

252A.02 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 252A.01 to 252A.21 the terms defined in this section have the meanings given them.

Subd. 2. **Person with a developmental disability.** "Person with a developmental disability" refers to any person age 18 or older who has been diagnosed as having significantly subaverage intellectual functioning existing concurrently with demonstrated deficits in adaptive behavior such as to require supervision and protection for the person's welfare or the public welfare.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of human services or the commissioner's designees.

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 chapter 245C, and do not provide any other services to the individuals for whom guardianship services are provided.

Subd. 4. **Regional center.** "Regional center" means a state-operated facility for persons with mental illness, developmental disabilities, or chemical dependency that is under the direct administrative authority of the commissioner.

Subd. 5. **Licensed physician.** "Licensed physician" means a person licensed under the laws of Minnesota to practice medicine or a medical officer of the government of the United States while in Minnesota in performance of official duties.

Subd. 6. **Near relative.** "Near relative" means a spouse, parent, adult sibling, or adult child.

Subd. 7. **Public guardian.** "Public guardian" means the commissioner of human services when exercising all the powers designated in section 252A.111.

Subd. 8. **Public conservator.** "Public conservator" means the commissioner of human services when exercising some, but not all the powers designated in section 252A.111.

Subd. 9. **Ward.** "Ward" means a person with a developmental disability for whom the court has appointed a public guardian.

Subd. 10. **Conservatee.** "Conservatee" means a person with a developmental disability for whom the court has appointed a public conservator.

Subd. 11. **Interested person.** "Interested person" means an interested responsible adult, including, but not limited to, a public official, guardian, spouse, parent, adult sibling, legal counsel, adult child, or next of kin of a person alleged to have a developmental disability.

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 developmental disability; 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.

Subd. 14. **Local agency.** "Local agency" means the agency designated by the county board of commissioners, human services boards, local social services agencies in the several counties of the state, or multicounty local social services agencies where those have been established under law.

Subd. 15. **Visitor.** "Visitor" means a person who is trained in law, health care, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings.

History: 1975 c 208 s 2; 1984 c 654 art 5 s 58; 1986 c 444; 1987 c 185 art 1 s 2-11; 1994 c 631 s 31; 1Sp2001 c 9 art 13 s 7-9; 2002 c 379 art 1 s 113; 2003 c 15 art 1 s 33; 2005 c 56 s 1; 2017 c 40 art 1 s 121