252A.07 FILING OF COMPREHENSIVE EVALUATION.

Subdivision 1. **With petition.** When a petition is brought by the commissioner or local agency, a copy of the comprehensive evaluation shall be filed with the petition. If a petition is brought by a person other than the commissioner or local agency and a comprehensive evaluation has been prepared within a year of the filing of the petition, the local agency shall send a copy of the comprehensive evaluation to the court upon notice of the filing of the petition. If a comprehensive evaluation has not been prepared within a year of the filing of the petition, the local agency, upon notice of the filing of the petition, shall arrange for a comprehensive evaluation to be prepared and provided to the court within 90 days.

Subd. 2. **Copies.** A copy of the comprehensive evaluation shall be made available by the court to the proposed person subject to public guardianship, the counsel of the proposed person subject to public guardianship, the county attorney, the attorney general, and the petitioner.

Subd. 3. **Evaluation required; exception.** (a) No action for the appointment of a public guardian may proceed to hearing unless a comprehensive evaluation has been first filed with the court.

(b) Paragraph (a) does not apply if the director of the local agency responsible for conducting the comprehensive evaluation has filed an affidavit that the proposed person subject to public guardianship refused to participate in the comprehensive evaluation and the court finds on the basis of clear and convincing evidence that the proposed person subject to public guardianship is developmentally disabled and in need of the supervision and protection of a guardian.

History: *1975 c 208 s 7; 1977 c 415 s 3; 1986 c 444; 1987 c 185 art 1 s 18,19; 2005 c 56 s 1; 2021 c 30 art 13 s 20-22*