

CHAPTER 252A

MENTAL RETARDATION PROTECTION

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252A.02 DEFINITIONS.

[For text of subds 1 to 3, see M.S.2000]

Subd. 3a. **Guardianship service providers.** "Guardianship service providers" are individuals or agencies that meet the ethical conduct and best practice standards of the National Guardianship Association, meet the criminal background check requirements of section 245A.04, and do not provide any other services to the individuals for whom guardianship services are provided.

[For text of subds 4 to 11, see M.S.2000]

Subd. 12. **Comprehensive evaluation.** "Comprehensive evaluation" shall consist of:

(1) a medical report on the health status and physical condition of the proposed ward, prepared under the direction of a licensed physician;

(2) a report on the proposed ward's intellectual capacity and functional abilities, specifying the tests and other data used in reaching its conclusions, prepared by a psychologist who is qualified in the diagnosis of mental retardation; and

(3) a report from the case manager that includes:

(i) the most current assessment of individual service needs as described in rules of the commissioner;

(ii) the most current individual service plan under section 256B.092, subdivision 1b; and

(iii) a description of contacts with and responses of near relatives of the proposed ward notifying them that a nomination for public guardianship has been made and advising them that they may seek private guardianship.

Each report shall contain recommendations as to the amount of assistance and supervision required by the proposed ward to function as independently as possible in society. To be considered part of the comprehensive evaluation, reports must be completed no more than one year before filing the petition under section 252A.05.

Subd. 13. **Case manager.** "Case manager" means the person designated under section 256B.092.

[For text of subds 14 and 15, see M.S.2000]

History: 1Sp2001 c 9 art 13 s 7-9

252A.111 POWERS AND DUTIES OF PUBLIC GUARDIAN OR CONSERVATOR.

[For text of subds 1 and 2, see M.S.2000]

Subd. 3. [Repealed, 1Sp2001 c 9 art 13 s 29]

[For text of subds 4 and 5, see M.S.2000]

Subd. 6. **Special duties.** In exercising powers and duties under this chapter, the commissioner shall:

(1) maintain close contact with the ward, visiting at least twice a year;

(2) protect and exercise the legal rights of the ward;

(3) take actions and make decisions on behalf of the ward that encourage and allow the maximum level of independent functioning in a manner least restrictive of the ward's personal freedom consistent with the need for supervision and protection; and

(4) permit and encourage maximum self-reliance on the part of the ward and permit and encourage input by the nearest relative of the ward in planning and decision making on behalf of the ward.

History: 1Sp2001 c 9 art 13 s 10

252A.16 ANNUAL REVIEW.

Subdivision 1. **Review required.** The commissioner shall require an annual review of the physical, mental, and social adjustment and progress of every ward and conservatee. A copy of this review shall be kept on file at the department of human services and may be inspected by the ward or conservatee, the ward's or conservatee's parents, spouse, or relatives and other persons who receive the permission of the commissioner. The review shall contain information required under Minnesota Rules, part 9525.3065, subpart 1.

[For text of subd 2, see M.S.2000]

History: 1Sp2001 c 9 art 13 s 11

252A.19 MODIFICATION OF CONSERVATORSHIP; RESTORATION TO LEGAL CAPACITY.

[For text of subd 1, see M.S.2000]

Subd. 2. **Petition.** The commissioner, ward, or any interested person may petition the appointing court or the court to which venue has been transferred for an order to remove the guardianship or to limit or expand the powers of the conservatorship or to appoint a guardian or conservator under sections 525.539 to 525.705 or to restore the ward or conservatee to full legal capacity or to review de novo any decision made by the public guardian or public conservator for or on behalf of a ward or conservatee or for any other order as the court may deem just and equitable. Section 525.61, subdivision 3, does not apply to a petition to remove a public guardian.

[For text of subds 3 to 9, see M.S.2000]

History: 1Sp2001 c 9 art 13 s 12

252A.20 COSTS OF HEARINGS.

Subdivision 1. **Witness and attorney fees.** In each proceeding under sections 252A.01 to 252A.21, the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law; to each physician, psychologist, or social worker who assists in the preparation of the comprehensive evaluation and who is not in the employ of the local agency or the state department of human services, a reasonable sum for services and for travel; and to the ward's counsel, when appointed by the court, a reasonable sum for travel and for each day or portion of a day actually employed in court or actually consumed in preparing for the hearing. Upon order the county auditor shall issue a warrant on the county treasurer for payment of the amount allowed.

[For text of subds 2 and 3, see M.S.2000]

History: 1Sp2001 c 9 art 13 s 13