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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1864**

In re the Guardianship of Barbara Somerson.

**Filed July 27, 2026
Affirmed
Bratvold, Judge**

Hennepin County District Court
File No. 27-GC-PR-25-199

Julie Somerson, Minneapolis, Minnesota (pro se appellant)

Ruth Y. Ostrom, Edina, Minnesota (for respondent Advocating for You Guardian Services, LLC)

Considered and decided by Larkin, Presiding Judge; Reyes, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant challenges two district court orders arising from guardianship proceedings involving appellant's mother. Appellant seeks the reversal of an order granting the guardian additional powers to settle a legal claim on mother's behalf and an order dismissing appellant's petition to appoint a successor guardian. Because the record supports the district court's decisions, which comply with statutory requirements, we affirm.

FACTS

Barbara Somerson is a 73-year-old resident of a healthcare and rehabilitation center (healthcare center) in Minneapolis. In May 2025, the healthcare center petitioned for emergency appointment of a guardian for Barbara, alleging that she had “recently been the victim of financial abuse” by her daughter, appellant Julie Somerson.¹ In its petition, the healthcare center explained that Barbara had been diagnosed with vascular dementia, suffered “severe short term memory loss,” and was “unaware of her memory problems.” The petition stated that Barbara had been “interviewed multiple times” by Hennepin County Adult Protective Services investigators and a law enforcement investigator, but she “continually forgets about any financial exploitation.”

The petition stated that “less restrictive means” such as a “health care directive, or other supported decision-making arrangement” were inadequate because Barbara “continues to be at high risk of exploitation” and lacks “the requisite capacity to sign a Health Care Directive.” The petition proposed appointing respondent Advocating For You Guardian Services LLC (AFY) as the emergency guardian.

Before proceeding on the healthcare center’s petition, the district court appointed an attorney from Hennepin County Adult Representation Services to represent Barbara in the guardianship proceedings.

After a hearing on May 8, 2025, the district court granted the healthcare center’s petition and appointed AFY as the emergency guardian for Barbara. The district court

¹ This opinion refers to Barbara Somerson and appellant Julie Somerson by their first names because they share the same last name.

found that Hennepin County Adult Protective Services had “completed their investigation” and found “good cause that financial abuse has occurred.” The district court also found that an emergency existed because Hennepin County Adult Protective Services needed “to hand off the case” for prosecution, which could not begin until it had “closed [its] investigation,” which it could not do “until a guardian [was] appointed.”

Although the district court notified Julie of the hearing on the healthcare center’s petition, Julie did not attend the hearing. On the same day that the district court granted the healthcare center’s petition, Julie filed a “Motion Challenging Emergency Guardianship,” stating that she received notice of the hearing too late to object or to attend the hearing.

In June 2025, after another hearing, the district court appointed AFY as general guardian for Barbara. In its written order (general guardianship order), the district court found that Barbara was incapacitated and “unable to meet personal needs for medical care, nutrition, clothing, shelter or safety.” The district court also found that Barbara’s needs could not be met by less restrictive means because she relied “on others to make financial and medical decisions for her,” was “unable to understand when she need[ed] medical attention,” and required “reminders and interventions to maintain her health and safety.” The district court concluded that AFY was “the most suitable and best qualified among those available and willing” to serve as guardian.

The district court recognized that Julie objected to appointing AFY as Barbara’s guardian and summarized Julie’s three objections: (1) “a family member would be preferable,” in particular, Barbara’s niece C.G.; (2) AFY was nominated to “keep” Barbara at the healthcare center “so that they do not lose a patient and payment”; and (3) AFY “has

not been cooperative or communicative” with Julie about Barbara’s needs. The district court considered and rejected these objections, finding that AFY’s representative “testified credibly” that AFY was independent of the healthcare center and would “make decisions as a neutral party” and that those decisions would be “based only” on Barbara’s best interests. The district court concluded that AFY “will provide independent decision making free from family drama and conflicts between the family” and the healthcare center as well as in Barbara’s best interests.

On August 1, 2025, AFY filed a notice of restrictions (August 1 restrictions):

Julie Somerson is not allowed to obtain any medical, financial, or other information about [Barbara], either directly or by third-party or by any other means. Julie Somerson may not have access to [Barbara’s] cell phone or any other electronic devices belonging to [Barbara]. Julie Somerson may not have access to [Barbara’s] mail, including electronic mail and texts. Julie Somerson will not give [Barbara] any documents or ask [Barbara] to sign any documents. All visits and communications between [Barbara] and Julie Somerson must take place in the common areas of [Barbara’s] facility. Any and all visits between [Barbara] and Julie Somerson must be pre-arranged through [Barbara’s] guardian and [Barbara’s] facility. Julie Somerson is not allowed to take [Barbara] out of her facility.

In the same notice, AFY also revoked Julie’s power “to act as attorney-in-fact for and pursuant to any Power of Attorney documents signed by Barbara . . . whenever dated.”

On August 12, 2025, Barbara’s court-appointed attorney filed an emergency ex parte motion to enforce Barbara’s rights. The motion stated that Julie had “interfered in [Barbara’s] right to legal representation by having [Barbara] sign documents that contradict [Barbara’s] stated preferences, without the benefit of legal advice.” The motion stated that,

“on or around July 29 or 30, 2025, Julie Somerson completed several documents with or for [Barbara]. The documents pertain to changing guardian, appealing the guardianship, and objecting to restrictions [Barbara] apparently signed these documents while with Julie Somerson.”

On August 13, 2025, Julie petitioned for C.G.’s appointment as a successor guardian (successor guardian petition). The successor guardian petition stated that AFY had “abused [its] power on many occasions” and “violated [Barbara’s] civil rights” and that “no less restrictive means” than guardianship “have ever been attempted.” Julie filed an affidavit stating that she believed an AFY representative “may have trespassed” and “exceeded the authority granted by the guardianship order” by entering the home where Julie lives and where Barbara lived before moving to the healthcare center. In her affidavit, Julie also objected to AFY’s contact with “the law firm representing [Barbara and Julie] in a civil action concerning a wrongful foreclosure.”²

At the same time, a petition to remove or modify the August 1 restrictions was filed (petition to modify). The petition to modify was signed by Barbara and dated July 30, 2025. Along with generally seeking removal of the restrictions on Julie, the petition to modify asked the district court to “restrict the rights of the guardian to limited bill payments/financial only.”

² Julie also petitioned for emergency appointment of C.G. as guardian for Barbara. The district court later dismissed Julie’s petition for emergency appointment of C.G., stating that Julie “failed to make any pleading supporting an emergency guardianship.” Julie does not challenge this decision on appeal.

On August 18, 2025, AFY petitioned the district court requesting other guardian powers, including the power to seek Barbara's dismissal as a plaintiff in a pending lawsuit and to allow AFY "to settle or compromise any other civil claims" (additional powers petition). AFY explained that, before it was appointed, Julie and Barbara sued a bank, and that the bank had recently noticed the taking of Barbara's deposition. AFY stated that it did "not believe that allowing [Barbara] to continue as a co-plaintiff in the civil suit [was] in [Barbara's] best interest."

On August 19, 2025, the district court filed an ex parte order granting the motion to enforce Barbara's rights. The district court found that Julie "had [Barbara] sign affidavits and request to appeal [Barbara's] guardianship or change her guardian. These requests do not align with [Barbara's] personal desires and preferences." The district court ordered that Julie was "prohibited from having [Barbara] sign any document" and that, if Julie "files an objection to the visitation restriction, she may only do so on her own behalf." The district court also dismissed the petition to modify.

On September 4, 2025, the district court filed the two orders that are at issue in this appeal. First, the district court granted AFY's additional powers petition and authorized AFY to exercise powers to "compromise or settle all claims on behalf of [Barbara], including the authority to seek [Barbara's] dismissal as a plaintiff" in the suit against the bank. The same order granted AFY "all other powers available to a guardian under Minnesota Statutes, Section 524.5-313(c)(10)" (additional powers order).

Second, the district court dismissed Julie's successor guardian petition (successor guardian order). The district court found that the successor guardian petition sought to

“relitigate” the general guardianship order. The district court addressed Julie’s trespass allegations, finding that Julie’s affidavit “incorrectly alleges that [AFY] does not have authority to access [Barbara’s] real property.” The district court found that “[a]ccessing real property and safeguarding it” is within the powers granted under the general guardianship order. The district court concluded that AFY was “authorized to enter [Barbara’s] home” and that Julie “failed to make any pleading supporting an appointment of [a] successor guardian.”

Julie appeals.

DECISION

By way of background for our review of the issues on appeal, we begin by recognizing that a district court may appoint a guardian for an incapacitated person if it finds by clear and convincing evidence that “(1) the respondent is an incapacitated person; and (2) the respondent’s identified needs cannot be met by less restrictive means.” Minn. Stat. § 524.5-310(a)(1)-(2) (2024). An incapacitated person “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 (2024).

A guardian for an incapacitated person is “subject to the control and direction of the court at all times and in all things,” and a court shall grant to a guardian “only those powers necessary to provide for the demonstrated needs of the person subject to guardianship.” Minn. Stat. § 524.5-313(a)-(b) (Supp. 2025). Generally, a guardian has custody of the

person subject to guardianship and has the duty to provide for the care, comfort, and maintenance of that person. Minn. Stat. § 524.5-313(c)(1)-(2) (Supp. 2025). In contrast, a conservator is “appointed by a court to manage the estate of a person subject to conservatorship.” Minn. Stat. § 524.5-102, subd. 3 (2024). But if there is no conservator appointed for a person subject to guardianship, the “guardian has the duty and power to institute suit on behalf of the person subject to guardianship and represent the person subject to guardianship in . . . all civil court proceedings, . . . provided that a guardian may not settle or compromise any claim or debt owed to the estate without court approval.” Minn. Stat. § 524.5-313(c)(10) (Supp. 2025).

With this background in mind, we consider the scope of the issues before us on appeal. Julie, who is self-represented on appeal, makes several arguments that appear for the first time in her reply brief and that challenge the general guardianship order. “Although some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). Generally, issues not raised or argued in an appellant’s principal brief cannot be raised in a reply brief. *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 887 (Minn. 2010).

Julie’s reply brief has no citations to legal authority or the record. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating that an assignment of error in a brief based on “mere assertion” and not supported by argument or authority is forfeited “unless prejudicial error is obvious on mere inspection”). We

therefore do not consider Julie’s challenges to the general guardianship order because she failed to raise them in her primary brief or provide legal authority in support of her arguments.

Julie also appears to challenge the August 1 restrictions. Julie argues that the district court “abused its discretion by approving and maintaining guardian-imposed restrictions without sufficient findings or evidentiary support.” The district court dismissed the petition to modify that was filed with Barbara’s signature. Julie did not challenge the restrictions on her own behalf during district court proceedings. Because Julie challenges the August 1 restrictions for the first time on appeal, we decline to consider this issue. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts rarely address questions not previously presented to and considered by the district court).

In her primary brief, Julie asks us to reverse or remand for further proceedings the additional powers order and the successor guardian order. Julie argues that the district court erred by making insufficient findings, “[f]ailing to meaningfully address [Julie’s] objections and concerns,” and “[f]ailing to consider less restrictive alternatives.” We understand Julie to make the same arguments about both orders and discuss each order in turn.

Additional Powers Order

The district court “may modify the type of appointment or powers granted to the guardian if the extent of protection or assistance previously granted is currently excessive or insufficient.” Minn. Stat. § 524.5-317(b) (2024). The district court has broad discretion

under the statute and “may make any other order that is in the best interests of the person subject to guardianship.” *Id.*

Appellate courts review the modification of a guardianship for abuse of discretion. *In re Conservatorship of Brady*, 607 N.W.2d 781, 784 (Minn. 2000); *see also In re Guardianship of Kowalski*, 478 N.W.2d 790, 792-97 (Minn. App. 1991) (reviewing the district court’s appointment of a guardian), *rev. denied* (Minn. Feb. 10, 1992). We review the district court’s findings of fact for clear error, and we defer to the district court’s credibility determinations. *In re Guardianship of Wells*, 733 N.W.2d 506, 510 (Minn. App. 2007) (citing Minn. R. Civ. P. 52.01), *rev. denied* (Minn. Sept. 18, 2007). “A finding of fact is clearly erroneous only if the reviewing court is left with the definite and firm conviction that a mistake has been made.” *In re Guardianship & Conservatorship of Pates*, 823 N.W.2d 881, 885 (Minn. App. 2012) (quotation omitted).

Julie’s brief cites no authority to support her request that we reverse the additional powers order and does not articulate what objections and concerns the district court failed to address. *See Schoepke*, 187 N.W.2d at 135 (stating that assignment of error based on “mere assertion” and not supported by argument or authority is forfeited “unless prejudicial error is obvious on mere inspection”). We therefore may decline to consider Julie’s assertions.

Even so, we briefly consider what we understand to be Julie’s challenges to the additional powers order. First, the district court made findings explaining its modification of the general guardianship order. The district court found that Barbara lacked capacity to “understand the lawsuit against [the bank],” to “respond to the discovery she was served,”

or “to undergo a deposition.” Second, the district court found that continuing with the lawsuit was not in Barbara’s best interests and that Barbara’s needs could not be met by less restrictive means.

We conclude that the district court acted within its discretion by modifying the general guardianship order to grant the additional powers that AFY requested and to settle Barbara’s claims against the bank.

Successor Guardian Order

An “interested person may petition for removal of a guardian . . . on the ground that removal would be in the best interest of the person subject to guardianship . . . or for other good cause.” Minn. Stat. § 524.5-112(b) (2024). A petition for removal “may include a request for appointment of a successor guardian.” *Id.* Appellate courts review the district court’s decision on the removal of a guardian for abuse of discretion. *In re Conservatorship of Geldert*, 621 N.W.2d 285, 287 (Minn. App. 2001), *rev. denied* (Minn. Mar. 27, 2001).

The district court treated Julie’s successor guardian petition as a motion to reconsider or “relitigate” the appointment of AFY as Barbara’s general guardian. The district court found that Julie “failed to make any pleading supporting an appointment of [a] successor guardian.” We agree that Julie failed to argue that removing AFY and appointing a successor guardian would be in Barbara’s best interests. *See* Minn. Stat. § 524.5-112(b).

In an affidavit filed with her successor guardian petition, Julie alleged that AFY had abused its power by trespassing and contacting the law firm that was representing Barbara in the lawsuit against the bank. On appeal, Julie argues that the district court failed to

“meaningfully address” these allegations. We disagree. The district court considered both objections and found that AFY’s actions tracked with its powers under the general guardianship order. The record supports the district court’s findings. Thus, we conclude that the district court did not abuse its discretion by rejecting Julie’s successor guardian petition.

Affirmed.