



# MAGiC *Journal*

The Minnesota Association for  
Guardianship & Conservatorship

Volume 35, Number 2

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[www.minnesotaguardianship.org](http://www.minnesotaguardianship.org)

“ ”

## Working Together

Team spirit promotes  
greater accomplishment.

—Lailah Gifty Akita

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## MAGiC MISSION STATEMENT

The Minnesota Association for Guardianship and Conservatorship, MAGiC, is a non-profit membership organization focused on the practice and issues of substitute decision-making for vulnerable persons. MAGiC promotes best practices and ethical provision of service in the least restrictive manner possible through education and advocacy for its members and the community. We affirm the following values:

1. We believe services are to be provided in the least restrictive manner possible, respecting the rights and dignity of vulnerable persons.
2. We strive for the highest professional standards and ethics in providing service.
3. We are committed to the education and training of our members.
4. We believe in professional collaboration and legislative advocacy in working toward the well-being of vulnerable persons.



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## NOTE FROM THE EDITOR:

Thank you to MAGiC members who gave their time and effort to issues at the legislature this past session. Many of you wrote statements, attended meetings, provided updates, talked to your local service providers and court administrators, testified, spent hours at the capital, and offered your support during this time.

Special acknowledgments are due to Jessica Lindstrom, Megan Kelly, Eric Jonsgaard and Bob McLeod for the hours of organizing to work towards a better outcome for guardians and persons subject to guardianship this session.

I also want to acknowledge the work done by members in the Metro area and Greater Minnesota to raise awareness across the state. We are proud to represent MAGiC as an organization made up of guardians and other professionals who want to see guardianship and conservatorship done right. ☺

## NGA UPDATE

by Shannon Butler, President, National Guardianship Association

The National Guardianship Association continues to offer a variety of ways to connect with other guardians across the country. From monthly coffee chats, special interest groups, quarterly free CEU events for members, colloquiums and Annual Conference there are so many ways to learn and connect! The association is always looking towards the future and how we can best serve you.

One new initiative this year is the creation of a data collection committee which is working with the top researchers and data experts in the field to gather meaningful data to support funding, the need for professional guardians and resources to support those in the field. Another initiative is to provide education and promotion of DEI (Diversity, Equity and Inclusion) concepts with our board and members. There is a monthly book club discussion of the book, *The Necessary Journey*, by Ella Washington and at the conference there will be presentations to educate on these topics sprinkled throughout the conference.

Speaking of the conference, we hope you will join us this October 19–22 in Long Beach, California. Guardian Barbie and Beach Ken will be our guests! Look for information on the NGA website [www.guardianship.org](http://www.guardianship.org) and if you are not a member, please consider joining! ☺

# GUARDIANSHIP LIABILITY STATUTE UPDATE

by Megan C. Kelly, Attorney and Shareholder,  
Northwoods Law Group, PA

Effective August 1, 2024, Minnesota has a new law concerning liability for guardians. The portion of 524.5-313(c)(2) referring to liability was deleted, and a section was added to 524.5-315(e) as follows:

(e) Failure to satisfy the duties of a guardian under section 524.5-313, paragraph (c), shall be grounds for removal of a private guardian, but the guardian shall not be held liable for acts or omissions made in the discharge of the guardian's duties except for acts or omissions that result in harm to the person subject to guardianship and that constitute reckless or willful misconduct, or gross negligence.

Also, Section 524.5-317 was amended to make it harder for guardians to resign particularly when the client is harming or acting maliciously toward the guardian. Section 524.5-317(f) was added and states:

(f) If, after a good faith effort, the guardian is unable to find a successor guardian, the guardian may petition the court for resignation. The court may allow the guardian to resign if the resignation would not result in imminent substantial harm to the person subject to guardianship based on clear and convincing evidence.

Note the statute does not take into consideration harm that may be inflicted on the guardian.

## Background

In 2018, Jean Krause, who suffered from dementia, was sexually assaulted by a staff member of the long-term care facility where she resided. Her guardian, Naree Weaver, who was Jean's neighbor and friend, did not notify the family of the assault, nor did she seek out services for Jean to address the trauma of the assault. The family did not learn of the assault on Jean until after her death. The family believed that the assault led to a sudden decline which they'd noticed in Jean's health but they were unaware of the cause. Jean's brother, Mr. James Zika, sued Ms. Weaver for negligence in the care of his sister.

At trial, the Court found that Ms. Weaver was immune from liability because of the language at

Minn. Stat. §524.5-313(c)(2) which stated that a court may grant to a guardian:

(2) the duty to provide for the care, comfort, and maintenance needs of the person subject to guardianship, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian should meet these requirements through governmental benefits or services to which the person subject to guardianship is entitled, rather than from the estate of the person subject to guardianship. *Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian, but the guardian shall have no personal or monetary liability;* (Emphasis added.)

While Mr. Zika's counsel argued that the language cited should be interpreted to give a guardian immunity only for failure to meet the needs of a Person Subject to Guardianship ("PSG") through public benefits rather than private funds, the trial court decided that the guardian was immune from personal or monetary liability for failure to satisfy the needs and requirements shown in all of paragraph (2). Mr. Zika appealed but the Court of Appeals affirmed the trial court's decision.

The [Minnesota Court of Appeals found that](#), "the plain language of section 524.5-313(c)(2) grants a guardian immunity from negligence in the performance of the guardian's duty to provide for the care, comfort, and maintenance needs of the person subject to guardianship" and therefore denied claims brought by relatives of a person subject to guardianship.

Notably, in 2016 the statute did not have provisions requiring a guardian to notify the family of a person subject to guardianship ("PSG") under the circumstances present in the Zika case. Following changes to the guardianship statute in 2020, guardians are now required to notify the Court and interested persons within one day of awareness of this type of incident.

## Events at the Legislature

MAGiC members and a few other interested persons appeared or testified in opposition to the bill at the first hearing. Efforts were made to try to craft reasonable legislation but those efforts were rejected. A handful of representatives were interested in discussing the concerns raised, which included and still include:

- The statutory changes compel a guardian to restrict persons under guardianship to avoid harm and seem to be

*Statute Update, continued on page 4*

*Statute Update, continued from page 3*

in conflict with the [Bill of Rights for Persons Subject to Guardianship or Conservatorship](#).

Guardians are now placed in the unenviable position of making decisions based on their own liability over promotion of individual rights and dignity of risk.

- The bill has already aggravated an existing general shortage of guardians driven by low rates of pay and high levels of responsibility and stress, difficulty accessing legal support and clear guidance from the Court, and a high rate of retirement of experienced professional guardians in the next 2 to 5 years.

- Lack of access to professional liability insurance due to relative cost of the coverage which is expected to increase in light of this bill.
- Guardians are reluctant to take on more difficult cases because the Court will not allow them to resign unless the guardian locates a successor – this will only get worse because successors will be less willing than ever to take on difficult cases. Many professional guardians have taken on difficult cases over the years as a “good deed”, never anticipating they could be subject to increased liability with no ability to resign from the case.
- The legislation will make a guardian more reluctant to allow a PSG to take calculated risks for fear of a lawsuit and will chill the progress made in recent years to uphold a PSG’s right to self-determine wherever possible.
- This solution ignored and discounted the other tools available to supervise guardians and proactively protect persons subject to guardianship, such as the Guardianship Complaint process implemented after the events in Zika occurred.
- Most family member guardians have no idea that this is happening and many of them do not understand their duties – most of the guardians in Minnesota are not professional guardians, and many of them do not have access to any legal advice at all, much less appropriate guidance or legal advice from an attorney knowledgeable in guardianship.
- There is no real bar to filing a lawsuit and most guardians cannot afford the legal fees it will take just to respond and/or file a motion to dismiss. While the legal standard for liability is high, it is still expected to result in frivolous lawsuits against guardians which will unjustly harm good guardians, while also putting a target on guardians who are perceived to have more financial means for purposes of the lawsuit rather than pursuing justice on behalf of a PSG.
- While the bill changes a guardian’s liability on August 1, 2024 and significantly changes the statutory provisions that the guardian agreed to follow when the guardianship was accepted, the bill fails to provide guardians with any meaningful ability to resign from cases even when the health and/or safety of the guardian is at issue, and may in some cases make it more difficult to resign.
- Because the goal of a lawsuit is to recover monetary damages after an injury has already occurred, and because most guardians in Minnesota do not have access to good instruction or legal advice to help them perform




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*Member of Minnesota Association for Guardianship & Conservatorship (MAGIC) and the National Guardianship Association (NGA).*

*Staff Certified as Nationally Certified Guardian (NCG) through the Center for Guardianship Certification (CGC).*

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*Statute Update, continued on page 5*

*Statute Update, continued from page 4*

their duties, the legislation does very little to protect most persons subject to guardianship from harm – it only provides the potential for financial compensation after the harm has occurred.

- There are very few standards in law that inform as to what “gross negligence” or “reckless or willful misconduct” means for a guardian. Ironically, in the *Zika* case, the plaintiff, Mr. Zika, cited the MAGiC Standards of Practice for guardians, which MAGiC members agree to follow, but which do not have force of law. At the time *Zika* was decided, the law did not require the guardian to notify the family, nor did it require the guardian to seek counseling for a PSG who was the victim of a crime, so it is unlikely that the court would have found the guardian to be negligent even under this new standard.
- This legislation is in response to a law that, by all accounts, has been litigated only once in 40 years. Forcing this legislation through without allowing time for consideration and appropriate input from stakeholders is not a proportionate response to the problem the legislation purports to solve.
- This solution may cause legislators to see the issue of guardianship reform as “solved” when there is still a lot of work to be done, as reflected in the above concerns.
- MAGiC asked for the task force to be established first, with all stakeholders allowed to present their concerns and ultimately publish recommendations that could be implemented based on consensus.

During the legislative session, the proponents of the bill continued to refer to “blanket immunity” for guardians, implying or stating that current law included immunity for criminal acts outside the scope of a guardian’s duties such as abuse, manslaughter or murder by intentionally depriving a PSG of food and water. This was not what was decided by the *Zika* court, but the shock value of these statements was highly effective.

MAGiC members spent many hours calling their legislators, attending and testifying at hearings, writing letters, and providing updates to colleagues

on the progress of the bill. Members of MAGiC were allowed very limited time to meet with house members and no time at all with the senate author. Multiple organizations expressed concern to MAGiC and our members, but did not provide statements or testimony in opposition to the bill. Multiple letters of support for the bill were provided by family members of PSGs who were angry at their loved one’s guardian. The Probate and Trust Law Section of the Minnesota State Bar Association was blocked from formally objecting to the bill. Consequently, the story at the legislature was that only professional guardians opposed the bill. Due weight was not given to MAGiC’s stated concerns. While several legislative committee members suggested delaying the liability piece until a task force could be held, ultimately the liability language was pushed through.

## Moving Forward

Beginning on August 1, 2024, guardians who choose to take new cases should carefully consider each new referral in light of this change and consider renegotiating any existing county contracts to receive indemnification from the County for legal expenses incurred in defending frivolous lawsuits, and to account for expected increased legal fees and insurance costs. Guardians may want to seek legal advice before accepting new roles. Members should attend programming offered by MAGiC to address the effects of this legislation. Professionals who do not operate through an LLC should seek the advice of an attorney in forming an LLC through which to operate their fiduciary business to possibly limit their personal liability. It remains to be seen what changes will be made to available fiduciary liability insurance, but guardians should also watch this closely and consider whether to purchase this insurance to protect themselves. Please notify the Board if you hear any news related to the new law in your area.

MAGiC is interested in options for improving guardianship in Minnesota in a way that proactively protects the rights and safety of persons subject to guardianship while also avoiding the cost of frivolous lawsuits to guardians, PSGs, taxpayers, and the courts. One such solution may be certification through the national Center for Guardianship Certification. Additionally, in this author’s opinion, most nonprofessional guardians need more support to understand and carry out their jobs correctly – increased attention is needed to determine where to allocate additional resources such as publicly available trainings, increased funding for attorneys in IFP matters, increased supervision of guardians, or other options.



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*Statute Update, continued from page 5*

## New Withdrawal Legislation and Other Projects

A new section on a guardian's right to petition the court to resign was added to section 524.5-317(f) (provided above). Resigning as a guardian was already difficult, but this legislation is intended to make it harder. What is disappointing, and the product of rushed legislation, is that the statute is focused on potential harm to the person under guardianship without any balancing concern for the circumstances and well-being of the guardian. The legislation fails entirely to understand that guardians are human beings who become ill, need to retire, or may even be victims of violence or viable threats by the PSG or the PSG's family. This legislation does not give any acknowledgment of these realities. In light of this disappointing statute, guardians may want to try to resign under section 524.5-112 (a) or (b) which allows resignation for good cause or best interests.

The involuntary servitude imposed on guardians under the law must compel each guardian to carefully consider which guardianships to accept going forward, particularly guardianships for a persons subject to guardianship who exhibit dangerous behaviors. Guardians may also need to make more frequent use of orders for protection and restraining orders to ensure their own safety.

Language forming a task force to review certain aspects of guardianship in Minnesota was also passed. However, no funding was allocated to the task force this session. The task force will only be formed if it receives necessary funding in the 2024-2025 legislative session. MAGiC has reached out to the Minnesota Council on Disability, which will oversee the task force, to obtain more information about the selection process for the members of the task force, but as of this writing has received no response. MAGiC will continue to closely monitor that process.

Finally, President Jessica Timmington Lindstrom and Vice President Megan Kelly both spoke with the Office of the Legislative Auditor in May to answer questions and give perspectives on the [audit of guardianship statutes](#) being conducted this year. A report is expected to issue at the end of the year with recommendations which might then be taken up at the legislature. ☺

*Megan Kelly is an attorney and shareholder at Northwoods Law Group, PA, in Minneapolis, Minnesota.*

# CHANGES TO BACKGROUND STUDIES FOR GUARDIANS

by Mary Szondy, Attorney at Law

The procedure for completing background studies changed on November 1, 2023. Now there are two separate studies that must be completed. One study is processed through the Bureau of Criminal Apprehension (BCA) and the other study is processed through the Minnesota Department of Human Services (DHS). Although the two studies are cumbersome, the studies are typically processed much more quickly than they were under the previous system. Typically there is no more waiting 6–9 months for your letters of guardianship and/or conservatorship to be issued because you were waiting for the background study.

A major change is that fingerprinting is now required for everyone who must undergo a background study, regardless of how long they have resided in Minnesota. The so-called “ARC exception” (exempting guardians who are also parents of the PSG who has a developmental disability and has resided in the family home since birth) continues to apply.

I have compiled the following instructions from various sources to streamline this for my clients which I hope you will find helpful.

## Legislative Authority:

**Minn. Stat. § 245C.033** requires a guardian or conservator to submit a request for **maltreatment and state licensing agency data check** to the Department of Human Services (DHS). Upon completion of the check, DHS is responsible for providing maltreatment data and state licensing data to the courts.

**Minn. Stat. § 524.5-118** requires guardians and conservators to submit a request for a **criminal history check** to the Bureau of Criminal Apprehension (BCA) along with fingerprints recorded on a fingerprint card. BCA is required to provide the results of the criminal history check to the court.

Note that you cannot be appointed as a guardian or conservator without BOTH parts being completed. Both background checks must be repeated every five years after the guardian or conservator’s appointment if they are to continue to serve.

## PART ONE:

### DHS Maltreatment and State Licensing Check

1. Fill out and sign the Consent Form (DHC-8450). [Guardian-Conservator Maltreatment and Licensing Agency Checks \(DHS-8450\) \(state.mn.us\)](#)

(Please note this MUST be filled in online. You CANNOT print it out and fill it in by hand. This is a hassle for people who do not have the correct software. I have overcome this by filling it in for my clients, then sending it back to them for signature. Also, though it does not say so in the instructions, it appears as though the social security number is optional – as it has been on previous forms. I have submitted a few consent forms WITHOUT the social security number and they have been processed without incident.)

2. Mail to the correct [district court](#) or e-file using [eFile and Serve](#) using the event description “Consent for Background Check.” While some guardians may be able to do this without the assistance of an attorney, it’s important to retain a copy of what was submitted so that the guardian or the attorney can follow up on any delays in processing.
3. Court administration will confirm there is a fee waiver on the case and will submit the consent form to DHS on behalf of the applicant.

The steps are the same if there is no fee waiver, but the form is submitted directly to DHS, and there is a \$50 fee if there is no fee waiver. Send a check or money order made out to DHS. They do not accept cash.

## PART TWO:

### BCA Criminal History Check

1. [Contact BCA](#) (651-793-2410) or local law enforcement to make an appointment to get fingerprinted. **\*\*Editor’s note:** Look at the fingerprints that have been taken to ensure they are clear and don’t be afraid to ask that they be retaken – BCA has been known to reject fingerprints taken by its own employees!
2. Fill out and sign the Consent Form (GAC121). [Minnesota Judicial Branch - Get Forms | Minnesota Judicial Branch \(mncourts.gov\)](#)
3. Provide a copy of the fee waiver (IFP) order signed by the judicial officer. (Bring a paper copy of show a scan of it in your phone.)

*Changes, continued on page 8*

*Changes, continued from page 7*

4. Mail or deliver consent form, completed fingerprint card, and copy of the fee waiver order OR a check for \$33.25 to:

Bureau of Criminal Apprehension  
Attn: CHA Unit  
1430 Maryland Avenue East  
St. Paul, MN 55106

Sometimes my clients have reported also having to pay a \$10 fingerprint card fee, even when they have the fee waiver.

Guardians or attorneys should retain copies of what they submit and take note of the date they mailed it and the estimated arrival time.

NOTE: Minnesota does NOT provide or submit electronic versions of fingerprint cards. I do not know if they ACCEPT electronic versions from other states, but the last time I checked the answer was no.

As with the previous procedure, the results go directly to the requesting Court. Only the person for whom the study is about can call to inquire about any delays, though in my experience, this has not been necessary since November 1, 2023. The new system has been going very smoothly – aside from the above-mentioned hassle of needing Adobe Reader or Acrobat to download the DHS form.

\*\*Editor's note: There continue to be hiccups in some courts – in Hennepin County there are recent reports of the Court refusing to provide copies of studies to guardians for the purposes of an affidavit of prior background study – in at least one instance a professional guardian was forced to petition for release of confidential information to obtain a copy of their own background study so they could use it for an Affidavit of Prior Background Study – the BCA would not release the study to the guardian either, stating it had to come from the Court.

Contact with questions:

DHS Background Study Division: 651-431-6620 or  
[dhs.netstudy2@state.mn.us](mailto:dhs.netstudy2@state.mn.us)

BCA: 651-793-2410 ☎



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# DEVELOPMENTS IN PERSONAL WELL-BEING REPORTS AND MANDATORY USE OF MMG

by **Anna Gunderson, Attorney & Natasha Otiso, paralegal, Thiel Anderson Kukla Gunderson, PLLP**

Starting April 15th, the Minnesota Supreme Court mandated that all guardians must use MyMN-Guardian (MMG), for their annual personal well-being reports. The Court sent out a postcard notifying guardians and updated their website. However, in their announcement, the Court failed to mention that the new rule obligating guardians to use MMG has a carve-out: guardians may request leave to file conventionally for “good cause shown.”

While we cannot speak for the internal perception of the mandate’s rollout, it seemed pretty rocky to us. Guardians panicked. Courts were unsure about the new process. Each county handled requests for leave very differently. MMG’s program administrators were extremely unfriendly to the concept of an attorney (or anyone other than the guardian) filing a report on the guardian’s behalf.

And then, quite abruptly, MMG changed its position to permit attorneys to assist in filing reports through the guardian’s MMG account and assured us that attorney access would be granted by July 1. While we hope that functionality will echo agent access in MyMNConservator, only time will tell.

We sincerely hope that agent/attorney access to MMG will dramatically streamline the enforcement of the mandate.

Until then, our office continues to e-file requests for leave to file conventionally with our reports on an almost daily basis. There is a form for the request to file conveniently available on the court’s website. My office has modified the form to ask for authorization to file conventionally and/or using the e-filing service platform because under the rules, a conventional filing is defined as a paper filing, and we would much rather e-file. Each county seems to be responding to requests based on that county’s understanding of “good cause shown” and their general attitude toward the mandate. Some counties are responding favorably and some are vehemently opposed. Do not forget – if your request for leave is not granted, you need to ensure that the report is submitted through MMG.

While we have the most experience in Hennepin and Ramsey, here is our breakdown of how various counties have handled requests for leave (RFL):

- Anoka: opposed (even when the basis of the request was that the guardian had no computer access)
- Carver: tentatively favorable
- Dakota: opposed
- Hennepin: seems willing to grant most RFL
- Ramsey: seems willing to grant most RFL
- Scott: opposed
- Sherburne: tentatively favorable
- St. Louis: tentatively favorable
- Stearns: tentatively favorable
- Wright: non-responsive ↻

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The American revolution, the terms are these: not that I drive you out or that you drive me out, but that we come together and embrace and learn to live together. That is the only way that we can have achieved the American revolution.

—James Baldwin

# MAGIC JULY QUARTERLY LUNCHEON

**\*\*EXTENDED Luncheon including  
a Legislative Update\*\***

**Friday, July 19, 2024**

**12:00 pm – 1:30 pm**

**Resource Training & Solutions,  
137 23rd Street South,  
Sartell, MN 56377**

**Presenter:** Marissa Bergdahl-Hay, Guardianship Screening Team - Stearns County

**Presenter:** Director, Adult and Disability - Stearns County

**Legislative Update:** Megan Kelly, Attorney, Northwoods Law Group, P.A.

### ***Guardianship liability in Minnesota:***

Where we are, how we got here and what's coming next. Effective August 1, 2024, guardians in Minnesota can be sued for damages for negligence in performing their duties as guardians. The presentation will include a review of how the bill came to pass, a review of the new statutory language, concerns and tips for guardians moving forward, and upcoming activity at the state level that will affect guardians and conservators in Minnesota. There's a lot to cover, so please submit your questions regarding the legislative update in advance to

[megank@northwoodslawgroup.com](mailto:megank@northwoodslawgroup.com).

**Remote Option:** Virtual Link will be provided.

**Fee:** Free to Members and Non-Members!

*\*\*For more information and to register please visit,  
[www.minnesotaguardianship.org/quarterly-luncheon/](http://www.minnesotaguardianship.org/quarterly-luncheon/).*



## MEMBER SPOTLIGHT

### **President Jessica Timmington Lindstrom**

The Journal Committee is proud to spotlight the President of our organization, Attorney Jessica Timmington Lindstrom, Attorney and Shareholder at Winthrop & Weinstine, P.A. in Minneapolis. The purpose of the spotlight is to help connect and showcase our amazing membership. If you would like to nominate someone for the next spotlight, please contact any member of the Journal Committee.



**Q:** What are your areas of professional focus?

**A:** I am an elder law, trusts and estates attorney. I work daily with the most vulnerable populations to assist with estate and long-term care planning, Medical Assistance planning, establishing guardianship and conservatorships, managing fiduciary litigation, and working to help establish special and supplemental needs trusts.

**Q:** What is your favorite benefit of MAGiC membership?

**A:** Becoming a MAGiC member was one of the smartest decisions I made. The connections forged within this group of people, the active knowledge base, the collegial atmosphere, and the ability to reach out to any member and feel comfortable asking questions and seeking guidance has been integral to my law practice and to my growth and knowledge in this area. I would not be the advocate I am today if not for MAGiC and the members I have grown to call wonderful colleagues and friends.

**Q:** Share your favorite quote, book, blog or podcast.

**A:** "Happiness can be found, even in the darkest of times, if one only remembers to turn on the light." Professor Dumbledore, Harry Potter series, written by J.K. Rowling

"Grace costs you nothing." Abby Jimenez

Book - Outlander Series by Diana Gabaldon

Podcast - What Now, with Trevor Noah

**Q:** What's your favorite flavor of ice cream?

**A:** Ben & Jerry's Coffee Coffee Buzz Buzz!

**Q:** What skill would you like to master?

**A:** I would like to re-learn how to sew and to learn how to knit. ☺

## MAGiC at the Movies: “THE OTHER SISTER”

by Seymour Flicks

Released in 1999.

Run time 3.5 hours

Language: English

Run Time: 2 hrs 10 min

Genre: Comedy/Drama

4 out of 5 MAGiC Wands

The Other Sister portrays Carla and her family as they navigate Carla graduating from her boarding school for individuals with developmental delays and disabilities. Carla has spent most of her life at the school after struggling to conform to the social and family norms as a child. The cast is phenomenal. Tom Skerritt, Diane Keaton, Juliette Lewis, and Giovanni Ribisi portray their roles in a relatable and realistic manner.

We start off with Carla graduating from school and dad coming to pick her up. It is apparent that the relationships are strained as Carla moves home and tries to find her place in her family. Mom expects Carla to behave as a neurotypical, high society, young lady would. She is so stuck in her idea of what Carla's limitations are that she isn't able to see how capable Carla really is. While mom is doing the best she can based on what she knows, she struggles to be open to other approaches and perspectives. The rest of the family tries to be inclusive and understanding, even advocating for Carla's independence and choice, but Mom continues to be overprotective.

As the story progresses, Carla starts a vocational program and meets Daniel. They become quick friends and begin to navigate the world together. Daniel lives independently and shows Carla that there are a lot of possibilities in life that don't require constant supervision by her family. Carla starts to want and strive for more independence and begins really advocating for herself.

As the characters grow, Carla's mom begins to be more supportive, even if she struggles internally with her apprehension and desire to protect her daughter. It's really enjoyable to see the progression and her ability to move past her own fears to encourage her daughter in living her best life as Carla wants to.

When I first watched “The Other Sister” soon after it was released in 1999 I thought it was a good movie. Twenty-five years of life experience later, it hits a little differently. I can understand mom's fear and apprehension, dad's guilt, the sisters' desire to be supportive, and most of all, Carla's desire to be independent and to live her life to the fullest. Overall it's a heartwarming and relatable movie that was able to capture what I imagine many individuals with disabilities and their families face in the pursuit of balancing protection and safety with independence and self-fulfillment. ☺

### MAGIC BREAKFASTS

Join your conservator/guardian, social worker and attorney colleagues for listening ears, friendly support, and brainstorming to solve your unique conservatorship/guardianship problems, all while enjoying the most important meal of the day!



Guardians/Conservators, Social Service Professionals, and Attorneys are welcome to join the breakfast meeting every fourth Wednesday of the month starting at 8 a.m. Contact Mary Watson at [mrwatson01@gmail.com](mailto:mrwatson01@gmail.com) for details and location.

FFI call 952-295-9648. ☺

“ ”

Enthusiasm, ability and aptitude all have to be on someone's CV before I'll take them into a life or death situation, but when I am putting a team together for an expedition, there's one other quality I'm always looking out for — kindness.

—*Bear Grylls, A Survival Guide for Life: How to Achieve Your Goals, Thrive in Adversity, and Grow in Character*

## MAGiC BOARD OF DIRECTORS

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## MAGiC EXECUTIVE BOARD

The MAGiC Board meets the third Friday of the month via remote video conference from 8:00 a.m. to 9:30 p.m. MAGiC members are welcome to attend the meetings.

Email [info@minnesotaguardianship.org](mailto:info@minnesotaguardianship.org) to verify meeting time and attendance information.

Upcoming dates:

July 19

August 16

September 20

October 18 ☞

## MAGiC PUBLICATION NOTES

The MAGiC Journal is published quarterly in January, April, July, and October. We will gladly consider printing unsolicited articles and are happy to publish any relevant announcements or news items. Please submit any materials prior to the following deadlines, and remember to include your name, address, and daytime telephone number for follow-up by our editor.

Deadlines for Submission: March 1

June 1

September 1

December 1

Let us know what you think! Is this publication useful to you? What improvements would you suggest? Do you have items or articles you would like to submit? Email [mary@maryszondy.com](mailto:mary@maryszondy.com) and put MAGiC in the subject line. ☞

*The MAGiC Journal is distributed  
to over 450 people throughout Minnesota!*

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the MAGiC Advertisers!**

“ ”

You, the people, have the power, . . . the power to create happiness! You, the people, have the power to make this life free and beautiful, to make this life a wonderful adventure. Then in the name of democracy, let us use that power. Let us all unite. . . . Now let us fight to fulfill that promise. . . . Let us fight for a world of reason, a world where science and progress will lead to all men's happiness.

—*Charlie Chaplin*

THE MINNESOTA ASSOCIATION FOR GUARDIANSHIP & CONSERVATORSHIP was organized as a forum to discuss issues concerning substitute decision-making.

MAGiC provides education and resources for substitute decision-making including less restrictive alternatives to guardianship and conservatorship.

### **Members**

MAGiC members come from a diverse background including: attorneys, private and public social services, conservators and guardians, and private citizens interested in substitute decision-making for family members and friends.

### **Membership Services**

Membership provides the following services:

- Annual Conference (participate at a special rate)

- Quarterly Journal

- Informational releases

- Standards for guardians and conservators

- Legislative analysis

- Leadership on topics such as medical ethics, fees, and standards

- Network forum

- “Nuts and bolts” information on guardianship and conservatorship issues

- Membership directory

- E-mail discussion list