

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 283

(SENATE AUTHORS: WESTROM, Newman and Limmer)

DATE	D-PG	OFFICIAL STATUS
01/26/2015	125	Introduction and first reading Referred to Judiciary
01/29/2015	173	Author added Limmer
02/19/2015		Comm report: To pass as amended Second reading

1.1 A bill for an act
 1.2 relating to civil law; amending the Uniform Probate Code; providing an
 1.3 exception for conservators to post bond for the assets of a protected person;
 1.4 amending Minnesota Statutes 2014, section 524.5-413.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 524.5-413, is amended to read:

1.7 **524.5-413 WHO MAY BE CONSERVATOR; PRIORITIES.**

1.8 (a) Except as otherwise provided in paragraph (d), the court, in appointing a
 1.9 conservator, shall consider persons otherwise qualified in the following order of priority:

1.10 (1) a conservator, guardian of the estate, or other like fiduciary appointed or
 1.11 recognized by an appropriate court of any other jurisdiction in which the protected person
 1.12 resides;

1.13 (2) a person nominated as conservator by the respondent, including the respondent's
 1.14 most recent nomination made in a durable power of attorney, if the respondent has attained
 1.15 14 years of age and at the time of the nomination had sufficient capacity to express
 1.16 a preference;

1.17 (3) an agent appointed by the respondent to manage the respondent's property under
 1.18 a durable power of attorney;

1.19 (4) the spouse of the respondent;

1.20 (5) an adult child of the respondent;

1.21 (6) a parent of the respondent;

1.22 (7) an adult with whom the respondent has resided for more than six months before
 1.23 the filing of the petition;

1.24 (8) an adult who is related to the respondent by blood, adoption, or marriage; and

2.1 (9) any other adult or a professional conservator.

2.2 (b) A person having priority under paragraph (a), clause (1), (4), (5), or (6), may
2.3 designate in writing a substitute to serve instead and thereby transfer the priority to the
2.4 substitute.

2.5 (c) The court, acting in the best interest of the protected person, may decline to
2.6 appoint a person having priority and appoint a person having a lower priority or no
2.7 priority. With respect to persons having equal priority, the court shall select the one it
2.8 considers best qualified.

2.9 (d) Except as otherwise provided in this section, in any proceeding where the value
2.10 of the personal property of the estate of the proposed protected person in the initial
2.11 inventory of the estate filed by the conservator under section 524.5-419 is expected to be at
2.12 least \$10,000, the court shall require the conservator to post a bond in such amount as the
2.13 court determines necessary for the protection of the protected person's assets. The bond
2.14 requirement under this paragraph does not apply to conservators appointed before August
2.15 1, 2009, but shall apply as current conservatorships are reviewed by the court after August
2.16 1, 2009. Joint conservators may unite in a bond or each may give a separate bond. In lieu
2.17 of executing and filing a bond, the conservator may request that access to certain assets be
2.18 blocked. The court may grant the request if sufficient evidence is filed with the court to
2.19 establish that such assets are being held in a manner that prevents the conservator from
2.20 accessing the assets without a specific court order, or the court finds that the manner in
2.21 which the assets are held is sufficient to protect the assets of the protected person.

2.22 (e) Any individual or agency which provides residence, custodial care, medical care,
2.23 employment training, or other care or services for which they receive a fee may not be
2.24 appointed as conservator unless related to the respondent by blood, marriage, or adoption.

2.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.