

State of Minnesota**District Court****County of Winona****Third Judicial District****Court File No. 85-PR-19-1081****In Re: Guardianship of:****David Austin Russell,****Respondent.****Findings of Fact,
Conclusions of Law,
Order for Limited Guardianship**

The above-entitled matter came before District Court Judge Mary C. Leahy on July 1, 2019, for hearing on the petition of Karen Bunkowski, Winona County Community Services, to appoint Independent Management Services as the limited guardian of David Austin Russell. Respondent David Austin Russell appeared and was represented by his attorney Frederick S. Suhler, Jr. Also present were a representative from Independent Management Services; Kristin Holien, Winona County Community Services; and Paul R. Ellison, Assistant Winona County Attorney, representing the interests of the petitioner.

The Court, being duly advised, and upon the evidence adduced at the hearing, the petition and its attachments, and all proceedings herein, now makes the following:

FINDINGS OF FACT

1. The petitioner, Karen Bunkowski, is interested in this matter as a Supervisor with Winona County Community Services.
2. Respondent is 39 years old, having been born on March 13, 1980.
3. Respondent currently resides at CBHH - Annandale, 400 Annandale Boulevard, Annandale, MN 55302. Respondent is a resident of Winona County.
4. Respondent's nearest kindred are listed in the petition.

5. Respondent lacks sufficient understanding or capacity to make responsible decisions regarding his person, and has demonstrated behavioral deficits evidencing an inability to meet his needs for medical care, nutrition, clothing, shelter and safety, to wit:

- a. Respondent has been diagnosed with Schizophrenia and is currently subject to a civil commitment in 85-PR-19-774.
- b. The District Court's order dated May 14, 2019, in 85-PR-19-774 describes behaviors that put the safety of Respondent and others at risk. The order specifically found that if commitment was not continued Respondent was likely to attempt to physically harm himself or others.
- c. Respondent refuses to apply for healthcare benefits and has revoked the ability for CBHH – Annandale to bill his insurance.

6. No less restrictive alternative to the limited guardianship exists.

7. The appointment of Independent Management Services as the guardian of the person is in Respondent's best interests to protect and supervise his person.

8. Independent Management Services is willing and able to serve as guardian of the person of David Austin Russell.

9. Respondent is a patient of a State Hospital for the mentally ill. Respondent is under the temporary custody of the Commissioner of Human Services.

10. Independent Management Services is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to Minn. Stat. 524.5-309(c).

CONCLUSIONS OF LAW


1. Respondent David Austin Russell is an incapacitated person within the meaning of Minn. Stat. 524.5-102, Subd. 6.
2. Respondent's identified needs cannot be met by less restrictive means.
3. A guardian should be appointed for Respondent.

NOW, THEREFORE, IT IS ORDERED:

1. Independent Management Services is hereby appointed as Guardian of the Person of Respondent David Austin Russell with the following powers:
 - a. The power to apply on behalf of the ward for any assistance, services, or benefits available to the ward through any unit of government under Minn. Stat. 524.5-313(c)(7).
2. Letters of Guardianship shall issue to Independent Management Services, 101 21st Street SE, Austin, MN 55912.

BY THE COURT

07/10/2019 01:52:51 PM



Mary C. Leahy
Judge of District Court