

CHAPTER 525

PROBATE PROCEEDINGS

525.544 Nomination or appointment of guardian or conservator.

525.544 NOMINATION OR APPOINTMENT OF GUARDIAN OR CONSERVATOR.

Subdivision 1. **By proposed ward or conservatee.** (a) In the petition or in a written instrument executed before or after the petition is filed, the proposed ward or conservatee may, if acting with sufficient capacity to form an intelligent preference, nominate a conservator or guardian or give instructions to the conservator or guardian.

(b) The written instrument must either:

(1) be executed and attested in the same manner as a will; or

(2) be signed by the proposed ward or conservatee, or in the proposed ward's or conservatee's name by some other individual in the presence of and at the direction of the proposed ward or conservatee, and acknowledged by the proposed ward or conservatee before a notary public who is not the nominated conservator or guardian.

(c) The court shall appoint the person so nominated as conservator or guardian and shall charge the person with the instructions, unless the court finds that the appointment of the nominee or the instructions are not in the best interests of the proposed ward or conservatee.

[For text of subd 2, see M.S.1998]

History: 1999 c 171 s 4