

9525.3040 POWERS AND DUTIES OF PUBLIC GUARDIAN.

Subpart 1. **General powers.** The powers and duties of the public guardian are governed by Minnesota Statutes, sections 252A.111 and 525.56, subdivisions 1 to 3. The general powers and duties of the county staff acting as public guardian are:

A. The power to determine the ward's place of residence consistent with state and federal law, and the least restrictive environment consistent with the ward's best interest.

B. The duty to determine that provision has been made for the ward's care, comfort, maintenance needs, including food, shelter, health care, social and recreational requirements, and whenever appropriate, training, education, and habilitation or rehabilitation.

C. The duty to take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian of the estate.

D. The power to give necessary consent to enable the ward to receive necessary medical or other professional care. Exceptions to consent to medical care under parts 9525.3055 to 9525.3060 apply. This power includes consent to aversive and deprivation procedures under part 9525.3045 and psychotropic medications under part 9525.3050.

E. The power to approve or withhold approval of any contract the ward makes, except for necessities.

F. The duty and power to exercise supervisory authority over the ward in a manner that limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services.

Subp. 2. **Additional powers.** The county staff acting as public guardian may have the additional powers granted under Minnesota Statutes, section 252A.111, subdivision 2, if the power is granted by the court. These additional powers are:

A. the power to permit or withhold permission for the ward to marry;

B. the power to begin legal action or defend against legal action in the name of the ward; and

C. the power to consent to the adoption of the ward as provided in Minnesota Statutes, section 259.24.

Subp. 3. **Special duties.** Under Minnesota Statutes, section 252A.111, subdivision 6, the county staff acting as public guardian shall:

A. maintain close contact with the ward, visiting at least twice a year;

B. determine whether written consent should be given before filming of the ward for public dissemination, after permitting and encouraging input by near relatives of the

ward. All filming must depict the ward with dignity and must not be contrary to the best interest of the ward. Consent for filming must include a consideration of the purpose and intended use of the film;

C. take actions and make decisions on behalf of the ward that encourage and allow the maximum level of independent functioning in a manner least restrictive of the ward's personal freedom consistent with the need for supervision and protection; and

D. permit and encourage maximum self-reliance on the part of the ward and permit and encourage input by the nearest relative of the ward in planning and decision making on behalf of the ward.

Statutory Authority: *MS s 252A.21*

History: *17 SR 2276*

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