

General Instructions for the Guardianship Annual Report

**Court employees cannot help you fill out this form.
Do not include these instructions when you file the completed form.**

Guardians and conservators must report on the status of their ward and update the Court with a summary of the “exercise of powers” for the past year. The exercise of powers means all of the ways in which a guardian or conservator has handled decision making on behalf of the ward. This includes all of the areas of authority that the court has appointed to a guardian or conservator. Generally, the annual report is due to the Court on the anniversary of the Letters of Guardianship. Unless directed by the Court to report more frequently, the report should detail the events of the previous year. The annual report is statutorily ordered by the State in North Dakota Century Code §30.1-28-12(8) and §30.1-29-19.

District Courts are required to provide oversight of the wards, and these annual summaries supply the Court with a snapshot of the ward’s health, financial wellbeing, and significant changes in care or living arrangements. These summaries also assure the Court that the ward is living in the least restrictive environment. Fillable forms are available on the North Dakota Supreme Court’s website: <http://www.ndcourts.gov/> on the Self Help tab. Please add additional pages as necessary to submit a report to the Court that contains all relevant information on the ward’s wellbeing and activities for the past year. The following instructions apply to all three components, and the website has further instructions for each individual component.

Guardianship Annual Report:

- **Purpose of Notice of Guardianship Annual Report**

1. The notice provides the guardian or conservator with a reminder that the annual report is due. You may or may not receive a notice from your district court.

- **Annual Report Composition**

1. The complete annual report submission includes three component documents:
 - a. The Annual Wellbeing Report
 - b. The Annual Financial Accounting
 - c. The Confidential Information Form

- **Top of Each Form**

1. If the Court has not completed the top of the forms for you, please:
 - a. Enter the county and district court names.
 - b. Fill in legal name of the ward.
 - c. Enter the case number from the Letters of Guardianship.

- **Confidentiality of the Ward**

1. Pursuant to Rule 3.4 of the North Dakota Supreme Court, the Annual Wellbeing Report and the Annual Financial Accounting should not contain the following identification information: social security numbers, taxpayer identification numbers, birthdates, financial account numbers, or the name of an individual known to be a minor. The following examples are acceptable substitutions: the last four digits of the social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.
2. By its nature, the Annual Wellbeing Report contains confidential health-related information. This form should not be kept in a publically accessible file.
3. The Confidential Information Form requires personal identification information. **The Confidential Information Form should not be distributed to anyone other than the Court.** This form should also not be kept in a publically accessible file.

- **Ward and Guardian Information (The Annual Wellbeing Report and The Annual Financial Accounting)**

1. Complete the current address of the ward, and the ward's age and phone number.
2. Fill in the information for guardians, co-guardians, and conservator(s). Complete the contact information including address, phone numbers, and emails for each guardian and conservator.

- **Notice to the Ward (The Annual Wellbeing Report and The Annual Financial Accounting)**

1. The annual report should be presented and explained to the ward. The Annual Wellbeing Report and the Annual Financial Accounting contain language specifically addressed to the ward to advise them that they may petition the court to make changes in their guardianship.

- **Notice to the Guardian or Conservator**

1. All three documents must be completed annually and submitted to the clerk of district court.

- **Forms Certification**

1. The Annual Wellbeing Report and the Annual Financial Accounting must be notarized before submission. Please sign the forms in front of a notary. A notary public is available at each district court and may be available at your local bank or credit union.

- **Forms Submission**

1. If you are not represented by a lawyer and paper-file your Guardianship Annual Report:
 - a. Submit the original, completed and signed forms to your clerk of district court.
2. If you e-file your Guardianship Annual Report using the Court's e-filing system, e-file each component report as follows:
 - a. Annual Wellbeing Report
 - i. **Filing Code:** Select "GAR - Guardian and/or Conservatorship Annual Report"
 - ii. **Filing Description:** Type "Annual Wellbeing Report"
 - iii. **Security:** Confidential
 - b. Annual Financial Accounting
 - i. **Filing Code:** Select "GAR - Guardian and/or Conservatorship Annual Report"
 - ii. **Filing Description:** Type "Annual Financial Accounting"
 - iii. **Security:** Public
 - c. Confidential Information Form
 - i. **Filing Code:** Select "CIP – Confidential Information Form"
 - ii. **Filing Description:** Type "Guardianship Annual Report"
 - iii. **Security:** Confidential
3. Submit copies of the completed Annual Wellbeing Report and Annual Financial Accounting to the ward and other interested persons.
4. If you are unable to submit your annual report within 30 days of the due date, please contact the district court. An Order to Show Cause hearing will be scheduled for the protection of the ward's wellbeing if annual reports are not filed on their behalf.

- **Instructions for Individual Forms** are available on the Self Help website.

Instructions for Guardianship Annual Report Annual Wellbeing Report

Purpose

This report is the Annual Wellbeing Report component of the Guardianship Annual Report. The Annual Wellbeing Report will supply the Court with a summary of the ward's health, activities, and significant changes in care or living arrangements. This report should inform the Court and interested persons of the ward's condition, improvements or needs, and assure the Court that the ward is living in the least restrictive environment. Fillable forms are available on the North Dakota State Court's website: <http://www.ndcourts.gov/> on the Self Help tab. (The Annual Financial Accounting and Confidential Information Form must also be filed as part of the annual report.)

This report must be completed annually and submitted to the clerk of district court. You may or may not receive a notice from the court as a reminder. The report template does have some space for you to add comments and to include additional information that does not fit in one of the preset questions. Please add additional pages as necessary to submit a report to the court that contains all relevant information on the ward's wellbeing and activities for the past year. Review the full instructions for completing the Guardianship Annual Report; the instructions below are specific to the Annual Wellbeing Report.

- **Notice to the Ward**

1. This report must be presented and explained to the ward. Each year the ward must be advised that they may petition the court to make changes in their guardianship.

- **Annual Wellbeing Report**

1. Enter the report period. For the first annual report, the beginning date will be the date of appointment of guardianship. The end date will be the end of the month, 12 months later (unless otherwise directed by the court.) The following year's reports will have a beginning period date of the first of the month following the month-end of last year's report. The reporting period may be adjusted by the court to meet the unique needs of the wards and guardians.

Annual report period example: if the Letters of Guardianship are dated April 16, 2019, that is the beginning date of the first annual report. The end date will be March 31, 2020 (unless otherwise directed by the court.) The due date of the first report will be April 30, 2020. The beginning date of the second annual report will be April 1, 2020 and the end date will be March 31, 2021.

2. Answer the questions listed in the form. If a question does not apply to you or your ward, please enter n/a for “not applicable.” The following explanations are provided for specific questions on the form:

- **#2:** Refer to your Letters of Guardianship and check the areas where you were granted authority for decision making.
- **#3:** some wards may have more than one person assisting them with their financial transactions. For example, a ward may have a representative payee managing some of their money, and a guardian or conservator managing other assets. These people will need to provide input into your annual reports.
- **#6:** the person with care or custody of the ward is usually where the ward is currently residing.
- **#7:** describe the changes in residences and care, and the reasons for these decisions.
- **#10:** the services provided to the ward will include services that the guardians have provided as well as care that the ward is receiving. Examples would include assisting the ward with moving into a new apartment, or securing home delivered meals.
- **#14:** wards should be living in the least restrictive environment and able to take advantage of community events and activities. Not all wards will be capable of participating in all activities. To give the court a broad picture of the ward’s environment, please provide general examples of activities the ward participated in.
- **#18:** use this space to expand on details or to inform the Court of other matters important to the ward’s care, health, and happiness, as well as important events in the past year. Attach additional pages if necessary.

- **A Note About E-filing the Annual Wellbeing Report**

1. If you e-file the Guardianship Annual Report, e-file the Annual Wellbeing Report component as follows:

Filing Code: Select “GAR - Guardian and/or Conservatorship Annual Report”

Filing Description: Type “Annual Wellbeing Report”

Security: Confidential

Instructions for Guardianship Annual Report

Annual Financial Accounting

Purpose

This report is the Annual Financial Accounting component of the Guardianship Annual Report. The Annual Financial Accounting will supply the Court with a summary of the expenditures made from the ward's estate, as well as a picture of the ward's financial wellbeing. It should provide details on how the ward's estate was managed during the year. Fillable forms are available on the North Dakota State Court's website: <http://www.ndcourts.gov/> on the Self Help tab. (The Annual Wellbeing Report and the Confidential Information Form must also be filed as part of the annual report.) Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Annual Financial Accounting.

- **Notice to the Ward**

1. This report must be presented and explained to the ward. Each year the ward must be advised that they are able to petition the court to make changes in their guardianship.

- **Annual Accounting of the Estate**

1. Financial authority may be shared with others; work with co-guardians and conservators to complete this report. If the ward has federally appointed representatives managing their Social Security, Veteran's or other benefits, please attach reports provided by those fiduciary representatives.
2. Complete the Annual Financial Accounting for the assets that you, co-guardians, or conservators manage. If there are no other assets or income to report besides the fiduciary's reports, please make a note of this in the comments.
3. Enter the report period. For the first annual report, the beginning date will be the date of appointment of guardianship. The end date will be the end of the month, 12 months later (unless otherwise directed by the court.) The following year's report will have a beginning period date of the first of the month following the month-end of last year's report. The period can be adjusted to meet the unique needs of the wards and guardians; however, the reporting period for the Annual Financial Accounting needs to coincide with the reporting period of the Annual Wellbeing Report.

Annual report period example: if the Letters of Guardianship are dated April 16, 2019, that is the beginning date of the first annual report. The end date will be March 31, 2020 (unless otherwise directed by the court.) The due date of the first report will be April 30, 2020. The beginning date of the second annual report will be April 1, 2020 and the end date will be March 31, 2021.

4. Fill in the blanks for the income and expenditures of the ward's estate. The following explanations are provided for specific questions listed on the form:

- **#1: beginning balance:** if this is the first annual report for the ward, the beginning balance will be the total of the "Cash, checking accounts" section of the Beginning Inventory report. These are the accounts that you or other authorized people use to pay expenses for the ward's care. If this is not the first annual report for the ward, the beginning account balance will be the ending balance from the prior year's annual report.
- **#2: income and deposits** will include all income as well as transfers into the checking account(s) from other accounts such as savings or trusts. Total all of the income and deposits on the line at the bottom of this section.
- **#3:** the **expenses and withdrawals** section is where you will list all of the payments made this year on behalf of the ward, and any transfers out to other accounts. The "Personal needs" category includes clothing, hygiene and beauty products, first aid, and similar products and services. Any large or unusual expenses should be described in the comments. Total all of the expenditures on the line at the bottom of this section.
- **#4:** the **ending balance** is the sum of the beginning balance plus the total of all deposits, and the subtraction of all the expenditures. The ending balance amount will be the beginning balance for next year's report. This balance should match the ward's total checking and spending account balances on the end date of this financial accounting report.
- **#5:** the current asset listing is similar to an inventory report. All of the ward's assets and current values should be listed here. Attach additional sheets if more space is required. New assets acquired should be explained in the comments.
- **#6:** list all assets that have been sold or disposed of since the last report to the Court. Please include the purpose for the disposal, the person or company that received the asset, and where the income was deposited. This information is helpful for the Court to monitor reductions in the ward's estate.
- **#7:** all of the ward's debt should be listed. Any significant new debt acquired should be explained in the comments.
- **#8:** this space should be used to explain large or unusual expenditures and asset disposals. You may also wish to discuss debt arrangements, loss of

income, plans for future asset management, or other information of interest to the Court. Attach additional pages if needed.

- **A Note About E-filing the Annual Financial Accounting**

1. If you e-file the Guardianship Annual Report, e-file the Annual Financial Accounting component as follows:

Filing Code: Select “GAR - Guardian and/or Conservatorship Annual Report”

Filing Description: Type “Annual Financial Accounting”

Security: Public

Instructions for Guardianship Annual Report Confidential Information Form

Purpose

This report is the Confidential Information Form component of the Guardianship Annual Report. The Confidential Information Form assists the court in maintaining current contact information for persons involved or interested in the guardianship or conservatorship of an incapacitated individual. When completed, this form should be protected from public viewing. Fillable forms are available on the North Dakota State Court's website: <http://www.ndcourts.gov/> on the Self Help tab. (The Annual Wellness Report and the Annual Financial Accounting must also be filed as part of the annual report.) Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Confidential Information Form.

Note: birthdates and Social Security numbers are required for the identification of the ward and the guardians or conservators.

- **Confidential Information**

1. Enter the name, birthdate, current address, phone number, and social security number of the ward.
2. Enter the name, birthdate, current address, phone number, and social security number of the guardian(s) and conservator(s). If a guardian or conservator is a professional organization rather than an individual, the birthdate and social security numbers are not required. Instead, please provide the organization's name and business address, phone number, and tax identification number.
3. Enter the name, relationship, current address, and phone number of persons that have an interest in the ward's wellbeing. (Social Security numbers are not required.)
4. Use additional pages if necessary for a complete listing of co-guardians, co-conservators, and interested persons.
5. Do not submit copies of Confidential Information Form to any other party unless directed by the court.

- **A Note About E-filing the Confidential Information Form**

1. If you e-file the Guardianship Annual Report, e-file the Confidential Information Form as follows:
 - a. **Filing Code:** Select "CIP – Confidential Information Form"
 - b. **Filing Description:** Type "Guardianship Annual Report"
 - c. **Security:** Confidential