

**9525.3020 PERSONS SUBJECT TO PUBLIC GUARDIANSHIP.**

Subpart 1. **Private guardianship preferred.** The commissioner, acting through the local agency, shall seek parents, near relatives, and other interested persons to assume a private guardianship appointment as a preferred alternative over public guardianship.

Subp. 2. **Commissioner as adviser.** The commissioner, acting through the local agency, shall seek out persons with a developmental disability who are not under public guardianship but are in need of guardianship services and advise them of the availability of services and assistance.

Subp. 3. **Guardian of the estate.** When a ward has a personal estate beyond that which is necessary for the ward's personal and immediate needs, the county staff acting as public guardian shall:

- A. determine whether a guardian of the estate has been appointed;
- B. determine whether a guardian of the estate is necessary under the criteria in Minnesota Statutes, section 525.54, subdivision 3, if no guardian of the estate has been appointed; and
- C. petition the court with probate jurisdiction in the county of guardianship responsibility for the appointment of a private guardian of the estate, if a guardianship of the estate is determined to be necessary.

**Statutory Authority:** *MS s 252A.21*

**History:** *17 SR 2276; L 1995 c 189 s 8; L 1996 c 277 s 1; L 2013 c 59 art 3 s 21*

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