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April 25, 2025

Senator John Marty  
Chair, Senate Finance  
Minnesota Senate Building, Room 3235

Senator Eric Pratt  
Ranking Minority Member, Senate Finance  
Minnesota Senate Building, Room 2217

RE: SF 1417 – Article 15, Sections 12 & 14 - Guardianship and restrictions to prevent risk of harm.

Dear Chair Marty, Senator Pratt and Committee members:

**I am writing in favor of these two Guardianship related sections, and view these as improvements, with the exception of one very important word, “imminent”, as I explain below. I recommend changing “imminent” to “significant”. “Imminent” can be more subjective and confusing, and cause delay and inaction, putting the person subject to guardianship at continued or added significant risk.**

I am a Parental Guardian for my 36-year-old developmentally disabled son.

I have 18 years' experience as a Guardian in four states (the last 8 in MN), handling a wide range of advocacy and day-to-day support needs, and engaged in multiple disability and guardianship advocacy organizations.

These include:

- MN Legislative Task Force on Guardianship
- MN Office of the Legislative Auditor (OLA) Guardianship Evaluation
- Active member of the MN Association for Guardianship (MAGIC)
- Active member of the National Guardianship Association (NGA)

**Guardianship Restrictions on visiting or communicating for persons subject to Guardianship, is an important topic, and unfortunately, I have some very relevant and recent experience.**

My son is active in the community with working a supported food service job at a local university, independent skills support, and with Special Olympics, social activities, and even inclusion in community theatre. **It can be a scary world out there for a susceptible and vulnerable disabled person, such as my son.**

I work to strike the best balance between the least limits to his rights, supporting his privacy, and protecting him from **ill-intended predators, on-line scammers, and irresponsible & untrustworthy individuals.**

**We had two disturbing and harmful situations last year, for which placing restrictions is relevant to prevent further harm.**

1. **Restricting a former in-home support staff person who I discovered sending sexual grooming texts / photos to my son.** This was immediately reported to MAARC (protective services), local law-enforcement, and is now under DHS investigation for Maltreatment, as well as other potential criminal activity. Fortunately, I discovered and thwarted before any in-person meeting and predatory abuse. While the risk in the moment may or may not have been **“imminent”** upon discovery, it was **“significant”** and a delay in this type of scenario could have terrible consequences and/or provide time for the individual to contact my son to manipulate what to say. I consider that imminent / significant.
2. **Restricting visits to be supervised for an out-of-town family member who repeatedly provided alcohol to my son against medical direction.** Alcohol was provided on multiple occasions against documented medical direction to abstain due to the high danger of his prescription meds' interactions with alcohol and his medical conditions. And the individual repeatedly told my son it was OK, and then they lied about it. This person has not submitted an objection and request to remove or modify the restriction, which was my least restrictive option - as supervised visits. The risk when my son returned home may or may not have been **“imminent”**, but the risk remained **“significant”**, as a delay would provide time for the individual to contact my son to manipulate what to say. I consider that imminent / significant.

**SF 1417 – Article 15, Section 12, Item 10 (Rows 254.18 to 254.34) – (Bill of Rights) -**

**My ask: Replace “imminent” in line 254.22 with “significant” & remove “significant” from line 254.23**

254.18 (10) communicate, visit, or interact with others, including receiving visitors ~~or~~, making  
254.19 or receiving telephone calls, sending or receiving personal mail, ~~or~~ sending or receiving  
254.20 electronic communications including through social media, or participating in social activities,  
254.21 unless the guardian has good cause to believe a restriction of communication, visitation, or  
254.22 interaction is necessary because interaction with the person poses ~~a~~ an imminent risk of  
254.23 significant physical, psychological, or financial harm to the person subject to guardianship,  
254.24 and there is no other means to avoid or mitigate the significant harm. If the guardian believes  
254.25 a restriction is necessary, the guardian must first seek limited restrictions whenever possible,  
254.26 including supervised visits, phone calls, video calls, written correspondence, or limits on  
254.27 the length, frequency, or content of communication. In all cases, the guardian shall provide  
254.28 written notice of the restrictions imposed to the court; to the person subject to guardianship;  
254.29 and their attorney, if known; and to the person subject to restrictions within 48 hours of  
254.30 imposing the restriction. The notice shall include a description of the reason the restriction  
254.31 is imposed; a description of any limited restrictions attempted; if applicable, the reason the  
254.32 limited restrictions were not sufficient; and instructions on how to seek a modification of  
254.33 the restrictions. The person subject to guardianship or the person subject to restrictions may  
254.34 petition the court to remove or modify the restrictions;

**SF 1417 – Article 15, Section 14, Item 6 (Rows 259.7 to 259.27) – (Powers of a Guardian) -**

**My ask: Replace “imminent” in line 259.15 with “significant” and then remove “significant” from line 259.16**

259.7 (6) the duty and power to exercise supervisory authority over the person subject to  
259.8 guardianship in a manner which limits civil rights and restricts personal freedom only to  
259.9 the extent necessary to provide needed care and services. A guardian may not restrict the  
259.10 ~~ability right~~ of the person subject to guardianship to communicate, visit, or interact with  
259.11 others pursuant to section 524.5-120, clause (10), including receiving visitors ~~or~~, making  
259.12 or receiving telephone calls, sending or receiving personal mail, ~~or~~ sending or receiving  
259.13 electronic communications including through social media, or participating in social activities,  
259.14 unless the guardian has good cause to believe a restriction of communication, visitation, or  
259.15 interaction is necessary because interaction with the person poses a an imminent risk of  
259.16 significant physical, psychological, or financial harm to the person subject to guardianship,  
259.17 and there is no other means to avoid or mitigate such significant harm. If the guardian  
259.18 believes a restriction is necessary, the guardian must first seek limited restrictions whenever  
259.19 possible, including supervised visits, phone calls, video calls, written correspondence, or  
259.20 limits on the length, frequency, or content of communication. In all cases, the guardian shall  
259.21 provide written notice of the restrictions imposed to the court; to the person subject to  
259.22 guardianship; and their attorney, if known; and to the person subject to restrictions within  
259.23 48 hours of imposing the restriction. The notice shall include a description of the reason  
259.24 the restriction is imposed; a description of any limited restrictions attempted; if applicable,  
259.25 the reason the limited restrictions were not sufficient; and instructions on how to seek a  
259.26 modification of the restrictions. The person subject to guardianship or the person subject  
259.27 to restrictions may petition the court to remove or modify the restrictions;

**Thank you for your consideration.**

Sincerely,

Mark Stafford