes the findings required by subsection (d)(4), any order issued pursuant
60.10 to this section may confirm the amendment as being validly approved on the basis of the
60.11 affirmative votes or consents actually received, or the order may dispense with any
60.12 requirement relating to quorums or to the number or percentage of votes or consents needed
60.13 for approval of the amendment that would otherwise exist under the governing documents.

60.14 (6) Notwithstanding subsections (d)(1) to (5), the court shall not approve any amendment
60.15 that:

60.16 (i) would require execution by the association and certain unit owners pursuant to
60.17 subsection (a)(2), unless the association and unit owners execute the amendment;

60.18 (ii) would require the unanimous written consent of the unit owners pursuant to subsection
60.19 (a)(3);

60.20 (iii) would eliminate any special rights, preferences, or privileges designated in the
60.21 declaration as belonging to the declarant, without the consent of the declarant; or

60.22 (iv) would impair the security interest of a secured party without the approval of the
60.23 percentage of secured parties specified in the declaration, if the declaration requires the
60.24 approval of a specified percentage of secured parties.

60.25 (7) An amendment to a declaration is not effective pursuant to this subsection until the
60.26 court order and amendment have been recorded in every county in which a portion of the
60.27 common interest community is located. Upon recordation of the amendment and court order,
60.28 the declaration, as amended in accordance with this section, shall have the same force and
60.29 effect as if the amendment were adopted in compliance with every requirement imposed
60.30 by this chapter and the declaration.

61.1

ARTICLE 4

61.2

GARNISHMENT

61.3 Section 1. Minnesota Statutes 2018, section 550.136, subdivision 3, is amended to read:

61.4 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
61.5 the maximum part of the aggregate disposable earnings of an individual for any pay period
61.6 subjected to an execution levy may not exceed the lesser of:

61.7 (1) 25 percent of the judgment debtor's disposable earnings; or

61.8 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
61.9 ~~product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1,
61.10 paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages
61.11 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
61.12 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
61.13 of work weeks in the pay period. When a pay period consists of other than a whole number
61.14 of work weeks, each day of that pay period in excess of the number of completed work
61.15 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
61.16 divided by the number of days in the normal work week.

61.17 (b) If the judgment is for child support, the levy may not exceed:

61.18 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
61.19 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
61.20 to be calculated to the beginning of the work week in which the execution levy is received);

61.21 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
61.22 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
61.23 to be calculated to the beginning of the work week in which the execution levy is received);

61.24 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
61.25 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
61.26 to be calculated to the beginning of the work week in which the execution levy is received);

61.27 or

61.28 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
61.29 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
61.30 to be calculated to the beginning of the work week in which the execution levy is received).

61.31 Execution levies under this section on judgments for child support are effective until
61.32 the judgments are satisfied if the judgment creditor is a county and the employer is notified
61.33 by the county when the judgment is satisfied.

62.1 (c) No court may make, execute, or enforce an order or any process in violation of this
62.2 section.

62.3 Sec. 2. Minnesota Statutes 2018, section 550.136, subdivision 4, is amended to read:

62.4 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
62.5 section 518A.53, the priority of multiple earnings execution levies is determined by the
62.6 order in which the execution levies were served on the employer. If the employer is served
62.7 with two or more writs of execution at the same time on the same day, the writ of execution
62.8 issued pursuant to the first judgment entered has priority. If two or more execution levies
62.9 are served on the same day and are based on judgments entered on the same day, then the
62.10 employer shall select the priority of the earnings levies. However, in all cases except earnings
62.11 execution levies on judgments for child support if the judgment creditor is a county and the
62.12 employer is notified by the county when the judgment is satisfied, the execution levies shall
62.13 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

62.14 Sec. 3. Minnesota Statutes 2018, section 550.136, subdivision 5, is amended to read:

62.15 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by sections 550.37
62.16 and 571.922, and any other applicable statute, and except as otherwise provided in paragraph
62.17 (b), the service of a writ of execution under this chapter attaches all unpaid nonexempt
62.18 disposable earnings owing or to be owed by the third party and earned or to be earned by
62.19 the judgment debtor before and within the pay period in which the writ of execution is
62.20 served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
62.21 after the date of service of the writ of execution. "Paydays" means the days upon which the
62.22 third party pays earnings to the judgment debtor in the ordinary course of business. If the
62.23 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
62.24 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
62.25 sum.

62.26 (b) The service of a writ of execution on a judgment for child support attaches to all
62.27 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
62.28 or to be earned by the judgment debtor before and within the pay period in which the writ
62.29 of execution is served and within all subsequent pay periods until the judgment is satisfied
62.30 if the judgment creditor is a county and the third party is notified by the county when the
62.31 judgment is satisfied.

63.1 Sec. 4. Minnesota Statutes 2018, section 550.136, subdivision 9, is amended to read:

63.2 Subd. 9. **Execution earnings disclosure form and worksheet.** The judgment creditor
63.3 shall provide to the sheriff for service upon the judgment debtor's employer an execution
63.4 earnings disclosure form and an earnings disclosure worksheet with the writ of execution,
63.5 that must be substantially in the form set forth below.

63.6	STATE OF MINNESOTA	DISTRICT COURT
63.7	COUNTY OF .....	.....JUDICIAL DISTRICT
63.8		FILE NO.
63.9	..... (Judgment Creditor)	
63.10	against	EARNINGS
63.11	..... (Judgment Debtor)	EXECUTION
63.12	and	DISCLOSURE
63.13	..... (Third Party)	

63.14 DEFINITIONS

63.15 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
63.16 payable to an employee for personal services or compensation paid or payable to the producer
63.17 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
63.18 products produced when the producer is operating a family farm, a family farm corporation,
63.19 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
63.20 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
63.21 payments pursuant to a pension or retirement.

63.22 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
63.23 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
63.24 required by law to be withheld do not include items such as health insurance, charitable
63.25 contributions, or other voluntary wage deductions.)

63.26 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
63.27 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
63.28 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

63.29 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
63.30 QUESTIONS:

63.31 (1) Do you now owe, or within ~~70~~90 days from the date the execution levy was served
63.32 on you, will you or may you owe money to the judgment debtor for earnings?

63.33 Yes No

64.1 (2) Does the judgment debtor earn more than \$... per week? (this amount is the greater
 64.2 of \$9.50 per hour or the federal minimum wage per week)

64.3 Yes No

64.4 INSTRUCTIONS FOR COMPLETING THE

64.5 EARNINGS DISCLOSURE

64.6 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
 64.7 below and return this disclosure to the sheriff within 20 days after it was served on you,
 64.8 and you do not need to answer the remaining questions.

64.9 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
 64.10 and the Earnings Disclosure Worksheet as follows:

64.11 For each payday that falls within ~~70~~90 days from the date the execution levy was served
 64.12 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
 64.13 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
 64.14 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
 64.15 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
 64.16 DISCLOSURE WERE MADE.

64.17 Each payday, you must retain the amount of earnings listed in column I on the Earnings
 64.18 Disclosure Worksheet.

64.19 You must pay the attached earnings and return this earnings disclosure form and the
 64.20 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
 64.21 worksheet to the judgment debtor within ten days after the last payday that falls within
 64.22 the ~~70-day~~90-day period. If the judgment is wholly satisfied or if the judgment debtor's
 64.23 employment ends before the expiration of the ~~70-day~~90-day period, your disclosure
 64.24 and remittance should be made within ten days after the last payday for which earnings
 64.25 were attached.

64.26 For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure
 64.27 Worksheet.

- 64.28 (3) COLUMN A. Enter the date of judgment debtor's payday.
 64.29 (4) COLUMN B. Enter judgment debtor's gross earnings for each payday.
 64.30 (5) COLUMN C. Enter judgment debtor's disposable earnings for each
 64.31 payday.
 64.32 (6) COLUMN D. Enter 25 percent of disposable earnings. (Multiply
 64.33 column C by .25.)

65.1 (7) COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
 65.2 hourly federal minimum wage (\$.....) times the
 65.3 number of work weeks included in each payday. (Note:
 65.4 If a payday includes days in excess of whole work
 65.5 weeks, the additional days should be counted as a
 65.6 fraction of a work week equal to the number of
 65.7 workdays in excess of a whole work week divided by
 65.8 the number of workdays in a normal work week.)

65.9 (8) COLUMN F. Subtract the amount in column E from the amount in
 65.10 column C, and enter here.

65.11 (9) COLUMN G. Enter here the lesser of the amount in column D and the
 65.12 amount in column F.

65.13 (10) COLUMN H. Enter here any amount claimed by you as a setoff,
 65.14 defense, lien, or claim, or any amount claimed by any
 65.15 other person as an exemption or adverse interest which
 65.16 would reduce the amount of earnings owing to the
 65.17 judgment debtor. (Note: Any indebtedness to you
 65.18 incurred within ten days prior to your receipt of the first
 65.19 execution levy on a debt may not be set off against the
 65.20 earnings otherwise subject to this levy. Any wage
 65.21 assignment made by the judgment debtor within ten
 65.22 days prior to your receipt of the first execution levy on
 65.23 a debt is void.)

65.24 You must also describe your claim(s) and the claims of
 65.25 others, if known, in the space provided below the
 65.26 worksheet and state the name(s) and address(es) of these
 65.27 persons.

65.28 Enter zero in column H if there are no claims by you or
 65.29 others which would reduce the amount of earnings
 65.30 owing to the judgment debtor.

65.31 (11) COLUMN I. Subtract the amount in column H from the amount in
 65.32 column G and enter here. This is the amount of earnings
 65.33 that you must remit for the payday for which the
 65.34 calculations were made.

AFFIRMATION

65.36 I, (person signing Affirmation), am the third party/employer or I am
 65.37 authorized by the third party/employer to complete this earnings disclosure, and have done
 65.38 so truthfully and to the best of my knowledge.

65.39 DATED:

65.40 Signature
 65.41

65.42 Title
 65.43

65.44 Telephone Number

65.45 EARNINGS DISCLOSURE WORKSHEET

65.46 Debtor's Name

66.1	A	B	C
66.2	Payday Date	Gross Earnings	Disposable
66.3			Earnings
66.4	1.	\$.....	\$.....
66.5	2. ....	.....	.....
66.6	3. ....	.....	.....
66.7	4. ....	.....	.....
66.8	5. ....	.....	.....
66.9	6. ....	.....	.....
66.10	7. ....	.....	.....
66.11	8. ....	.....	.....
66.12	9. ....	.....	.....
66.13	10. ....	.....	.....
66.14	D	E	F
66.15	25% of	<u>Greater of 40 X</u>	Column C minus
66.16	Column C	<u>\$9.50 or 40 X</u>	Column E
66.17		<u>Fed. Min. Wage</u>	
66.18	1. ....	.....	.....
66.19	2. ....	.....	.....
66.20	3. ....	.....	.....
66.21	4. ....	.....	.....
66.22	5. ....	.....	.....
66.23	6. ....	.....	.....
66.24	7. ....	.....	.....
66.25	8. ....	.....	.....
66.26	9. ....	.....	.....
66.27	10. ....	.....	.....
66.28	G	H	I
66.29	Lesser of	Setoff, Lien,	Column G minus
66.30	Column D and	Adverse Interest,	Column H
66.31	Column F	or Other Claims	
66.32	1. ....	.....	.....
66.33	2. ....	.....	.....
66.34	3. ....	.....	.....
66.35	4. ....	.....	.....
66.36	5. ....	.....	.....
66.37	6. ....	.....	.....
66.38	7. ....	.....	.....

67.1	8. ....	.....	.....
67.2	9. ....	.....	.....
67.3	10. ....	.....	.....
67.4	TOTAL OF COLUMN I \$		

67.5 *If you entered any amount in column H for any payday(s), you must describe below
67.6 either your claims, or the claims of others. For amounts claimed by others, you must both
67.7 state the names and addresses of such persons, and the nature of their claim, if known.

67.8
67.9
67.10

67.11 AFFIRMATION

67.12 I, (person signing Affirmation), am the third party or I am authorized by the
67.13 third party to complete this earnings disclosure worksheet, and have done so truthfully and
67.14 to the best of my knowledge.

67.15
67.16 Signature
67.17 Dated: (...)
67.18 Title Phone Number

67.19 Sec. 5. Minnesota Statutes 2018, section 550.136, subdivision 10, is amended to read:

67.20 Subd. 10. **Execution earnings disclosure form and worksheet for child support**
67.21 **judgments.** The judgment creditor shall provide to the sheriff for service upon a child
67.22 support judgment debtor's employer an execution earnings disclosure form and an earnings
67.23 disclosure worksheet with the writ of execution, that must be substantially in the form set
67.24 forth below.

67.25	STATE OF MINNESOTA	DISTRICT COURT
67.26	COUNTY OF .....	.....JUDICIAL DISTRICT
67.27		FILE NO.
67.28	..... (Judgment Creditor)	
67.29	against	EARNINGS
67.30	..... (Judgment Debtor)	EXECUTION
67.31	and	DISCLOSURE
67.32	..... (Third Party)	

68.1 DEFINITIONS

68.2 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
 68.3 payable to an employee for personal services or compensation paid or payable to the producer
 68.4 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
 68.5 products produced when the producer is operating a family farm, a family farm corporation,
 68.6 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
 68.7 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
 68.8 payments pursuant to a pension or retirement, workers' compensation, or unemployment
 68.9 benefits.

68.10 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
 68.11 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
 68.12 required by law to be withheld do not include items such as health insurance, charitable
 68.13 contributions, or other voluntary wage deductions.)

68.14 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
 68.15 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
 68.16 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

68.17 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING QUESTION:

68.18 (1) Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
 68.19 on you, will you or may you owe money to the judgment debtor for earnings?

68.20 Yes No

68.21 INSTRUCTIONS FOR COMPLETING THE
 68.22 EARNINGS DISCLOSURE

68.23 A. If your answer to question 1 is "No," then you must sign the affirmation below and
 68.24 return this disclosure to the sheriff within 20 days after it was served on you, and you do
 68.25 not need to answer the remaining questions.

68.26 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
 68.27 Disclosure Worksheet as follows:

68.28 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
 68.29 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
 68.30 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.

68.31 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
 68.32 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
 68.33 DISCLOSURE WERE MADE.

69.1 Each payday, you must retain the amount of earnings listed in column G on the Earnings
69.2 Disclosure Worksheet.

69.3 You must pay the attached earnings and return this earnings disclosure form and the
69.4 Earnings Disclosure Worksheet to the sheriff and deliver a copy of the disclosure and
69.5 worksheet to the judgment debtor within ten days after the last payday that falls within
69.6 the ~~70-day~~ 90-day period. If the judgment is wholly satisfied or if the judgment debtor's
69.7 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
69.8 and remittance should be made within ten days after the last payday for which earnings
69.9 were attached.

69.10 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

69.11 (2) COLUMN A. Enter the date of judgment debtor's payday.

69.12 (3) COLUMN B. Enter judgment debtor's gross earnings for each payday.

69.13 (4) COLUMN C. Enter judgment debtor's disposable earnings for each payday.

69.14 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
69.15 on which of the following descriptions fits the child support judgment debtor:

69.16 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
69.17 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
69.18 to be calculated to the beginning of the work week in which the execution levy is received);

69.19 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
69.20 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
69.21 to be calculated to the beginning of the work week in which the execution levy is received);

69.22 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
69.23 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
69.24 to be calculated to the beginning of the work week in which the execution levy is received);
69.25 or

69.26 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
69.27 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
69.28 to be calculated to the beginning of the work week in which the execution levy is received).
69.29 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

69.30 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
69.31 claim, or any amount claimed by any other person as an exemption or adverse interest that
69.32 would reduce the amount of earnings owing to the judgment debtor. (Note: Any indebtedness

70.1 to you incurred within ten days prior to your receipt of the first execution levy may not be
 70.2 set off against the earnings otherwise subject to this levy. Any wage assignment made by
 70.3 the judgment debtor within ten days prior to your receipt of the first execution levy is void.)

70.4 You must also describe your claim(s) and the claims of others, if known, in the space
 70.5 provided below the worksheet and state the name(s) and address(es) of these persons.

70.6 Enter zero in column E if there are no claims by you or others that would reduce the
 70.7 amount of earnings owing to the judgment debtor.

70.8 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
 70.9 enter here. This is the amount of earnings that you must remit for the payday for which the
 70.10 calculations were made.

70.11 AFFIRMATION

70.12 I, (person signing Affirmation), am the third party/employer or I am
 70.13 authorized by the third party/employer to complete this earnings disclosure, and have done
 70.14 so truthfully and to the best of my knowledge.

70.15 DATED:

70.16 Signature

70.17
 70.18 Title

70.19
 70.20 Telephone Number

70.21 EARNINGS DISCLOSURE WORKSHEET

70.22 Debtor's Name

70.23	A	B	C
70.24	Payday Date	Gross Earnings	Disposable
70.25			Earnings
70.26	1.	\$.....	\$.....
70.27	2. ....	.....	.....
70.28	3. ....	.....	.....
70.29	4. ....	.....	.....
70.30	5. ....	.....	.....
70.31	6. ....	.....	.....
70.32	7. ....	.....	.....
70.33	8. ....	.....	.....
70.34	9. ....	.....	.....
70.35	10. ....	.....	.....

71.1	D	E	F
71.2	Either 50, 55, 60, or 65% of Column C	Setoff, Lien, Adverse Interest, or Other Claims	Column D minus Column E
71.3			
71.4			
71.5			
71.6	1. ....	.....	.....
71.7	2. ....	.....	.....
71.8	3. ....	.....	.....
71.9	4. ....	.....	.....
71.10	5. ....	.....	.....
71.11	6. ....	.....	.....
71.12	7. ....	.....	.....
71.13	8. ....	.....	.....
71.14	9. ....	.....	.....
71.15	10. ....	.....	.....
71.15	TOTAL OF COLUMN F \$		

71.16 *If you entered any amount in column E for any payday(s), you must describe below
 71.17 either your claims, or the claims of others. For amounts claimed by others, you must both
 71.18 state the names and addresses of such persons, and the nature of their claim, if known.

71.19

71.20

71.21

71.22 AFFIRMATION

71.23 I, (person signing Affirmation), am the third party or I am authorized by the
 71.24 third party to complete this earnings disclosure worksheet, and have done so truthfully and
 71.25 to the best of my knowledge.

71.26

71.27 Signature

71.28 Dated: (...)

71.29 Title Phone Number

71.30 Sec. 6. Minnesota Statutes 2018, section 550.136, subdivision 12, is amended to read:

71.31 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
 71.32 earnings, the third party shall serve the execution earnings disclosure form upon the sheriff
 71.33 within 20 days after service of the writ of execution. However, if the judgment debtor has
 71.34 attachable earnings, the third party shall serve the execution earnings disclosure form and

72.1 remit to the sheriff the attached earnings within ten days of the last payday to occur within
72.2 the ~~70~~ 90 days after the date of the service of the execution. If the judgment is wholly
72.3 satisfied or if the judgment debtor's employment ends before the expiration of the ~~70-day~~
72.4 90-day period, the disclosure and remittance should be made within ten days after the last
72.5 payday for which earnings were attached. The amount of the third party's execution earnings
72.6 disclosure form and remittance need not exceed 110 percent of the amount of the judgment
72.7 creditor's judgment that remains unpaid, after subtracting the total of setoffs, defenses,
72.8 exemption, or other adverse interests. If the disclosure is by a corporation, it shall be made
72.9 by an officer or an authorized agent having knowledge of the facts.

72.10 Sec. 7. Minnesota Statutes 2018, section 551.04, subdivision 2, is amended to read:

72.11 Subd. 2. **Property attachable.** Subject to the exemptions provided by subdivision 3 and
72.12 section 550.37, and any other applicable statute, the service of a writ of execution under
72.13 this chapter attaches:

72.14 (a) Except as otherwise provided in paragraph (c), all unpaid nonexempt disposable
72.15 earnings owing or to be owed by the third party and earned or to be earned by the judgment
72.16 debtor within the pay period in which the writ of execution is served and within all subsequent
72.17 pay periods whose paydays occur within the ~~70~~ 90 days after the date of service of the writ
72.18 of execution. "Payday" means the day upon which the third party pays earnings to the
72.19 judgment debtor in the ordinary course of business. If the judgment debtor has no regular
72.20 paydays, payday means the 15th day and the last day of each month.

72.21 (b) All other nonexempt indebtedness or money due or belonging to the judgment debtor
72.22 and owing by the third party or in the possession or under the control of the third party at
72.23 the time of service of the writ of execution, whether or not the same, has become payable.
72.24 The third party shall not be compelled to pay or deliver the same before the time specified
72.25 by any agreement unless the agreement was fraudulently contracted to defeat an execution
72.26 levy or other collection remedy.

72.27 (c) For an execution on a judgment for child support, all unpaid nonexempt disposable
72.28 earnings owing or to be owed by the third party and earned or to be earned by the judgment
72.29 debtor within the pay period in which the writ of execution is served and within all subsequent
72.30 pay periods until the judgment is satisfied if the judgment creditor is a county and the third
72.31 party is notified by the county when the judgment is satisfied.

73.1 Sec. 8. Minnesota Statutes 2018, section 551.04, subdivision 11, is amended to read:

73.2 Subd. 11. **Forms.** No judgment creditor shall use a form that contains alterations or
73.3 changes from the statutory forms that mislead judgment debtors as to their rights and the
73.4 execution procedure generally. If a court finds that a judgment creditor has used a misleading
73.5 form, the judgment debtor shall be awarded actual damages, costs, reasonable attorney's
73.6 fees resulting from additional proceedings, and an amount not to exceed \$100. All forms
73.7 must be clearly legible and printed in not less than the equivalent of 10-point type. A form
73.8 that uses both sides of a sheet must clearly indicate on the front side that there is additional
73.9 information on the back side of the sheet.

73.10 Forms, including the statutory forms, used in executions upon earnings for the satisfaction
73.11 of judgments for child support must be changed by the creditor to reflect the fact that the
73.12 ~~70-day~~ 90-day period of effectiveness does not apply to these executions if the judgment
73.13 creditor is a county and the employer is notified by the county when the judgment is satisfied.

73.14 Sec. 9. Minnesota Statutes 2018, section 551.06, subdivision 3, is amended to read:

73.15 Subd. 3. **Limitation on levy on earnings.** (a) Unless the judgment is for child support,
73.16 the maximum part of the aggregate disposable earnings of an individual for any pay period
73.17 subjected to an execution levy may not exceed the lesser of:

73.18 (1) 25 percent of the judgment debtor's disposable earnings; or

73.19 (2) the amount by which the judgment debtor's disposable earnings exceed the ~~following~~
73.20 ~~product~~ greater of: (i) 40 times the hourly wage described in section 177.24, subdivision 1,
73.21 paragraph (b), clause (1), item (iii); or (ii) 40 times the federal minimum hourly wages
73.22 prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938, United States Code,
73.23 title 29, section 206(a)(1), in effect at the time the earnings are payable, times the number
73.24 of work weeks in the pay period. When a pay period consists of other than a whole number
73.25 of work weeks, each day of that pay period in excess of the number of completed work
73.26 weeks shall be counted as a fraction of a work week equal to the number of excess workdays
73.27 divided by the number of days in the normal work week.

73.28 (b) If the judgment is for child support, the levy may not exceed:

73.29 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
73.30 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
73.31 to be calculated to the beginning of the work week in which the execution levy is received);

74.1 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
 74.2 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
 74.3 to be calculated to the beginning of the work week in which the execution levy is received);

74.4 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
 74.5 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
 74.6 to be calculated to the beginning of the work week in which the execution levy is received);

74.7 or

74.8 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
 74.9 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
 74.10 to be calculated to the beginning of the work week in which the execution levy is received).

74.11 Execution levies under this section on judgments for child support are effective until
 74.12 the judgments are satisfied if the judgment creditor is a county and the employer is notified
 74.13 by the county when the judgment is satisfied.

74.14 (c) No court may make, execute, or enforce an order or any process in violation of this
 74.15 section.

74.16 Sec. 10. Minnesota Statutes 2018, section 551.06, subdivision 4, is amended to read:

74.17 Subd. 4. **Multiple levies on earnings.** Except as otherwise provided in this chapter or
 74.18 section 518A.53, the priority of multiple earnings execution levies is determined by the
 74.19 order in which the execution levies were served on the employer. If the employer is served
 74.20 with two or more writs of execution at the same time on the same day, the writ of execution
 74.21 issued pursuant to the first judgment entered has priority. If two or more execution levies
 74.22 are served on the same day and are based on judgments entered on the same day, then the
 74.23 employer shall select the priority of the earnings levies. However, in all cases except earnings
 74.24 execution levies on judgments for child support if the judgment creditor is a county and the
 74.25 employer is notified by the county when the judgment is satisfied, the execution levies shall
 74.26 be effective no longer than ~~70~~ 90 days from the date of the service of the writ of execution.

74.27 Sec. 11. Minnesota Statutes 2018, section 551.06, subdivision 5, is amended to read:

74.28 Subd. 5. **Earnings attachable.** (a) Subject to the exemptions provided by subdivision
 74.29 3 and section 550.37, and any other applicable statute, and except as otherwise provided in
 74.30 paragraph (b), the service of a writ of execution under this chapter attaches all unpaid
 74.31 nonexempt disposable earnings owing or to be owed by the third party and earned or to be
 74.32 earned by the judgment debtor before and within the pay period in which the writ of execution

75.1 is served and within all subsequent pay periods whose paydays occur within the ~~70~~ 90 days
 75.2 after the date of service of the writ of execution. "Paydays" means the days upon which the
 75.3 third party pays earnings to the judgment debtor in the ordinary course of business. If the
 75.4 judgment debtor has no regular paydays, paydays means the 15th day and the last day of
 75.5 each month. If the levy attaches less than \$10, the third party shall not retain and remit the
 75.6 sum.

75.7 (b) The service of a writ of execution on a judgment for child support attaches to all
 75.8 unpaid nonexempt disposable earnings owing or to be owed by the third party and earned
 75.9 or to be earned by the judgment debtor before and within the pay period in which the writ
 75.10 of execution is served and within all subsequent pay periods until the judgment is satisfied
 75.11 if the judgment creditor is a county and the third party is notified by the county when the
 75.12 judgment is satisfied.

75.13 Sec. 12. Minnesota Statutes 2018, section 551.06, subdivision 9, is amended to read:

75.14 Subd. 9. **Notice of levy on earnings, disclosure, and worksheet.** The attorney for the
 75.15 judgment creditor shall serve upon the judgment debtor's employer a notice of levy on
 75.16 earnings and an execution earnings disclosure form and an earnings disclosure worksheet
 75.17 with the writ of execution, that must be substantially in the form set forth below.

75.18	STATE OF MINNESOTA	DISTRICT COURT
75.19	COUNTY OF .....	.....JUDICIAL DISTRICT
75.20		FILE NO.....
75.21	..... (Judgment Creditor)	
75.22	against	NOTICE OF LEVY ON
75.23		EARNINGS AND DISCLOSURE
75.24	..... (Judgment Debtor)	
75.25	and	
75.26	..... (Third Party)	

75.27 PLEASE TAKE NOTICE that pursuant to Minnesota Statutes, sections 551.04 and
 75.28 551.06, the undersigned, as attorney for the judgment creditor, hereby makes demand and
 75.29 levies execution upon all earnings due and owing by you (up to \$10,000) to the judgment
 75.30 debtor for the amount of the judgment specified below. A copy of the writ of execution
 75.31 issued by the court is enclosed. The unpaid judgment balance is \$.....

75.32 This levy attaches all unpaid nonexempt disposable earnings owing or to be owed by
 75.33 you and earned or to be earned by the judgment debtor before and within the pay period in

76.1 which the writ of execution is served and within all subsequent pay periods whose paydays
76.2 occur within the ~~70~~ 90 days after the service of this levy.

76.3 In responding to this levy, you are to complete the attached disclosure form and worksheet
76.4 and mail it to the undersigned attorney for the judgment creditor, together with your check
76.5 payable to the above-named judgment creditor, for the nonexempt amount owed by you to
76.6 the judgment debtor or for which you are obligated to the judgment debtor, within the time
76.7 limits set forth in the aforementioned statutes.

76.8
76.9 Attorney for the Judgment Creditor
76.10
76.11
76.12
76.13 Address
76.14 (...)
76.15 Phone Number

76.16 DISCLOSURE

76.17 DEFINITIONS

76.18 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
76.19 payable to an employee for personal services or compensation paid or payable to the producer
76.20 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
76.21 products produced when the producer is operating a family farm, a family farm corporation,
76.22 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
76.23 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic
76.24 payments pursuant to a pension or retirement.

76.25 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
76.26 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
76.27 required by law to be withheld do not include items such as health insurance, charitable
76.28 contributions, or other voluntary wage deductions.)

76.29 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
76.30 the employer pays earnings to the judgment debtor in the ordinary course of business. If
76.31 the judgment debtor has no regular payday, payday(s) means the 15th and the last day of
76.32 each month.

76.33 THE THIRD PARTY/EMPLOYER MUST ANSWER THE FOLLOWING
76.34 QUESTIONS:

77.1 1. Do you now owe, or within ~~70~~ 90 days from the date the execution levy was served
77.2 on you, will you or may you owe money to the judgment debtor for earnings?

77.3 Yes No

77.4 2. Does the judgment debtor earn more than \$... per week? (This amount is the greater
77.5 of \$9.50 per hour of the federal minimum wage per week.)

77.6 Yes No

77.7 INSTRUCTIONS FOR COMPLETING THE
77.8 EARNINGS DISCLOSURE

77.9 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
77.10 on page 2 and return this disclosure to the judgment creditor's attorney within 20 days after
77.11 it was served on you, and you do not need to answer the remaining questions.

77.12 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
77.13 and the Earnings Disclosure Worksheet as follows:

77.14 For each payday that falls within ~~70~~ 90 days from the date the execution levy was served
77.15 on you, YOU MUST calculate the amount of earnings to be retained by completing steps
77.16 3 through 11 on page 2, and enter the amounts on the Earnings Disclosure Worksheet.
77.17 UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR WITH
77.18 INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
77.19 DISCLOSURE WERE MADE.

77.20 Each payday, you must retain the amount of earnings listed in column I on the Earnings
77.21 Disclosure Worksheet.

77.22 You must pay the attached earnings and return this Earnings Disclosure Form and the
77.23 Earnings Disclosure Worksheet to the judgment creditor's attorney and deliver a copy
77.24 to the judgment debtor within ten days after the last payday that falls within the ~~70-day~~
77.25 90-day period.

77.26 If the judgment is wholly satisfied or if the judgment debtor's employment ends before
77.27 the expiration of the ~~70-day~~ 90-day period, your disclosure and remittance should be
77.28 made within ten days after the last payday for which earnings were attached.

77.29 For steps 3 through 11, "columns" refers to columns on the Earnings Disclosure Worksheet.

77.30 3. COLUMN A. Enter the date of judgment debtor's payday.

77.31 4. COLUMN B. Enter judgment debtor's gross earnings for each payday.

77.32 5. COLUMN C. Enter judgment debtor's disposable earnings for each
77.33 payday.

- 78.1 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply
78.2 Column C by .25.)
- 78.3 7. COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
78.4 hourly federal minimum wage (\$.....) times the number
78.5 of work weeks included in each payday. (Note: If a pay
78.6 period includes days in excess of whole work weeks,
78.7 the additional days should be counted as a fraction of a
78.8 work week equal to the number of workdays in excess
78.9 of a whole work week divided by the number of
78.10 workdays in a normal work week.)
- 78.11 8. COLUMN F. Subtract the amount in Column E from the amount in
78.12 Column C, and enter here.
- 78.13 9. COLUMN G. Enter here the lesser of the amount in Column D and
78.14 the amount in Column F.
- 78.15 10. COLUMN H. Enter here any amount claimed by you as a setoff,
78.16 defense, lien, or claim, or any amount claimed by any
78.17 other person as an exemption or adverse interest which
78.18 would reduce the amount of earnings owing to the
78.19 judgment debtor. (Note: Any indebtedness to you
78.20 incurred within ten days prior to your receipt of the first
78.21 execution levy on a debt may not be set off against the
78.22 earnings otherwise subject to this levy. Any wage
78.23 assignment made by the judgment debtor within ten
78.24 days prior to your receipt of the first execution levy on
78.25 a debt is void.)
- 78.26 You must also describe your claim(s) and the claims of
78.27 others, if known, in the space provided below the
78.28 worksheet and state the name(s) and address(es) of these
78.29 persons.
- 78.30 Enter zero in Column H if there are no claims by you
78.31 or others which would reduce the amount of earnings
78.32 owing to the judgment debtor.
- 78.33 11. COLUMN I. Subtract the amount in Column H from the amount in
78.34 Column G and enter here. This is the amount of earnings
78.35 that you must retain for the payday for which the
78.36 calculations were made. The total of all amounts entered
78.37 in Column I is the amount to be remitted to the attorney
78.38 for the judgment creditor.

AFFIRMATION

78.40 I, (person signing Affirmation), am the third party/employer or I am
78.41 authorized by the third party/employer to complete this earnings disclosure, and have done
78.42 so truthfully and to the best of my knowledge.

78.43 Dated:

78.44
Signature

78.45

78.46
Title

79.1
 79.2 Telephone Number

79.3 EARNINGS DISCLOSURE WORKSHEET

79.4

79.5 Judgment Debtor's Name

79.6	A	B	C
79.7	Payday Date	Gross Earnings	Disposable
79.8			Earnings
79.9	1.	\$.....	\$.....
79.10	2. ....	.....	.....
79.11	3. ....	.....	.....
79.12	4. ....	.....	.....
79.13	5. ....	.....	.....
79.14	6. ....	.....	.....
79.15	7. ....	.....	.....
79.16	8. ....	.....	.....
79.17	9. ....	.....	.....
79.18	10. ....	.....	.....

79.19	D	E	F
79.20	25% of	<u>Greater of 40 X</u>	Column C minus
79.21	Column C	<u>\$9.50 or 40 X</u>	Column E
79.22		<u>Fed. Min. Wage</u>	
79.23	1. ....	.....	.....
79.24	2. ....	.....	.....
79.25	3. ....	.....	.....
79.26	4. ....	.....	.....
79.27	5. ....	.....	.....
79.28	6. ....	.....	.....
79.29	7. ....	.....	.....
79.30	8. ....	.....	.....
79.31	9. ....	.....	.....
79.32	10. ....	.....	.....

79.33	G	H	I
79.34	Lesser of	Setoff, Lien,	Column G minus
79.35	Column D and	Adverse Interest,	Column H
79.36	Column F	or Other Claims	
79.37	1. ....	.....	.....

80.1	2. ....	.....	.....
80.2	3. ....	.....	.....
80.3	4. ....	.....	.....
80.4	5. ....	.....	.....
80.5	6. ....	.....	.....
80.6	7. ....	.....	.....
80.7	8. ....	.....	.....
80.8	9. ....	.....	.....
80.9	10. ....	.....	.....
80.10	TOTAL OF COLUMN I \$		

80.11 *If you entered any amount in Column H for any payday(s), you must describe below
80.12 either your claims, or the claims of others. For amounts claimed by others, you must both
80.13 state the names and addresses of these persons, and the nature of their claim, if known.
80.14
80.15
80.16

AFFIRMATION

80.18 I, (person signing Affirmation), am the third party or I am authorized by the
80.19 third party to complete this earnings disclosure worksheet, and have done so truthfully and
80.20 to the best of my knowledge.

80.21
80.22 Title
80.23 Dated: (...)
80.24 Signature Phone Number

80.25 Sec. 13. Minnesota Statutes 2018, section 551.06, subdivision 12, is amended to read:

80.26 Subd. 12. **Third-party disclosure and remittance obligation.** If there are no attachable
80.27 earnings, the third party shall serve the execution earnings disclosure form upon the attorney
80.28 for the judgment creditor within 20 days after service of the writ of execution. However, if
80.29 the judgment debtor has attachable earnings, the third party shall serve the execution earnings
80.30 disclosure form upon both the attorney for the judgment creditor and the judgment debtor
80.31 and remit to the attorney for the judgment creditor the attached earnings within ten days of
80.32 the last payday to occur within the ~~70~~ 90 days after the date of the service of the writ of
80.33 execution. If the judgment is wholly satisfied or if the judgment debtor's employment ends

81.1 before the expiration of the ~~70-day~~ 90-day period, the disclosure and remittance should be
81.2 made within ten days after the last payday for which earnings were attached. The amount
81.3 of the third party's execution earnings disclosure form and remittance need not exceed 100
81.4 percent of the amount of the judgment creditor's judgment that remains unpaid, after
81.5 subtracting the total of setoffs, defenses, exemption, or other adverse interests. If the
81.6 disclosure is by a corporation, it shall be made by an officer or an authorized agent having
81.7 knowledge of the facts.

81.8 Sec. 14. Minnesota Statutes 2018, section 571.72, subdivision 2, is amended to read:

81.9 Subd. 2. **Service of garnishment summons.** To enforce a claim asserted in a civil action
81.10 venued in a court of record, a garnishment summons may be issued by a creditor and served
81.11 upon the garnishee in the same manner as other summons in that court of record, except
81.12 that service may not be made by publication. Service of a garnishment summons on the
81.13 garnishee may also be made by certified mail, return receipt requested. A garnishment
81.14 summons served by certified mail is effective if served at the garnishee's regular place of
81.15 business. The effective date of service by certified mail is the time of receipt by the garnishee.
81.16 A single garnishment summons may be addressed to two or more garnishees but must state
81.17 whether each is summoned separately or jointly.

81.18 The garnishment summons must state:

81.19 (1) the full name of the debtor, the debtor's last known mailing address, and the amount
81.20 of the claim that remains unpaid;

81.21 (2) the date of the entry of judgment against the debtor or that the debtor is in default
81.22 pursuant to rule 55.01 of the Minnesota Rules of Civil Procedure for the District Courts.
81.23 Where there is a prejudgment garnishment pursuant to section 571.93, the garnishment
81.24 summons must include a copy of the court order;

81.25 (3) if the garnishment is on any indebtedness, money, or property other than earnings,
81.26 the garnishee shall serve upon the creditor and upon the debtor within 20 days after service
81.27 of the garnishment summons, a written disclosure, of the garnishee's indebtedness, money,
81.28 or other property owing to the debtor and answers to all written interrogatories that are
81.29 served with the garnishment summons. The garnishment summons shall also state that if
81.30 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall
81.31 serve the disclosure within ten days of the last payday to occur within the ~~70~~ 90 days after
81.32 the date of service of the garnishment summons;

82.1 (4) that the creditor shall not require disclosure of the disposable earnings, indebtedness,
82.2 money, or property of debtor in the garnishee's possession or under the garnishee's control
82.3 in excess of 110 percent of the amount of the claim that remains unpaid;

82.4 (5) that the garnishee shall retain disposable earnings, indebtedness, money, or property
82.5 of the debtor in the garnishee's possession or under the garnishee's control not in excess of
82.6 110 percent of the amount of the claim that remains unpaid, until the creditor causes a writ
82.7 of execution to be served upon the garnishee, until the debtor authorizes release to the
82.8 creditor, until the creditor authorizes release to the debtor, upon court order, or by operation
82.9 of law;

82.10 (6) that after the expiration of the period of time specified in section 571.79 from the
82.11 date of service of the garnishment summons, the garnishee's retention obligation
82.12 automatically expires;

82.13 (7) that an assignment of wages made by the debtor within ten days before the service
82.14 of the first garnishment summons on a debt is void and that any indebtedness to the garnishee
82.15 incurred with ten days before the service of the first garnishment summons on a debt may
82.16 not be set off against amounts otherwise subject to the garnishment.

82.17 Sec. 15. Minnesota Statutes 2018, section 571.72, subdivision 7, is amended to read:

82.18 Subd. 7. **Forms.** No creditor shall use a form that contains alterations or changes from
82.19 the statutory forms that mislead debtors as to their rights and the garnishment procedure
82.20 generally. If a court finds that a creditor has used a misleading form, the debtor shall be
82.21 awarded actual damages, costs, reasonable attorney's fees resulting from additional
82.22 proceedings, and an amount not to exceed \$100. All forms must be clearly legible and
82.23 printed in not less than the equivalent of 10-point type. A form that uses both sides of a
82.24 sheet must clearly indicate on the front side that there is additional information on the back
82.25 side of the sheet.

82.26 Forms, including the statutory forms, used in garnishments of earnings for the satisfaction
82.27 of judgments for child support must be changed by the creditor to reflect the fact that the
82.28 ~~70-day~~ 90-day period of effectiveness does not apply to these garnishments if the judgment
82.29 creditor is a county and the employer is notified by the county when the judgment is satisfied.

83.1 Sec. 16. Minnesota Statutes 2018, section 571.73, subdivision 3, is amended to read:

83.2 Subd. 3. **Property attachable.** Subject to the exemptions provided by sections 550.37
83.3 and 571.922 and any other applicable statute, the service of a garnishment summons under
83.4 this chapter attaches:

83.5 (1) except as otherwise provided in clause (4), all unpaid nonexempt disposable earnings
83.6 owed or to be owed by the garnishee and earned or to be earned by the debtor within the
83.7 pay period in which the garnishment summons is served and within all subsequent pay
83.8 periods whose paydays occur within the ~~70~~ 90 days after the date of service of the
83.9 garnishment summons. "Payday" means the day upon which the garnishee pays earnings
83.10 to the debtor in the ordinary course of business. If the debtor has no regular paydays,
83.11 "payday" means the 15th day and the last day of each month;

83.12 (2) all other nonexempt indebtedness, money, or other property due or belonging to the
83.13 debtor and owing by the garnishee or in the possession or under the control of the garnishee
83.14 at the time of service of the garnishment summons, whether or not the same has become
83.15 payable. The garnishee shall not be compelled to pay or deliver the same before the time
83.16 specified by any agreement unless the agreement was fraudulently contracted to defeat a
83.17 garnishment or other collection remedy;

83.18 (3) all other nonexempt intangible or tangible personal property of the debtor in the
83.19 possession or under the control of the garnishee at the time of service of the garnishment
83.20 summons, including property of any kind due from or in the hands of an executor,
83.21 administrator, personal representative, receiver, or trustee, and all written evidences of
83.22 indebtedness whether or not negotiable or not yet underdue or overdue; and

83.23 (4) for a garnishment on a judgment for child support by a county, all unpaid nonexempt
83.24 disposable earnings owed or to be owed by the garnishee and earned or to be earned by the
83.25 debtor within the pay period in which the garnishment summons is served and within all
83.26 subsequent pay periods until the judgment is satisfied.

83.27 Sec. 17. Minnesota Statutes 2018, section 571.74, is amended to read:

83.28 **571.74 GARNISHMENT SUMMONS AND NOTICE TO DEBTOR.**

83.29 The garnishment summons and notice to debtor must be substantially in the following
83.30 form. The notice to debtor must be in no smaller than 14-point type.

83.31 GARNISHMENT SUMMONS
83.32 STATE OF MINNESOTA DISTRICT COURT
83.33 COUNTY OF JUDICIAL DISTRICT

84.1(Creditor)
 84.2(Debtor) UNPAID BALANCE
 84.3(Debtor's Address) Date of Entry
 84.4(Garnishee) of Judgment (or) Subject to Minnesota
 84.5 Statutes, section 571.71, subd. 2

84.6 GARNISHMENT SUMMONS

84.7 The State of Minnesota

84.8 To the Garnishee named above:

84.9 You are hereby summoned and required to serve upon the creditor's attorney (or the
 84.10 creditor if not represented by an attorney) and on the debtor within 20 days after service of
 84.11 this garnishment summons upon you, a written disclosure, of the nonexempt indebtedness,
 84.12 money, or other property due or belonging to the debtor and owing by you or in your
 84.13 possession or under your control and answers to all written interrogatories that are served
 84.14 with the garnishment summons. However, if the garnishment is on earnings and the debtor
 84.15 has garnishable earnings, you shall serve the completed disclosure form on the creditor's
 84.16 attorney, or the creditor if not represented by an attorney, within ten days of the last payday
 84.17 to occur within the ~~70~~ 90 days after the date of the service of this garnishment summons.
 84.18 "Payday" means the day which you pay earnings in the ordinary course of business. If the
 84.19 debtor has no regular paydays, "payday" means the 15th day and the last day of each month.

84.20 Your disclosure need not exceed 110 percent of the amount of the creditor's claim that
 84.21 remains unpaid.

84.22 You shall retain garnishable earnings, other indebtedness, money, or other property in
 84.23 your possession in an amount not to exceed 110 percent of the creditor's claim until such
 84.24 time as the creditor causes a writ of execution to be served upon you, until the debtor
 84.25 authorizes you in writing to release the property to the creditor, or until the expiration of
 84.26 days from the date of service of this garnishment summons upon you, at which time
 84.27 you shall return the disposable earnings, other indebtedness, money, or other property to
 84.28 the debtor.

84.29 EARNINGS

84.30 In the event you are summoned as a garnishee because you owe "earnings" (as defined
 84.31 on the Earnings Garnishment Disclosure form attached to this Garnishment Summons, if
 84.32 applicable) to the debtor, then you are required to serve upon the creditor's attorney, or the
 84.33 creditor if not represented by an attorney, a written earnings disclosure form within the time
 84.34 limit set forth above.

85.1 In the case of earnings you are further required to retain in your possession all unpaid
 85.2 nonexempt disposable earnings owed or to be owed by you and earned or to be earned to
 85.3 the debtor within the pay period in which this garnishment summons is served and within
 85.4 all subsequent pay periods whose paydays (defined above) occur within the ~~70~~90 days after
 85.5 the date of service of this garnishment summons.

85.6 Any assignment of earnings made by the debtor to any party within ten days before the
 85.7 receipt of the first garnishment on a debt is void. Any indebtedness to you incurred by the
 85.8 debtor within the ten days before the receipt of the first garnishment on a debt may not be
 85.9 set off against amounts otherwise subject to the garnishment.

85.10 You are prohibited by law from discharging or disciplining the debtor because the debtor's
 85.11 earnings have been subject to garnishment.

85.12 This Garnishment Summons includes:

85.13 (check applicable box)

- 85.14 Earnings garnishment
- 85.15 (see attached Earnings Disclosure Form)
- 85.16 Nonearnings garnishment
- 85.17 (see attached Nonearnings Disclosure Form)
- 85.18 Both Earnings and Nonearnings garnishment
- 85.19 (see both attached Earnings and Nonearnings
- 85.20 Disclosure Form)

85.21 NOTICE TO DEBTOR

85.22 A Garnishment Summons, Earnings Garnishment Disclosure form, Nonwage Garnishment
 85.23 Disclosure form, Garnishment Exemption Notices and/or written Interrogatories (strike out
 85.24 if not applicable), copies of which are hereby served on you, were served upon the Garnishee
 85.25 by delivering copies to the Garnishee. The Garnishee was paid \$15.

85.26 Dated:

85.27 Attorney for Creditor (or creditor)

85.28

85.29

85.30

85.31 Address

85.32

85.33 Telephone

85.34

85.35 Attorney I.D. No

86.1 Sec. 18. Minnesota Statutes 2018, section 571.75, subdivision 1, is amended to read:

86.2 Subdivision 1. **Garnishee to disclose.** The garnishee shall serve on both the creditor
86.3 and the debtor, within 20 days after service of the garnishment summons, a written disclosure
86.4 of the garnishee's indebtedness, money, or other property owing to the debtor. However, if
86.5 the garnishment is on earnings and the debtor has garnishable earnings, the garnishee shall
86.6 serve the disclosure and earnings disclosure worksheet within ten days after the last payday
86.7 to occur within the ~~70~~90 days after the date of the service of this garnishment summons.
86.8 "Payday" means the day upon which the garnishee pays earnings to the debtor in the ordinary
86.9 course of business. If the debtor has no regular paydays, "payday" means the 15th day and
86.10 the last day of each month. The amount of the garnishee's disclosure need not exceed 110
86.11 percent of the amount of the creditor's claim that remains unpaid, after subtracting the total
86.12 of setoffs, defenses, exemptions, ownership claims, or other interests. The answers to the
86.13 garnishment disclosure form may be served personally or by first class mail. If the disclosure
86.14 is by a corporation, it shall be made by an officer, managing agent, or other authorized
86.15 person having knowledge of the facts.

86.16 Sec. 19. Minnesota Statutes 2018, section 571.75, subdivision 2, is amended to read:

86.17 Subd. 2. **Contents of disclosure.** The disclosure must state:

86.18 (a) If an earnings garnishment disclosure, the amount of disposable earnings earned by
86.19 the debtor within the debtor's pay periods as specified in section 571.921.

86.20 (b) If a nonearnings garnishment disclosure, a description of any personal property or
86.21 any instrument or papers relating to this property belonging to the judgment debtor or in
86.22 which the debtor is interested or other indebtedness of the garnishee to the debtor.

86.23 (c) If the garnishee asserts any setoff, defense, claim, or lien on disposable earnings,
86.24 other indebtedness, money, or property, the garnishee shall disclose the amount and the
86.25 facts concerning the same.

86.26 (d) Whether the debtor asserts any exemption, or any other objection, known to the
86.27 garnishee against the right of the creditor to garnish the disposable earnings, other
86.28 indebtedness, money, or property disclosed.

86.29 (e) If other persons assert claims to any disposable earnings, other indebtedness, money,
86.30 or property disclosed, the garnishee shall disclose the names and addresses of these claimants
86.31 and, so far as known by the garnishee, the nature of their claims.

86.32 (f) The garnishment disclosure forms and earnings disclosure worksheet must be the
86.33 same or substantially similar to the following forms. If the garnishment affects earnings of

87.1 the debtor, the creditor shall use the earnings garnishment disclosure form. If the garnishment
 87.2 affects any indebtedness, money, or property of the debtor, other than earnings, the creditor
 87.3 shall use the nonearnings garnishment disclosure form. Nothing contained in this paragraph
 87.4 limits the simultaneous use of the earnings and nonearnings garnishment disclosure forms.

87.5 EARNINGS DISCLOSURE FORM AND WORKSHEET

87.6 STATE OF MINNESOTA DISTRICT COURT
 87.7 COUNTY OF JUDICIAL DISTRICT
 87.8(Creditor)
 87.9(Debtor) GARNISHMENT
 87.10(Garnishee) EARNINGS DISCLOSURE

87.11 DEFINITIONS

87.12 "EARNINGS": For the purpose of garnishment, "earnings" means compensation paid
 87.13 or payable to an employee for personal services or compensation paid or payable to the
 87.14 producer for the sale of agricultural products; milk or milk products; or fruit or other
 87.15 horticultural products produced when the producer is operating a family farm, a family farm
 87.16 corporation, or an authorized farm corporation, as defined in section 500.24, subdivision
 87.17 2, whether denominated as wages, salary, commission, bonus, or otherwise, and includes
 87.18 periodic payments pursuant to a pension or retirement.

87.19 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
 87.20 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
 87.21 required by law to be withheld do not include items such as health insurance, charitable
 87.22 contributions, or other voluntary wage deductions.)

87.23 "PAYDAY": For the purpose of garnishment, "payday(s)" means the date(s) upon which
 87.24 the employer pays earnings to the debtor in the ordinary course of business. If the debtor
 87.25 has no regular payday, payday(s) means the fifteenth and the last day of each month.

87.26 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTIONS:

87.27 1. Do you now owe, or within ~~70~~ 90 days from the date the garnishment summons was
 87.28 served on you, will you or do you expect to owe money to the debtor for earnings?

87.29 Yes No

87.30 2. Does the debtor earn more than \$..... per week? (This amount is the greater of \$9.50
 87.31 per hour or the federal minimum wage per week.)

87.32 Yes No

88.1 INSTRUCTIONS FOR COMPLETING THE
88.2 EARNINGS DISCLOSURE

88.3 A. If your answer to either question 1 or 2 is "No," then you must sign the affirmation
88.4 on Page 2 and return this disclosure to the creditor's attorney (or the creditor if not represented
88.5 by an attorney) within 20 days after it was served on you, and you do not need to answer
88.6 the remaining questions.

88.7 B. If your answers to both questions 1 and 2 are "Yes," you must complete this form
88.8 and the Earnings Disclosure Worksheet as follows:

88.9 For each payday that falls within ~~70~~ 90 days from the date the garnishment summons
88.10 was served on you, YOU MUST calculate the amount of earnings to be retained by
88.11 completing Steps 3 through 11, and enter the amounts on the Earnings Disclosure
88.12 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR
88.13 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
88.14 DISCLOSURE WERE MADE.

88.15 Each payday, you must retain the amount of earnings listed in Column I on the Earnings
88.16 Disclosure Worksheet.

88.17 You must return this Earnings Disclosure Form and the Earnings Disclosure Worksheet
88.18 to the creditor's attorney (or the creditor if not represented by an attorney) and deliver
88.19 a copy to the debtor within ten days after the last payday that falls within the ~~70-day~~
88.20 90-day period.

88.21 If the claim is wholly satisfied or if the debtor's employment ends before the expiration
88.22 of the ~~70-day~~ 90-day period, your disclosure should be made within ten days after the
88.23 last payday for which earnings were attached.

88.24 For Steps 3 through 11, "Columns" refers to columns on the Earnings Disclosure Worksheet.

- 88.25 3. COLUMN A. Enter the date of debtor's payday.
88.26 4. COLUMN B. Enter debtor's gross earnings for each payday.
88.27 5. COLUMN C. Enter debtor's disposable earnings for each payday.
88.28 6. COLUMN D. Enter 25 percent of disposable earnings. (Multiply
88.29 Column C by .25.)
88.30 7. COLUMN E. Enter here the greater of 40 times \$9.50 or 40 times the
88.31 hourly federal minimum wage (\$.....) times the
88.32 number of work weeks included in each payday. (Note:
88.33 If a pay period includes days in excess of whole work
88.34 weeks, the additional days should be counted as a
88.35 fraction of a work week equal to the number of
88.36 workdays in excess of a whole work week divided by
88.37 the number of workdays in a normal work week.)

89.1 8. COLUMN F. Subtract the amount in Column E from the amount in
89.2 Column C, and enter here.

89.3 9. COLUMN G. Enter here the lesser of the amount in Column D and
89.4 the amount in Column F.

89.5 10. COLUMN H. Enter here any amount claimed by you as a setoff,
89.6 defense, lien, or claim, or any amount claimed by any
89.7 other person as an exemption or adverse interest which
89.8 would reduce the amount of earnings owing to the
89.9 debtor. (Note: Any indebtedness to you incurred by the
89.10 debtor within the ten days before the receipt of the first
89.11 garnishment on a debt may not be set off against
89.12 amounts otherwise subject to the garnishment. Any
89.13 assignment of earnings made by the debtor to any party
89.14 within ten days before the receipt of the first
89.15 garnishment on a debt is void.)

89.16 You must also describe your claim(s) and the claims of
89.17 others, if known, in the space provided below the
89.18 worksheet and state the name(s) and address(es) of these
89.19 persons.

89.20 Enter zero in Column H if there are no claims by you
89.21 or others which would reduce the amount of earnings
89.22 owing to the debtor.

89.23 11. COLUMN I. Subtract the amount in Column H from the amount in
89.24 Column G and enter here. This is the amount of earnings
89.25 that you must retain for the payday for which the
89.26 calculations were made.

89.27 AFFIRMATION

89.28 I, (person signing Affirmation), am the garnishee or I am authorized by
89.29 the garnishee to complete this earnings disclosure, and have done so truthfully and to the
89.30 best of my knowledge.

89.31 Dated:

89.32 Signature
89.33

89.34 Title
89.35

89.36 Telephone Number

89.37 EARNINGS DISCLOSURE WORKSHEET

89.38

89.39 Debtor's Name

90.1 A	B	C
90.2 Payday Date	Gross Earnings	Disposable Earnings
90.3		
90.4 1.	\$.....	\$.....
90.5 2. ....	.....	.....
90.6 3. ....	.....	.....
90.7 4. ....	.....	.....
90.8 5. ....	.....	.....
90.9 6. ....	.....	.....
90.10 7. ....	.....	.....
90.11 8. ....	.....	.....
90.12 9. ....	.....	.....
90.13 10. ....	.....	.....
90.14 D	E	F
90.15 25% of	40 X Min. Wage	Column C minus
90.16 Column C	Greater of 40 X	Column E
90.17	<u>\$9.50 or 40 X</u>	
90.18	<u>Fed. Min. Wage</u>	
90.19 1. ....	.....	.....
90.20 2. ....	.....	.....
90.21 3. ....	.....	.....
90.22 4. ....	.....	.....
90.23 5. ....	.....	.....
90.24 6. ....	.....	.....
90.25 7. ....	.....	.....
90.26 8. ....	.....	.....
90.27 9. ....	.....	.....
90.28 10. ....	.....	.....
90.29 G	H	I
90.30 Lesser of	Setoff, Lien,	Column G minus
90.31 Column D and	Adverse Interest,	Column H
90.32 Column F	or Other Claims	
90.33 1. ....	.....	.....
90.34 2. ....	.....	.....
90.35 3. ....	.....	.....
90.36 4. ....	.....	.....
90.37 5. ....	.....	.....
90.38 6. ....	.....	.....

91.1	7. ....	.....	.....
91.2	8. ....	.....	.....
91.3	9. ....	.....	.....
91.4	10. ....	.....	.....
91.5		TOTAL OF COLUMN I \$	

91.6 *If you entered any amount in Column H for any payday(s), you must describe below
 91.7 either your claims, or the claims of others. For amounts claimed by others you must both
 91.8 state the names and addresses of these persons, and the nature of their claim, if known.

91.9
 91.10
 91.11

91.12 AFFIRMATION

91.13 I, (person signing Affirmation), am the third party or I am authorized by
 91.14 the third party to complete this earnings disclosure worksheet, and have done so truthfully
 91.15 and to the best of my knowledge.

91.16 Dated:
 91.17 Signature
 91.18 Title
 91.19 Telephone Number (...).

91.20 EARNINGS DISCLOSURE FORM AND WORKSHEET

91.21 FOR CHILD SUPPORT DEBTOR

91.22 STATE OF MINNESOTA DISTRICT COURT
 91.23 COUNTY OF JUDICIAL DISTRICT

91.24(Creditor)
 91.25(Debtor) GARNISHMENT
 91.26(Garnishee) EARNINGS DISCLOSURE

91.27 DEFINITIONS

91.28 "EARNINGS": For the purpose of execution, "earnings" means compensation paid or
 91.29 payable to an employee for personal services or compensation paid or payable to the producer
 91.30 for the sale of agricultural products; milk or milk products; or fruit or other horticultural
 91.31 products produced when the producer is operating a family farm, a family farm corporation,
 91.32 or an authorized farm corporation, as defined in section 500.24, subdivision 2, whether
 91.33 denominated as wages, salary, commission, bonus, or otherwise, and includes periodic

92.1 payments pursuant to a pension or retirement, workers' compensation, or unemployment
92.2 benefits.

92.3 "DISPOSABLE EARNINGS": Means that part of the earnings of an individual remaining
92.4 after the deduction from those earnings of amounts required by law to be withheld. (Amounts
92.5 required by law to be withheld do not include items such as health insurance, charitable
92.6 contributions, or other voluntary wage deductions.)

92.7 "PAYDAY": For the purpose of execution, "payday(s)" means the date(s) upon which
92.8 the employer pays earnings to the debtor in the ordinary course of business. If the judgment
92.9 debtor has no regular payday, payday(s) means the 15th and the last day of each month.

92.10 THE GARNISHEE MUST ANSWER THE FOLLOWING QUESTION:

92.11 (1) Do you now owe, or within ~~70~~90 days from the date the execution levy was served
92.12 on you, will you or may you owe money to the debtor for earnings?

92.13 Yes No

92.14 INSTRUCTIONS FOR COMPLETING THE
92.15 EARNINGS DISCLOSURE

92.16 A. If your answer to question 1 is "No," then you must sign the affirmation below and
92.17 return this disclosure to the creditor's attorney (or the creditor if not represented by an
92.18 attorney) within 20 days after it was served on you, and you do not need to answer the
92.19 remaining questions.

92.20 B. If your answer to question 1 is "Yes," you must complete this form and the Earnings
92.21 Disclosure Worksheet as follows:

92.22 For each payday that falls within ~~70~~90 days from the date the garnishment summons
92.23 was served on you, YOU MUST calculate the amount of earnings to be retained by
92.24 completing steps 2 through 8 on page 2, and enter the amounts on the Earnings Disclosure
92.25 Worksheet. UPON REQUEST, THE EMPLOYER MUST PROVIDE THE DEBTOR
92.26 WITH INFORMATION AS TO HOW THE CALCULATIONS REQUIRED BY THIS
92.27 DISCLOSURE WERE MADE.

92.28 Each payday, you must retain the amount of earnings listed in column G on the Earnings
92.29 Disclosure Worksheet.

92.30 You must pay the attached earnings and return this earnings disclosure form and the
92.31 Earnings Disclosure Worksheet to the creditor's attorney (or the creditor if not represented
92.32 by an attorney) and deliver a copy to the debtor within ten days after the last payday

93.1 that falls within the ~~70-day~~ 90-day period. If the claim is wholly satisfied or if the debtor's
93.2 employment ends before the expiration of the ~~70-day~~ 90-day period, your disclosure
93.3 should be made within ten days after the last payday for which earnings were attached.

93.4 For steps 2 through 8, "columns" refers to columns on the Earnings Disclosure Worksheet.

93.5 (2) COLUMN A. Enter the date of debtor's payday.

93.6 (3) COLUMN B. Enter debtor's gross earnings for each payday.

93.7 (4) COLUMN C. Enter debtor's disposable earnings for each payday.

93.8 (5) COLUMN D. Enter either 50, 55, 60, or 65 percent of disposable earnings, based
93.9 on which of the following descriptions fits the child support judgment debtor:

93.10 (a) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
93.11 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
93.12 to be calculated to the beginning of the work week in which the execution levy is received);

93.13 (b) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
93.14 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
93.15 to be calculated to the beginning of the work week in which the execution levy is received);

93.16 (c) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
93.17 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
93.18 to be calculated to the beginning of the work week in which the execution levy is received);
93.19 or

93.20 (d) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
93.21 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
93.22 to be calculated to the beginning of the work week in which the execution levy is received).
93.23 (Multiply column C by .50, .55, .60, or .65, as appropriate.)

93.24 (6) COLUMN E. Enter here any amount claimed by you as a setoff, defense, lien, or
93.25 claim, or any amount claimed by any other person as an exemption or adverse interest that
93.26 would reduce the amount of earnings owing to the debtor. (Note: Any assignment of earnings
93.27 made by the debtor to any party within ten days before the receipt of the first garnishment
93.28 on a debt is void. Any indebtedness to you incurred by the debtor within the ten days before
93.29 the receipt of the first garnishment on a debt may not be set off against amounts otherwise
93.30 subject to the garnishment.)

93.31 You must also describe your claim(s) and the claims of others, if known, in the space
93.32 provided below the worksheet and state the name(s) and address(es) of these persons.

94.1 Enter zero in column E if there are no claims by you or others that would reduce the
94.2 amount of earnings owing to the judgment debtor.

94.3 (7) COLUMN F. Subtract the amount in column E from the amount in column D and
94.4 enter here. This is the amount of earnings that you must remit for the payday for which the
94.5 calculations were made.

94.6 AFFIRMATION

94.7 I, (person signing Affirmation), am the garnishee or I am authorized by the
94.8 garnishee to complete this earnings disclosure, and have done so truthfully and to the best
94.9 of my knowledge.

94.10 Dated:

94.11 Signature
94.12

94.13 Title
94.14

94.15 Telephone Number

94.16 EARNINGS DISCLOSURE
94.17 WORKSHEET
94.18

94.19 Debtor's Name

94.20 A B C
94.21 Payday Date Gross Earnings Disposable
94.22 Earnings

94.23 1. \$..... \$.....
94.24 2.
94.25 3.
94.26 4.
94.27 5.
94.28 6.
94.29 7.
94.30 8.
94.31 9.
94.32 10.

94.33 D E F
94.34 Either 50, 55, 60, or Setoff, Lien, Column D minus
94.35 65% of Column C Adverse Interest, Column E
94.36 1.

95.1	2. ....	.....	.....
95.2	3. ....	.....	.....
95.3	4. ....	.....	.....
95.4	5. ....	.....	.....
95.5	6. ....	.....	.....
95.6	7. ....	.....	.....
95.7	8. ....	.....	.....
95.8	9. ....	.....	.....
95.9	10. ....	.....	.....
95.10	TOTAL OF COLUMN F \$.....		

95.11 *If you entered any amount in column E for any payday(s), you must describe below
 95.12 either your claims, or the claims of others. For amounts claimed by others, you must both
 95.13 state the names and addresses of such persons, and the nature of their claim, if known.

95.14
 95.15
 95.16

95.17 AFFIRMATION

95.18 I, (person signing Affirmation), am the third party or I am authorized by the
 95.19 third party to complete this earnings disclosure worksheet, and have done so truthfully and
 95.20 to the best of my knowledge.

95.21
 95.22 Signature
 95.23 Dated: (.....)
 95.24 Title Phone Number

95.25 NONEARNINGS DISCLOSURE FORM

95.26 STATE OF MINNESOTA DISTRICT COURT
 95.27 COUNTY OF JUDICIAL DISTRICT
 95.28(Creditor)
 95.29 against
 95.30(Debtor) NONEARNINGS DISCLOSURE
 95.31 and
 95.32(Garnishee)

96.1 On the day of,, the time of service of garnishment summons
96.2 herein, there was due and owing the debtor from the garnishee the following:

96.3 (1) Money. Enter on the line below any amounts due and owing the debtor, except
96.4 earnings, from the garnishee.

96.5

96.6 (2) Property. Describe on the line below any personal property, instruments, or papers
96.7 belonging to the debtor and in the possession of the garnishee.

96.8

96.9 (3) Setoff. Enter on the line below the amount of any setoff, defense, lien, or claim which
96.10 the garnishee claims against the amount set forth on lines (1) and (2) above. State the facts
96.11 by which the setoff, defense, lien, or claim is claimed. (Any indebtedness to a garnishee
96.12 incurred by the debtor within the ten days before the receipt of the first garnishment on a
96.13 debt may not be set off against amounts otherwise subject to the garnishment.)

96.14

96.15 (4) Exemption. Enter on the line below any amounts or property claimed by the debtor
96.16 to be exempt from execution.

96.17

96.18 (5) Adverse Interest. Enter on the line below any amounts claimed by other persons by
96.19 reason of ownership or interest in the debtor's property.

96.20

96.21 (6) Enter on the line below the total of lines (3), (4), and (5).

96.22

96.23 (7) Enter on the line below the difference obtained (never less than zero) when line (6)
96.24 is subtracted from the sum of lines (1) and (2).

96.25

96.26 (8) Enter on the line below 110 percent of the amount of the creditor's claim which
96.27 remains unpaid.

96.28

96.29 (9) Enter on the line below the lesser of line (7) and line (8). Retain this amount only if
96.30 it is \$10 or more.

97.1

97.2 AFFIRMATION

97.3 I, (person signing Affirmation), am the garnishee or I am authorized
97.4 by the garnishee to complete this nonearnings garnishment disclosure, and have done so
97.5 truthfully and to the best of my knowledge.

97.6 Dated:

97.7 Signature
97.8

97.9 Title
97.10

97.11 Telephone Number

97.12 Sec. 20. Minnesota Statutes 2018, section 571.922, is amended to read:

97.13 **571.922 LIMITATION ON WAGE GARNISHMENT.**

97.14 (a) Unless the judgment is for child support, the maximum part of the aggregate
97.15 disposable earnings of an individual for any pay period subjected to garnishment may not
97.16 exceed the lesser of:

97.17 (1) 25 percent of the debtor's disposable earnings; or

97.18 (2) the amount by which the debtor's disposable earnings exceed the ~~following product~~
97.19 greater of:

97.20 (i) 40 times the hourly wage described in section 177.24, subdivision 1, paragraph (b),
97.21 clause (1), item (iii); or

97.22 (ii) 40 times the federal minimum hourly wages prescribed by section 6(a)(1) of the Fair
97.23 Labor Standards Act of 1938, United States Code, title 29, section 206(a)(1);. The calculation
97.24 of the amount that is subject to garnishment must be based on the hourly wage in effect at
97.25 the time the earnings are payable, times the number of work weeks in the pay period. When
97.26 a pay period consists of other than a whole number of work weeks, each day of that pay
97.27 period in excess of the number of completed work weeks shall be counted as a fraction of
97.28 a work week equal to the number of excess workdays divided by the number of days in the
97.29 normal work week.

97.30 (b) If the judgment is for child support, the garnishment may not exceed:

98.1 (1) 50 percent of the judgment debtor's disposable income, if the judgment debtor is
98.2 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
98.3 to be calculated to the beginning of the work week in which the execution levy is received);

98.4 (2) 55 percent of the judgment debtor's disposable income, if the judgment debtor is
98.5 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
98.6 to be calculated to the beginning of the work week in which the garnishment summons is
98.7 received);

98.8 (3) 60 percent of the judgment debtor's disposable income, if the judgment debtor is not
98.9 supporting a spouse or dependent child and the judgment is 12 weeks old or less (12 weeks
98.10 to be calculated to the beginning of the work week in which the execution levy is received);

98.11 or

98.12 (4) 65 percent of the judgment debtor's disposable income, if the judgment debtor is not
98.13 supporting a spouse or dependent child, and the judgment is over 12 weeks old (12 weeks
98.14 to be calculated to the beginning of the work week in which the garnishment summons is
98.15 received).

98.16 Wage garnishments on judgments for child support are effective until the judgments are
98.17 satisfied if the judgment creditor is a county and the employer is notified by the county
98.18 when the judgment is satisfied.

98.19 (c) No court may make, execute, or enforce an order or any process in violation of this
98.20 section.

98.21 Sec. 21. Minnesota Statutes 2018, section 571.923, is amended to read:

98.22 **571.923 MULTIPLE EARNINGS GARNISHMENTS.**

98.23 Except as otherwise provided in this chapter or section 518A.53, the priority of multiple
98.24 earnings garnishments shall be determined by the order in which the garnishment summonses
98.25 were served on the employer. If the employer is served with two or more garnishment
98.26 summonses at the same time on the same day, the garnishment summons issued pursuant
98.27 to the first judgment entered has priority. If two or more garnishment summonses are served
98.28 on the same day and are based on judgments entered on the same day or if there are two or
98.29 more garnishment summonses based on prejudgment garnishment pursuant to section 571.93,
98.30 then the employer shall select the priority of the earnings garnishments. However, in all
98.31 cases except wage garnishments on judgments for child support if the judgment creditor is
98.32 a county and the employer is notified by the county when the judgment is satisfied,

99.1 garnishments shall be effective no longer than ~~70~~ 90 days from the date of the service of
99.2 the garnishment summons.

99.3 Sec. 22. **EFFECTIVE DATE.**

99.4 Sections 1 to 21 are effective August 1, 2020, and apply to all earnings garnished or
99.5 levied, or all attorney's summary execution upon earnings, on or after that date.