

252A.03 NOMINATION OF COMMISSIONER AS GUARDIAN OR CONSERVATOR.

Subdivision 1. **Nomination of guardian or conservator.** The commissioner may be nominated in a sworn written request by any one of the following to act as guardian for any developmentally disabled person:

- (1) an interested person;
- (2) the guardian of the developmentally disabled person to act as successor;
- (3) the developmentally disabled person.

Subd. 2. **Acceptance or rejection.** The commissioner shall accept or reject the nomination in writing within 20 working days of the receipt of a comprehensive evaluation provided for in section 252A.04. The commissioner's acceptance shall be binding upon the commissioner and successors. Acceptance of a nomination shall confer no authority on the commissioner unless affirmed at a judicial hearing. Rejection of a nomination by the commissioner shall not bar the filing of a petition pursuant to section 252A.06.

Subd. 3. **Standard for acceptance.** The commissioner shall accept the nomination if the comprehensive evaluation concludes that:

- (1) the person alleged to have developmental disability is, in fact, developmentally disabled;
- (2) the person is in need of the supervision and protection of a conservator or guardian; and
- (3) no qualified person is willing to assume guardianship or conservatorship under sections 524.5-101 to 524.5-502.

Subd. 4. **Alternatives.** Public guardianship or conservatorship may be imposed only when no acceptable, less restrictive form of guardianship or conservatorship is available. The commissioner shall seek parents, near relatives, and other interested persons to assume guardianship for persons with developmental disabilities who are currently under public guardianship. If a person seeks to become a guardian or conservator, costs to the person may be reimbursed under section 524.5-502. The commissioner must provide technical assistance to parents, near relatives, and interested persons seeking to become guardians or conservators.

History: 1975 c 208 s 3; 1977 c 415 s 1; 1986 c 444; 1987 c 185 art 1 s 12,13; 1989 c 282 art 6 s 23; 2004 c 146 art 3 s 15; 2005 c 10 art 4 s 8,9; 2005 c 56 s 1