

conservator for two or more persons at the same time, who are not related to the guardian/conservator by blood or marriage.

3 **Background study.**

Subd. 1. When required; exception. Requires a court to require a background study (1) before appointment of a guardian/conservator unless a background study has been done on the person within the past five years, and (2) every five years after the appointment while the person continues to serve. The criminal history check must cover the national criminal records repository if the subject has not resided in Minnesota for the previous five years or if information indicates he or she might be a multi state offender. Also requires a determination whether the proposed guardian/conservator has been the perpetrator of substantiated maltreatment of a vulnerable adult. If the guardian/conservator is not an individual, the checks must be done on the individual(s) employed by the guardian/conservator who will exercise the powers and duties of a guardian/conservator. Lets the court appoint someone to serve while a background check is pending. If the proposed guardian/conservator is not a professional, the court must check for a history of substantiated maltreatment of a vulnerable adult, but a criminal background check in this instance is discretionary.

Imposes a fee for the check on professional guardians/conservators. Allows the court to order that a proposed guardian/conservator who is not a professional may recover this cost from the ward/conservatee or have it paid by the court. If a matter is proceeding in forma pauperis, the fee becomes an expense that can be ordered paid by the court.

A background study is not required when the guardian/conservator is (1) the state or (2) the parent or guardian of a retarded person who has raised the retarded person and now seeks a guardianship because the retarded person has become an adult.

Subd. 2. Procedure; criminal history background check. Requires DHS to complete a background study covering both criminal history and substantiated vulnerable adult maltreatment. Requires the court to request this and include with the request the fee and the signed consent of the study subject. Requires including fingerprints if there will be a national records check.

Sets a deadline for completing the check. Allows DHS to provide the court with information it receives on criminal history or substantiated vulnerable adult maltreatment by an individual after the individual's background study has been completed.

Subd. 3. Form. Requires DHS to develop a form for a guardian/conservator background check. Specifies it must include the subject's signed consent to performing the check and must notify the subject of the rights in subdivision 4.

Subd. 4. Rights. Requires the court to notify the proposed guardian/conservator of the right to:(1) be informed that a background check will be done; (2) be informed of the check results and get a copy of the report; and (3) challenge the accuracy and completeness of information in the record under the government data practices act, except as precluded by aspects of the human services appeals law.