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S.F. No. 3438 – Guardianship removal and liability; taskforce

Author: Senator D. Scott Dibble

Prepared by: Priyanka Premo, Senate Counsel (651/296-3914)

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S.F. 3438 provides that a guardian who fails to satisfy their statutorily required duties may be removed as a guardian. The guardian may not be held liable unless they performed in a wanton, reckless, or intentional manner; their acts constitute a known violation of the law; or they breached a fiduciary duty owed under another law.

This bill also establishes a task force on guardianship to address concerns and gaps related to guardianship and make recommendations. The task force includes 16 members, including members appointed by legislative leaders, the governor, and the supreme court. The task force must convene by September 1, 2024, meet quarterly, hold hearings, and seek public input. The task force must submit a report to the legislature with recommended policy options to address guardianship concerns by December 31, 2025. Section 3, establishing the task force, is effective the day following final enactment.