STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0186

In re the Guardianship of Dale Carl Luepke, Jr.

Filed November 21, 2022
Affirmed
Larkin, Judge

Yellow Medicine County District Court
File No. 87-P9-05-000075

Jennifer L. Thompson, JLT Law & Mediation, Litchfield, Minnesota (for appellant)

Mark A. Gruenes, Yellow Medicine County Attorney, Granite Falls, Minnesota (for respondent)

Considered and decided by Ross, Presiding Judge; Larkin, Judge; and Bryan, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant, who is subject to a guardianship, challenges the denial of his motion to terminate the guardianship. We affirm.

FACTS

In 2005, respondent Yellow Medicine County petitioned for the appointment of a guardian for appellant Dale Carl Luepke, Jr., and for a conservator of his estate. The petition summarized Luepke's history of psychiatric hospitalizations, his abuse of alcohol, his lack of insight into his mental illness, and his demonstrated inability to manage his finances and maintain a safe living situation. The petition stated that when Luepke was

experiencing symptoms of mania, he "talked randomly in a rambling manner," was a "loose cannon within the community," and was unwilling to take his medications as prescribed. The district court determined that Luepke's "severe bi-polar illness" made him unable to meet his personal needs and appointed Luepke's sister as his guardian and the conservator of his estate.

In 2006, Luepke petitioned for restoration to capacity. The district court restored Luepke's capacity to manage his personal effects but otherwise denied the petition, finding that Luepke "suffers from [b]ipolar [d]isorder, and has a history of [s]chizoaffective [d]isorder, depression, and alcohol abuse dating back to at least July 2001."

In 2012, Luepke's sister requested to resign as his guardian and conservator. The district court discharged Luepke's sister and appointed Presbyterian Family Foundation in her place. The same year, Luepke petitioned for restoration to capacity. The district court determined that Luepke did not make a prima facie showing that he was no longer incapacitated, but the court discharged the conservatorship, finding that it was no longer necessary.

In 2014, Luepke's guardian petitioned the court to grant the guardian additional powers over Luepke's personal effects. The district court found that Luepke was still abusing alcohol against medical advice and had shown no improvement in his bipolar illness. The district court granted Luepke's guardian additional power to manage his personal effects.

In 2020, Luepke petitioned for the termination of his guardianship, but no hearing was set, and the petition did not move forward.

In May 2021, Luepke again petitioned for termination of his guardianship. Shortly before the termination hearing in district court, Luepke contacted his attorney and stated that he did not want to appear at the hearing. He agreed that the district court could base its determination on written submissions previously filed with the court. The parties stipulated that the record before the district court would consist of Luepke's 2020 Petition to Terminate, Luepke's 2021 Petition to Terminate, letters to the court that Luepke filed in 2020 and 2021, and three letters from Luepke's long-term care provider at Western Mental Health.

The district court denied Luepke's petition as follows:

> Upon reviewing the written submissions, the Court finds that Mr. Luepke appears to suffer from confused mental faculties.
>
> Mr. Luepke's letters to the Court were long and rambling. The letters did not demonstrate a capacity for self-care and did not provide facts from which the Court could find that his general capacity to provide for himself has improved since the beginning of this guardianship.
>
> Additionally, Dr. Kemper's letters inform the Court that Mr. Luepke has a history of troublesome behavior that requires close supervision; notably, alcohol abuse and self-cessation of psychiatric medication. It is Dr. Kemper's professional opinion, developed over years of supervising Mr. Luepke, that Mr. Luepke's best interest is to remain in a care environment where his medication compliance and alcohol use can be monitored.
>
> Minn. Stat. § 524.5-317, subd. (b) allows the Court to terminate or modify a guardianship upon a showing that the person subject to the guardianship no longer needs the assistance or protection of a guardian. Mr. Luepke has not made this showing, and the letters from Dr. Kemper indicate that his mental health would still benefit from the care of a

> guardian. Therefore, Mr. Luepke's petition to terminate his guardianship is denied.

Luepke appeals.[1]

DECISION

A district court may appoint a guardian for an incapacitated person whose needs cannot be met by less restrictive means. Minn. Stat. § 524.5-310(a) (2020). An incapacitated person is an adult who "is impaired to the extent of lacking sufficient understanding or capacity to make personal decisions, and who is unable to meet personal needs for medical care, nutrition, clothing, shelter, or safety, even with appropriate technological and supported decision making assistance." Minn. Stat. § 524.5-102, subd. 6 (2020). The appointment of a guardian must be based on clear and convincing evidence. Minn. Stat. § 524.5-310(a).

A person subject to guardianship may petition for termination of the guardianship if he "no longer needs the assistance or protection of a guardian." Minn. Stat. § 524.5-317(b) (2020). "Upon presentation by the petitioner of evidence establishing a prima facie case for termination, the court shall order the termination and discharge the guardian unless it is proven that continuation of the guardianship is in the best interest of the person subject to guardianship." *Id.* (c) (2020).

[1] The county filed correspondence stating that it did not intend to respond to Luepke's brief to this court. This court ordered that the matter proceed pursuant to Minn. R. Civ. App. P. 142.03 (providing that if respondent fails to file a brief, the case shall be determined on the merits).

The district court has broad discretion regarding whether to modify a guardianship, and "may make any other order" or "may grant other appropriate relief" that "is in the best interests of the person subject to guardianship." *Id.* (b). The district court's "paramount concern" is the best interest of the person subject to guardianship. *Schmidt v. Hebeisen*, 347 N.W.2d 62, 64 (Minn. App. 1984). The district court's decision must be supported by the record. *In re Guardianship of Pates*, 823 N.W.2d 881, 886 (Minn. App. 2012).

This court reviews a district court's decision to terminate or modify a guardianship for abuse of discretion. *In re Conservatorship of Brady*, 607 N.W.2d 781, 784 (Minn. 2000). The district court abuses its discretion if its "findings are not supported by record evidence or when it misapplies the law." *Ekman v. Miller*, 812 N.W.2d 892, 895 (Minn. App. 2012); *see Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022) (stating that "[a] district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record" (quotation omitted)). This court will not set aside factual findings unless they are clearly erroneous, "giving due regard" to the district court's determinations of the credibility of witnesses. *Pates*, 823 N.W.2d at 885 (quotation omitted); *see In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (discussing clear error standard of review).

Luepke contends that the district court failed to make "the required statutory findings" in denying his petition. Specifically, Luepke argues that the district court failed to address the "prima facie standard" and failed to articulate "specific factual findings, including whether a guardianship is in [Luepke's] best interests."

A prima facie case is established with allegations that, if true, would allow the district court to grant the relief sought. *See Woolsey v. Woolsey*, 975 N.W.2d 502, 507 (Minn. 2022) (stating, in the context of a motion to modify child custody, that "the district court must first determine whether the party seeking to modify the custody arrangement has made a prima facie case by alleging facts that, if true, would provide sufficient grounds for modification").

Luepke argues that his letters to the district court established a prima facie case because they showed that he recognizes those involved in his guardianship as well as his medical and mental-health treatment providers, that he understands his medication dosages, and that he has options for independent living and goals for his future. Although the district court did not use the words "prima facie" in its order, it found that Luepke's letters were "long and rambling" and did not "demonstrate a capacity for self-care." We agree with that assessment. Indeed, Luepke's brief to this court describes his letters to the district court as "somewhat disorganized and rambling." The district court did not abuse its discretion in its implicit determination that Luepke did not present a prima facie case for termination by making allegations that, if true, showed that he no longer needed the assistance or protection of a guardian.

Luepke contends that the district court's order was inconsistent with his best interests. He stresses that his letters to the court made his preference to move to independent living "clear" and argues that the district court failed to give his letters expressing his preference "their due weight." But because Luepke did not establish a prima facie case for termination, it was not necessary for the district court to determine whether

continuation of the guardianship was in his best interest. *See* Minn. Stat. § 524.5-317(c) (2020). The district court nonetheless determined that Luepke's "best interest is to remain in a care environment where his medication compliance and alcohol use can be monitored." This court will not reweigh the evidence on appeal. *Kenney*, 963 N.W.2d at 221-22.

Although we understand and respect Luepke's desire to have more independence, we note that Luepke lives in a group home, has freedom to come and go, and is allowed to drive. His long-term mental-health treatment provider stated that Luepke's desire to live in the community has been a "long-standing issue" and that it is in Luepke's best interests to remain under guardianship due to his history of psychiatric hospitalizations, his history of failing to take medication on his own, his history of legal issues caused by his mental illness and alcohol abuse, and his history of sneaking alcohol into his adult foster homes. The information from Luepke's long-term mental-health treatment provider provides clear support for the district court's best-interest determination.

In sum, although the district court's order is brief, it satisfies the requirements set forth in the termination statute. The district court found that the record did not support a determination that Luepke met the legal standards for termination or modification of his guardianship, implicitly concluding that Luepke did not establish a prima facie case for termination. Although the district court was not required to do so, it determined that Luepke's best interest was served by continuation of his guardianship, based on the information from Luepke's long-term mental-health treatment provider. And although a district court "may" modify a guardianship if it is "excessive or insufficient," the record indicates that the present guardianship is not excessive given Luepke's needs. Minn. Stat.

§ 524.5-317(b). Thus, the district court did not abuse its discretion in concluding that the record did not provide a basis to terminate or modify Luepke's guardianship.

Affirmed.