524.5-403 ORIGINAL PETITION FOR APPOINTMENT OR PROTECTIVE ORDER.

(a) The following may petition for the appointment of a conservator or for any other appropriate protective order:

(1) the person to be protected;

(2) an individual interested in the estate, affairs, or welfare of the person to be protected; or

(3) a person who would be adversely affected by lack of effective management of the property and business affairs of the person to be protected.

(b) The petition must set forth the petitioner's name, residence, current address if different, relationship to the respondent, and interest in the appointment or other protective order, and, to the extent known, state or contain the following with respect to the respondent and the relief requested:

(1) the respondent's name, age, principal residence, current street address, and, if different, the address of the dwelling where it is proposed that the respondent will reside if the appointment is made;

(2) if the petition alleges impairment in the respondent's ability to receive and evaluate information, a brief description of the nature and extent of the respondent's alleged impairment;

(3) if the petition alleges that the respondent is missing, detained, or unable to return to the United States, a statement of the relevant circumstances, including the time and nature of the disappearance or detention and a description of any search or inquiry concerning the respondent's whereabouts;

(4) the name and address of the respondent's:

(i) spouse, or if the respondent has none, an adult with whom the respondent has resided for more than six months before the filing of the petition; and

(ii) adult children including adult step-children of a living spouse or, if the respondent has none, the respondent's parents and adult brothers and sisters or, if the respondent has none, at least one of the adults nearest in kinship to the respondent who can be found;

(5) the name of the administrative head and address of the institution where the respondent is a patient, resident, or client of any hospital, nursing home, home care agency, or other institution;

(6) the name and address of any legal representative for the respondent;

(7) the name and address of any health care agent or proxy appointed pursuant to a health care directive as defined in section 145C.01, a living will under chapter 145B, or other similar document executed in another state and enforceable under the laws of this state;

(8) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;

(9) the reason why a conservatorship or other protective order is in the best interest of the respondent; and

(10) what less restrictive means have been attempted and considered, how long such less restrictive means have been attempted, and a description of why such less restrictive means are not sufficient to meet the respondent's identified needs.

(c) If a conservatorship is requested, the petition must also set forth to the extent known:

(1) the name, address or post office box, and telephone number of any proposed conservator and the reason why the proposed conservator should be selected;

(2) the name, address or post office box, and telephone number of any person nominated as conservator by the respondent if the respondent has attained 14 years of age; and

(3) the type of conservatorship requested and, if an unlimited conservatorship, the reason why limited conservatorship is inappropriate or, if a limited conservatorship, the property to be placed under the conservator's control and any limitation on the conservator's powers and duties.

(d) The petition must also set forth the following information regarding the proposed conservator or any employee of the conservator responsible for exercising powers and duties under the conservatorship:

(1) whether the proposed conservator has ever been removed for cause from serving as a guardian or conservator and, if so, the case number and court location;

(2) if the proposed conservator is a professional guardian or conservator, a summary of the proposed conservator's educational background and relevant work and other experience;

(3) whether the proposed conservator has ever applied for or held, at any time, any professional license from an agency listed under section 524.5-118, subdivision 2a, and if so, the name of the licensing agency, and as applicable, the license number and status; whether the license is active or has been denied, conditioned, suspended, revoked, or canceled; and the basis for the denial, condition, suspension, revocation, or cancellation of the license;

(4) whether the proposed conservator has ever been found civilly liable in an action that involved fraud, misrepresentation, material omission, misappropriation, theft, or conversion, and if so, the case number and court location;

(5) whether the proposed conservator has filed for or received protection under the bankruptcy laws in the last five years, and if so, the case number and court location;

(6) whether the proposed conservator has any outstanding civil monetary judgments against the proposed conservator, and if so, the case number, court location, and outstanding amount owed;

(7) whether an order for protection or harassment restraining order has ever been issued against the proposed conservator, and if so, the case number and court location;

(8) whether the proposed conservator has ever been convicted of a crime other than a petty misdemeanor or traffic offense, and if so, the case number and the crime of which the conservator was convicted; and

(9) if the proposed conservator is a professional, the proposed conservator's current customary rates, and if the proposed conservator is not a professional, the proposed conservator's current anticipated rates.

(e) Any documents or information disclosing or pertaining to the following information shall be filed as confidential documents, consistent with the bill of particulars under section 524.5-121:

(1) health or financial information;

(2) information submitted pursuant to paragraph (b), clause (2);

(3) information submitted pursuant to paragraph (b), clauses (7) to (10); or

(4) information submitted pursuant to paragraph (c), clause (3).

History: *2003 c 12 art 1 s 43; 2010 c 254 s 9; 2013 c 86 art 2 s 6; 2020 c 86 art 1 s 25*