

**Subject** Guardian and conservator background studies

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## Overview

This bill makes changes to provisions relating to background studies for guardians and conservators by updating terminology, modifying fees, study timeframes, and required procedures, and requiring national criminal history record checks.

## Summary

Section	Description
1	<b>Guardians and conservators.</b> Amends § 245C.10 by adding subd. 14. Specifies that the commissioner shall recover the cost of conducting background studies for guardians and conservators through a fee of no more than \$110 per study. Appropriates fees for the purpose of conducting background studies.
2	<b>Use.</b> Amends § 245C.32, subd. 2. Removes previously applicable fee provision related to background studies for guardians and conservators, with tiered costs based on state residency.
3	<b>Background study.</b> Amends § 524.5-118.  <b>Subd. 1. When required; exception.</b> Updates terminology and requirements for a national criminal history record check for guardians and conservators; specifies applicable fee.
	<b>Subd. 2. Procedure; criminal history and maltreatment records background check.</b> (a) Modifies language regarding receipt of a privacy notice; requires a national criminal history record check; requires a study subject to submit fingerprints for the background study.  (b) Adds information from another states indicated in a national criminal history check to information the commissioner must provide to the court; increases time

**1 Guardians and conservators.**

Amends § 245C.10 by adding subd. 14. Specifies that the commissioner shall recover the cost of conducting background studies for guardians and conservators through a fee of no more than \$110 per study. Appropriates fees for the purpose of conducting background studies.

**2 Use.**

Amends § 245C.32, subd. 2. Removes previously applicable fee provision related to background studies for guardians and conservators, with tiered costs based on state residency.

**3 Background study.**

Amends § 524.5-118.

**Subd. 1. When required; exception.** Updates terminology and requirements for a national criminal history record check for guardians and conservators; specifies applicable fee.

**Subd. 2. Procedure; criminal history and maltreatment records background check.** (a) Modifies language regarding receipt of a privacy notice; requires a national criminal history record check; requires a study subject to submit fingerprints for the background study.

(b) Adds information from another states indicated in a national criminal history check to information the commissioner must provide to the court; increases time

Section Description

from 15 to 20 days after receipt of the court's request. Strikes provision specifying procedure that no longer applies, since national criminal history checks would be required under this bill. Adds provision requiring the commissioner to provide information to the court about current or prior affiliation with a state licensing agency.

**Subd. 2a. Procedure; state licensing agency data.** Adds clarifying language; adds the Professional Educator Licensing and Standards Board to the list of state licensing agencies from which data can be requested related to the responsibilities of a professional fiduciary. Requires listed agencies to provide the commissioner with a quarterly list of new sanctions issued.

Modifies the time for a repeat search of licensing data from two years to five years.

Adds paragraph (g), requiring the commissioner to review electronically available licensing data for guardians or conservators at least once every four months, to determine whether an individual has a new licensing sanction or action, or did not disclose a prior or current affiliation with a licensing agency.

Adds paragraph (h), requiring the commissioner to provide information found during a review to the court.

**Subd. 3. Forms and systems.** Requires the court to provide a background study subject with a privacy notice; updates language for the NETStudy 2.0 system.



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