

9525.3035 GENERAL STANDARDS FOR PUBLIC GUARDIANSHIP.

Subpart 1. **Generally.** For purposes of parts 9525.3010 to 9525.3100, public guardianship responsibilities are divided into the following four general functions:

- A. planning;
- B. protection of rights;
- C. consent determination; and
- D. monitoring and evaluation of services.

Subp. 2. **Planning.** The county staff acting as public guardian shall participate in planning on behalf of the ward. In planning for the ward, the county staff acting as public guardian shall:

- A. obtain knowledge of the ward in order to make decisions on the ward's behalf that are in the best interest of the ward;
- B. consider availability of services and service entitlements under applicable state and federal law in order to plan for the individual needs of the ward and assist and represent the ward;
- C. determine that services are being provided in a manner consistent with the least restrictive alternative and the ward's best interest; and
- D. pursue steps toward the development of community-based services for the ward.

Subp. 3. **Protection of rights.** The county staff acting as public guardian and the department staff acting as public guardian shall protect the legal rights and interests of the ward. The public guardian shall take appropriate action if the ward's legal rights are abridged. If actions by providers of public and private services do not meet the individual needs and best interest of the ward, the county staff acting as public guardian and the department staff acting as public guardian shall pursue appropriate action on behalf of the ward according to applicable state law.

Subp. 4. **General standards for consent determination.** The county staff acting as public guardian and the department staff acting as public guardian shall determine whether activities are in the ward's best interest. Specific public guardianship consent authority is described in parts 9525.3040 to 9525.3060. The following standards apply to all consents regarding the ward. Unless otherwise specified, when determining whether to consent to any activity which affects the ward, the public guardian must not consent to the activity, unless:

- A. the activity is in the ward's best interest;
- B. no less restrictive alternatives exist;

C. the activity is not in violation of the religious, moral, or cultural beliefs of the ward; and

D. reasonable efforts have been made to obtain the opinion of the nearest relative.

Subp. 5. **Monitoring and evaluation.** The county staff acting as public guardian shall monitor and evaluate services provided to the ward according to part 9525.3065.

Subp. 6. **Release of information.** The county staff acting as public guardian or the department staff acting as public guardian must not consent to the release of any information about the ward, unless the release is:

A. in compliance with all applicable data practice laws including Minnesota Statutes, chapter 13; and

B. in the ward's best interest.

Statutory Authority: *MS s 252A.21*

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