

Instructions for Notice and Motion for Change of Venue

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees can't help you fill out forms.

If you're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.

To protect your rights, carefully read this information and any instructions to which you are referred.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules can be found at ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

- If you would like to learn more about finding a lawyer to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

These instructions and forms aren't a complete statement of the law. They cover the basic procedure for asking a North Dakota state district court to change the venue (North Dakota county) in an existing guardianship of an adult. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.

Use at your own risk.

Don't include these instructions when you serve or file the completed forms.

Purpose

These forms may be used by a Guardian to ask the North Dakota State District Court that currently has jurisdiction over the guardianship to change the venue of the guardianship to the North Dakota District Court in the county where the Ward currently resides.

[North Dakota Century Code Section 30.1-28-02](#) relates to venue in District Court proceedings for guardianship of an adult.

[North Dakota Century Code Section 30.1-28-13](#) relates to venue in District Court proceedings after a guardian for an adult is appointed.

If you're a Guardian representing yourself, you complete and sign the forms. If you're unsure how to proceed or unsure if these forms are suitable for your situation, consult an attorney.

Forms

The forms in the Motion for Change of Venue include:

- Form 1. Notice of Motion for Change of Venue;
- Form 2. Motion for Change of Venue;
- Form 3. Brief in Support of Motion for Change of Venue;
- Form 4. Affidavit in Support of Motion for Change of Venue;
- Form 5. Affidavit of Service by Mail; and
- Form 6. Affidavit of Personal Service.

Form 1: Notice of Motion for Change of Venue Form *(Current Guardian completes and signs.)*

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from your Letters of Guardianship.
- **Date and Signature**
 - Date and sign the form.
 - Complete the lines following the signature line.

Form 2: Motion for Change of Venue Form (*Current Guardian completes and signs.*)

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from your Letters of Guardianship.
- **Complete Paragraphs 1 through 3 of the Form**
- **Date and Signature**
 - Date and sign the form.
 - Complete the lines following the signature line.

Form 3. Brief in Support of Motion for Change of Venue (*Current Guardian completes and signs.*)

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from your Letters of Guardianship.
- **Complete Paragraphs 1 through 5 of the Form**
- **Date and Signature**
 - Date and sign the form.
 - Complete the lines following the signature line.

Form 4. Affidavit in Support of Motion for Change of Venue (*Current Guardian completes and signs.*)

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from your Letters of Guardianship.
- **Complete Paragraphs 1 through 7 of the Form**

- **Date and Signature – Paragraph 8**

- Fill in the state, county, and country where you're signing the Affidavit.
- Date and sign the form.
- Print your name.
- Fill in the address.
- Fill in your city, state, and zip code.
- Fill in your telephone number.
- Fill in your email address.

Arrange to Have Completed Notice of Motion and Motion for Change of Venue Forms Served

The ward and all interested persons designated in the order appointing you as Guardian must receive a copy of each of the following completed forms and any supporting documents you plan to file:

Form 1: Notice of Motion for Change of Venue;

Form 2: Motion for Change of Venue;

Form 3: Brief in Support of Motion for Change of Venue;

Form 4: Affidavit in Support of Motion for Change of Venue; and

Any supporting documents (*you may not have any supporting documents*).

Copies may be mailed by first class, postage prepaid, **or** hand-delivered.

Before the court will act on your motion for change of venue, you must provide proof that copies of the completed documents were mailed or hand-delivered to all interested persons.

An affidavit of service gives the court proof that copies were provided.

Two affidavit of service forms are included in this forms packet.

Form 5: Affidavit of Service by Mail; and

Form 6: Affidavit of Personal Service.

If you arrange to have the copies served by mail, the individual who takes the envelopes to the United States Post Office and pays the first-class postage completes Form 5: Affidavit of Service by Mail.

If you arrange to have the copies served hand-delivered, the individual who hand-delivers the copies completes Form 6: Affidavit of Personal Service.

For more information about service of documents and blank affidavit of service forms, go to ndcourts.gov/legal-self-help/service-in-a-civil-action. Click on “Service Instructions and Forms” and review the information and forms in the “Service After a Civil Action Has Started” section.

File the Original, Completed Forms with the Clerk of Court that Currently has Jurisdiction

File the original, completed motion for change of venue forms, any supporting documentation, and the affidavit(s) of service with the clerk of court of the North Dakota State District Court that currently has jurisdiction of the guardianship.

Form 1: Notice of Motion for Change of Venue;

Form 2: Motion for Change of Venue;

Form 3: Brief in Support of Motion for Change of Venue;

Form 4: Affidavit in Support of Motion for Change of Venue;

Any supporting documents (*you may not have any supporting documents*);

Form 5: Affidavit of Service by Mail (*if you arranged for service by mail*);

Form 6: Affidavit of Personal Service (*if you arranged for hand-delivery*).

You may be required to pay a filing fee of \$30.00. Contact the Clerk of Court for the amount, if any.

After the Original, Completed Forms are Filed

The people who received copies of the completed forms have 14 days to serve and file a response or objection to your request to change the venue of the guardianship.

You’ll be notified if a hearing on your request is scheduled, or if the court requires you to do something before the court will make a decision.

Don’t include these instructions when you serve or file the completed forms.

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN INCAPACITATED INDIVIDUAL

Case No. _____

NOTICE OF MOTION FOR CHANGE OF VENUE

1. The following Motion for Change of Venue is brought in accordance with Rule 3.2, North Dakota Rules of Court. The motion will be decided on the documents filed with the Court unless oral argument or the taking of testimony is timely requested by a party or required by the Court.

2. You have 14 days after service of this Motion upon you within which to serve and file a response or objection to the Court granting the attached motion. Upon the filing of an answer, or upon expiration of the time for filing, the Motion is deemed submitted to the Court, unless a party timely requests oral argument or the taking of testimony.

Dated this _____ day of _____, 20_____.

Signature of Guardian/Movant

Printed Name

Address

City, State, Zip Code

Telephone Number: _____

Email Address: _____

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN INCAPACITATED INDIVIDUAL

Case No. _____

MOTION FOR CHANGE OF VENUE

1. _____ (*name of guardian*), the guardian of the above-named ward, makes this motion for an Order in accordance with Section 30.1-28-13 of the North Dakota Century Code and Rule 3.2 of the North Dakota Rules of Court.

2. The guardian respectfully requests that the Court enter an Order changing venue to the District Court of _____ County, and that guardianship of the ward and all subsequent proceedings and all related court files be transferred.

3. This motion is based on the brief and affidavit in support of this motion, which are served and filed with the motion.

Dated this _____ day of _____, 20_____.

Signature of Guardian/Movant

Printed Name

Address

City, State, Zip Code

Telephone Number: _____

Email Address: _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN INCAPACITATED INDIVIDUAL

Case No. _____

BRIEF IN SUPPORT OF MOTION FOR CHANGE OF VENUE

1. As required by Rule 3.2 of the North Dakota Rules of Court, _____
_____ (*name of guardian*), the guardian of the above-named ward, submits this
Brief in Support of Motion for Change of Venue.

FACTS

2. The facts are stated in the Affidavit in Support of Motion for Change of Venue, which is
filed with the Motion for Change of Venue and incorporated by reference.

LAW AND ARGUMENT

3. Section 30.1-28-13 of the North Dakota Century Code provides in proceedings subsequent
to appointment of the guardian, “[t]he court where the ward resides has concurrent jurisdiction
with the court which appointed the guardian... .”

4. The ward no longer resides in _____ County and has moved to
_____ (*city*), _____ County, North
Dakota; has continuously resided there since _____ (*date*); and is
expected to continue residing in _____ County.

5. The guardian respectfully requests that the Court enter an Order changing venue to the District Court of _____ County, and that guardianship of the ward and all subsequent proceedings and all related court files be transferred.

Dated this _____ day of _____, 20_____.

Signature of Guardian/Movant

Printed Name

Address

City, State, Zip Code

Telephone Number: _____

Email Address: _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN INCAPACITATED INDIVIDUAL

Case No. _____

AFFIDAVIT IN SUPPORT OF MOTION FOR CHANGE OF VENUE

1. I am the guardian of the above-named ward.

2. My name, address and telephone number is as follows:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number(s): _____

3. On _____ (date), I was appointed guardian for the ward by the District Court of _____ County, North Dakota.

4. The ward no longer resides in _____ County and has moved to _____ (city), _____ County, North Dakota.

5. The ward has continuously resided in _____ (city), _____ County, North Dakota since _____ (date); and is expected to continue residing in _____ County.

6. The following additional documents that support my Motion for Change of Venue are attached (*list name and brief description of each document*):

7. I ask the Court to consider the following additional information in making a decision:

8. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit is true and correct.

STATE OF _____)
COUNTY OF _____) ss.
COUNTRY OF _____)

Signed on this _____ day of _____, 20_____.

Signature of Guardian/Movant

Printed Name

Address

City, State, Zip Code

Telephone Number: _____

Email Address: _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____.

Case No. _____

AFFIDAVIT OF SERVICE BY MAIL

(May serve multiple persons ONLY IF envelopes are mailed same day from same Post Office.)

The person serving court documents by mail states:

1. My name is: _____ *(person who mailed documents)*. I am at least 18 years of age.

2. **List of Court Documents Served:** *(Put a ✓ next to each document served.)*

Notice of Motion for Change of Venue

Motion for Change of Venue

Brief in Support of Motion for Change of Venue

Affidavit in Support of Motion for Change of Venue

Other: _____

3. **Service by Mail:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to each person listed in Paragraph 5.

4. **Date and Post Office Location of Service by Mail:**

Date Court Documents Were Served by Mail: _____

United States Post Office Location:

(city)

(county)

(state)

5. **Person or Persons Served by Mail:**

- 1. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

- 2. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

- 3. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

- 4. Name of Person Served: _____
Mailing Address: _____
City, State, Zip Code: _____

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit is true and correct.

STATE OF _____)
COUNTY OF _____) ss.
COUNTRY OF _____)

Signed on this _____ day of _____, 20_____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number:

Email Address:

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____.

Case No. _____

AFFIDAVIT OF SERVICE BY PERSONAL DELIVERY
(A separate affidavit is required for each person served.)

The person personally serving court documents swears:

1. My name is: _____ (person who personally served documents). I am at least 18 years of age. I am **not a party or interested in the above named matter.**

2. **List of Court Documents Served:** (Put a ✓ next to each document served.)

- Notice of Motion for Change of Venue
- Motion for Change of Venue
- Brief in Support of Motion for Change of Venue
- Affidavit in Support of Motion for Change of Venue
- Other: _____

3. **Personal Service:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 to _____ (name of person served) by:

(choose one)

- Giving the court documents directly to him/her.
- Leaving the court documents with: _____ (name),
a person of suitable age and discretion who lives at the same address.

