

State of Minnesota
Winona County

District Court
Third District

Court File Number: **85-PR-19-1081**

Case Type: Guardianship/Conservatorship

CATHOLIC CHARITIES OF
WINONA
111 MARKET ST
PO BOX 379
WINONA MN 55987

Notice to New Conservators

IMPORTANT

Read and Retain for Your Information

In re the Guardianship and/or Conservatorship of David Austin Russell

Court records show that you were recently appointed as conservator in the above case. One of your responsibilities as conservator will be to regularly report to the court about the assets you handle on behalf of the person subject to conservatorship. These reports are to be submitted online via MMC. To get started, go to www.mncourts.gov/conservators. There, you will also find an educational video about the roles and responsibilities of guardians and conservators. You are required to watch the educational video so you clearly understand your responsibilities.

To start your reports, access the link to MMC. On your initial visit, you will be directed to MyCourtMN where you will set up your profile and password to access the program. You must have an email address to set up your account.

Your Letters of Conservatorship were issued on **July 15, 2022**. This is now an important anniversary date for you and marks the **period ending date** of your annual account each year. MMC has tools to help you remember or set up your own system to remind yourself in sufficient time to finalize and submit your report timely each year. You may work on your report throughout the year, but only submit it once per year.

The following reports are required by court-appointed conservators unless otherwise instructed by the court. Copies of these reports must be served in person or by mail on the person subject to conservatorship and other interested persons and the affidavit of service must be filed with the Court.

- **Inventory** – This is the initial listing of assets of the person subject to conservatorship that you assumed responsibility for upon your appointment. This report is to be submitted no later than 60 days from the date your Letters of Conservatorship were issued.
- **Annual Account** – This report covers the one-year period from anniversary date to anniversary date of your appointment each year. This report must be submitted no later than **60 days after your period ending date**.
- **Annual Notice of Right to Petition for Restoration to Capacity** – This is a notice that must be served on the person subject to conservatorship each year. Upon submitting the annual account, you will be

documenting that you have served this notice. This notice is available through the court forms page at www.mncourts.gov/forms.

- *Only if you are also the Guardian: **Personal Well-Being Report*** – This report covers the one-year period from anniversary date to anniversary date of appointment each year. This report must be submitted no later than 60 days of your period ending date. If you have not been court appointed as a guardian, do not prepare this report. This form is available through the court forms page at www.mncourts.gov/forms.

Your accounts are subject to review and will be formally audited before being approved by the court. To help you in preparing for your new accounting responsibilities, you will find enclosed a general tip sheet on how to maintain your financial accounts and records to help ensure a successful audit. At such time as your account is reviewed or audited, you will be contacted by CARP (Conservator Account Review Program) or CAAP (Conservator Account Auditing Program) personnel requesting your supporting documentation along with instructions about how to submit your materials.

The conservator home page includes information and tools for completing the online reports. Help with questions about how to use MMC is also available via the Conservator Help Line at 763-347-4437. Guidance on technology issues is available via a link to the Service Desk at the bottom of the home page.

Dated: July 20, 2022

Becky Brandt
Court Administrator
Winona County District Court

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MINNESOTA JUDICIAL BRANCH

CONSERVATOR ACCOUNT AUDITING AND REVIEW PROGRAMS

Tips for Conservators

DO:

1. Submit your reports in a timely manner:
 - **Inventory** within 60 days after the date your Letters of Conservatorship were issued.
 - **Annual Account** within 60 days after your period ending date (the anniversary date of the issuance of your Letters of Conservatorship each year).
2. Conduct a thorough search for assets to ensure your inventory is complete. Make sure that all items are accurately valued as close to the date of appointment as possible. Most financial institutions will require a certified copy of your Letters of Conservatorship before giving you information about accounts. Certified copies are available for a fee from the court where your case is filed.
3. Open separate financial account(s) identifying the conservator(s) and naming the person subject to conservatorship but giving the conservator(s) control of the account. Make sure the institution you choose will provide you with canceled checks that you can either print from the internet or they will send you with the statements. Include assets currently held jointly with another person(s). Conservators of spouses should open a separate conservatorship account and consider establishing a regular monthly support payment to cover joint expenses if appropriate.
4. Determine the monthly living expenses of the person subject to conservatorship and establish a budget that maintains their lifestyle to the extent possible and is within the means of their income.
5. Retain all receipts, canceled checks, statements of accounts received, etc. It is best if you keep them in date or category order as entered in MMC.
6. The conservator should provide all financial (brokerage, investment, etc.) statements for the financial accounts for the relevant reporting periods or such other documentation as may be appropriate. These can be uploaded to the report within MMC prior to or after submitting.
7. Enter the information into MMC monthly or at other regular intervals but only submit the report once each year. Co-conservators should agree on one conservator to be responsible to enter information into MMC. The information is saved until you are ready to submit. Carefully preview the report and have any co-conservators approve the report before submitting. Once submitted, it cannot be changed.
8. If the person subject to conservatorship is able to handle spending money, a small monthly/weekly “allowance” that is in accordance with their budget is generally acceptable; however, be prepared to verify this money was used solely by the person subject to conservatorship.
9. File state and federal individual income taxes for the person subject to conservatorship if they meet the filing requirements. File for property tax refunds if they qualify.
10. Respond promptly to requests from CARP (Conservator Account Review Program) or CAAP (Conservator Account Auditing Program) personnel for your supporting documentation or if they have questions about your account.
11. Obtain court approval before taking action as required by Minn. Stat. §§ 524.5-411 and 524.5-418 (Examples: Sell or mortgage real estate, create a trust, make or change a will, change beneficiaries on accounts or policies – see statutes for complete lists).
12. Be aware that advanced expense reimbursement may be subject to court review and approval.

DO NOT:

- Do not commingle the assets of the person subject to conservatorship with your personal assets, even temporarily.
 - Do not include assets within your accounting that are outside your control as conservator (Examples: Assets controlled by a trustee, assets excluded from the conservator's control in the appointment order (i.e. a *Limited Conservatorship*)).
 - Do not dispose of personal property without giving notice to interested persons as required by Minn. Stat. § 524.5-313(c)(3).
 - Do not borrow from the assets of the person subject to conservatorship for your own or anyone else's benefit.
 - Do not reflect entries by one total for a category. Each individual deposit and expense should be recorded in MMC.
 - Do not continue to spend/dispose of assets if the person subject to conservatorship dies. Your authority terminates upon the date of death.
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Resources:

- MyMNConservator (MMC) – www.mncourts.gov/conservators
- Court Forms – www.mncourts.gov/forms
- National Guardianship Association – www.guardianship.org
- Minnesota Statutes - www.revisor.mn.gov/pubs/
- Center for Excellence in Supported Decision Making – www.voamnwi.org/protective-services

This is a general information guide and reminder and is not a substitute for legal advice. Consult your attorney if you have questions about your roles and responsibilities as conservator.