



Guardianship of Adults

The state does not adequately ensure that guardians are appointed only when appropriate or monitor the safety and well-being of adults subject to guardianship.

Report Summary

Adult Guardianship Oversight

Statutes specify few requirements to oversee adult guardianship. The Judicial Branch's activities pertaining to adult guardianship are largely decentralized across Minnesota's ten judicial districts.

- The Judicial Branch takes a largely reactive approach to overseeing adult guardianship cases, relying heavily on outside individuals—including people subject to guardianship—to bring guardianship issues to its attention. Relying on individuals to contact the court to address guardianship issues can be problematic for several reasons. (p. 19)

Recommendation ► The Legislature should establish a centralized entity in statute to administer and oversee adult guardianship. (p. 31)

Recommendation ► The Legislature should establish specific duties for the oversight and enforcement of adult guardianship requirements. (p. 20)

- For the cases we reviewed, guardians often did not fulfill various reporting and notification requirements in a timely manner, as required; however, they faced few consequences when they did not fulfill their responsibilities. (pp. 60, 64)

Recommendation ► The Judicial Branch should establish a process for systematically reviewing adult guardianships. (p. 70)

- The state has established few performance standards indicating how guardians should fulfill their duties. (p. 21)

Recommendation ► The Legislature should amend statute to establish minimum guardian performance standards for key guardian activities. (p. 22)

Background

In the event an adult is incapable of making certain decisions for themselves, the court may appoint a guardian to make decisions on their behalf. The appointment of a guardian is a serious matter. Guardianship can provide necessary support for an adult to meet their personal needs; it also limits the adult's independence and rights. Guardians often have broad powers to decide where the adult lives, what medical care they receive, and more.

Anyone interested in an individual's well-being can request that the court appoint a guardian. The guardian may be someone that the adult knew previously or someone who is hired to provide guardianship services.

The courts—including judicial officers and court staff—manage day-to-day aspects of guardianship cases. For instance, judicial officers decide whether to appoint a guardian for an adult and what powers the guardian should have. Guardians must keep the court apprised of the condition of the person subject to guardianship by filing annual reports.

The State Court Administrator's Office in the Judicial Branch provides administrative support for the Branch's guardianship activities.

- The Judicial Branch does not have reliable statewide data on adult guardianship, including who in Minnesota is subject to guardianship or who is currently a guardian, which makes it difficult to monitor whether guardians are fulfilling their duties. (p. 23)

Recommendation ► The Judicial Branch should improve its data collection practices to ensure that guardianship data are sufficiently reliable to oversee adult guardianship statewide. (p. 24)

Guardianship Training and Resources

- Despite their significant responsibilities to make decisions on behalf of another adult, guardians are not required to participate in any training prior to or after becoming a guardian. (p. 74)

Recommendation ► The Legislature should require all guardians to complete training prior to their appointment as guardian. (p. 75)

- Some judicial officers told us they do not always know how to complete key tasks related to guardianship. Few courts in Minnesota have judicial officers who specialize in adult guardianship cases, and judicial officers do not consistently complete training on guardianship. (pp. 76, 78)

Recommendation ► The Judicial Branch should consolidate the number of judicial officers presiding over adult guardianship hearings and require judicial officers who preside over guardianship hearings to complete training on guardianship. (p. 78)

Guardianship Complaints

- Statutes do not establish a process for individuals to register complaints about guardian performance with the Judicial Branch. Although the Branch has recently established a complaint process, it is a grant-funded pilot project. (p. 83)

Recommendation ► The Legislature should establish a guardianship complaint process in law. (p. 91)

- The Judicial Branch currently has a backlog of open complaints and has been unable to investigate recent complaints in a timely manner. (p. 89)

Recommendation ► The Judicial Branch should ensure that it completes guardianship complaint investigations in a timely manner. (p. 91)

Summary of Judicial Branch Response

In a letter dated March 31, 2025, Chief Justice Natalie Hudson and State Court Administrator Jeffrey Shorba stated that the Judicial Branch remains “committed to ensuring that guardianship in Minnesota protects the rights and well-being of adults subject to guardianship while upholding judicial integrity and efficiency.” They commented that the Branch agrees with many of the report’s findings and recommendations, including recommendations to require guardian training and to establish a formal guardianship complaints process in law.

Chief Justice Hudson and Administrator Shorba further stated that the report raises “important questions about the role of the courts under the Minnesota Constitution and state law,” including whether certain guardianship-related activities are the responsibility of the court or the Legislature. They commented that, without additional direction in state law, certain guardianship-related activities are not the court’s responsibility, and that some recommendations would require additional funding to implement.