

State of Minnesota
County of Dakota

District Court
Probate Division
Judicial District: First
Court File No. 19HA-PR-16-658
Case Type: 14, Guardianship

In Re: Guardianship of:

CHARLES PAUL HELMER,

**ORDER APPOINTING
GUARDIAN**

Respondent.

This matter came on for hearing before the district court on October 27, 2016 and on March 23, 2017, on the petition of Ann Marie Fuller seeking appointment of a guardian of the person for her son, Charles Paul Helmer, the Respondent named above.

Petitioner and nominated guardian, Ann Marie Fuller, appeared personally with her attorney, Lori L. Guzmán, Esq. Respondent, Charles Paul Helmer, ~~appeared~~ ^{did not} personally with his attorney, Lisa P. Bayley, Esq. The petition was not opposed.

The Court, having considered the evidence and being duly advised in the premises, now makes the following:

FINDINGS OF FACT

1) **FINDING OF INCAPACITY:**

Guardianship: (i) The Respondent is incapacitated with regard to the person because Respondent is impaired to the extent of lacking sufficient understanding or capacity to make or communicate responsible decisions concerning Respondent's personal needs for medical care, nutrition, clothing, shelter or safety. Respondent's in ability is reflected by the following facts: Charles Paul Helmer is diagnosed with bipolar disorder, depression, psychosis, and paranoia;

and (ii) the Respondent has demonstrated behavioral deficits evidencing an inability to meet Respondent's needs for medical care, nutrition, safety and shelter. The Respondent's inability is reflected by the following facts: Charles Paul Helmer requires cues and some reminders to attend to his activities of daily living. He is able to calculate how much change he should receive when making a purchase, but he is unable to budget his money. Mr. Helmer needs assistance with applying for public benefits that he is qualified to receive. Mr. Helmer is unable to independently manage his medical care and requires assistance when communicating with medical professionals, making medical decisions, and following through with treatment plans that are prescribed for him. He needs assistance with understanding the consequences and responsibilities of entering into a contractual agreement. Mr. Helmer is a very friendly young man who is vulnerable to exploitation, especially pertaining to financial matters. He requires supervision to remain safe in his home and in the community.

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- 2) No appropriate alternative to guardianship exists that is less restrictive of Respondent's civil rights and liberties including the use of appropriate technological assistance and including a protective arrangement under M.S. § 524.5-412.
- 3) Respondent is incapable of exercising the following rights and powers:
 - a. To establish the place of abode within or without the State;
 - b. To provide for Respondent's care, comfort and maintenance needs;
 - c. To take reasonable care of Respondent's clothing, furniture, vehicles and other personal effects;
 - d. To give any necessary consent to enable, or to withhold consent for, the necessary medical or other professional care, counsel, treatment or service;
 - e. Exercise supervisory authority over Respondent;
 - f. To approve or withhold approval of any contract, except for necessities, which Respondent may make or wish to make; and
 - g. To apply on behalf of Respondent for any assistance, services, or benefits available to Respondent through any unit of government.
- 4) Respondent is not a patient of a State Hospital for the mentally ill or a mentally retarded or dependent or neglected ward of the Commissioner of Human Services or under the temporary custody of the Commissioner of Human Services.
- 5) Respondent is in need of a guardian to protect Respondent's person.
- 6) The nominated guardian is the most suitable and best qualified among those available and willing to discharge the trust and are not excluded from appointment pursuant to M.S. § 524.5-309(c). The nominated guardian is the Respondent's mother.

CONCLUSIONS OF LAW

- 1) Respondent is an incapacitated person whose needs cannot be met by less restrictive means.
- 2) A guardian of the person of Charles Paul Helmer should be appointed.

NOW, THEREFORE, IT IS ORDERED THAT:

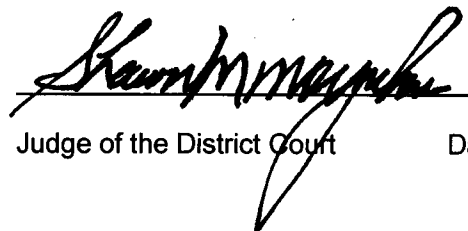
- 1) Ann Marie Fuller is hereby appointed guardian of Charles Paul Helmer
- 2) The Letters of Guardianship shall issue to Ann Marie Fuller, upon the filing of an acceptance of appointment, and such letters shall reflect that the guardian is appointed by the Court.

- 3) The guardian of the person shall have the power and duty to:
- a. Have custody of the Ward and establish the place of abode for the Ward within or without the State, M.S. § 524.5-313 (c)(1);
 - b. Provide for the Ward's care, comfort, and maintenance needs, M.S. § 524.5-313 (c)(2);
 - c. Take reasonable care of the Ward's clothing, furniture, vehicles, and other personal effects, M.S. § 524.5-313 (c)(3);
 - d. Give any necessary consent to enable, or to withhold consent for, the Ward to receive necessary medical or other professional care, counsel, treatment or service, M.S. § 524.5-313 (c)(4);
 - e. Approve or withhold approval of any contract, except for necessities, which the Ward may make or wish to make, M.S. § 524.5-313 (c)(5);
 - f. Exercise supervision authority over the Ward, M.S. § 524.5-313 (c)(6);
 - g. Apply on behalf of the Ward for any assistance, services, or benefits available to the Ward through any unit of government, M.S. § 524.5-313 (c)(7);

and to exercise all other powers, duties, and responsibilities conferred on the Guardian under applicable law.

- 4) Each year, within 30 days after the anniversary of appointment, the guardian shall send or deliver to the Ward a notice of his right to request termination or modification of the guardianship and a copy of the completed Personal Well Being Report.
- 5) The guardian is hereby ordered to notify the Court of any change of address within 30 days of such change.
- 6) Lisa P. Bayley, Esq., the court appointed attorney for the Ward, is hereby discharged.
- 7) Petitioner's attorney is hereby discharged.
- 8) Charles Paul Helmer retains the right to vote.

BY THE COURT:

 3/23/17
Judge of the District Court Date