

STATE OF NORTH DAKOTA                      IN DISTRICT COURT  
COUNTY OF \_\_\_\_\_                      \_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_,  
**AN INCAPACITATED INDIVIDUAL**

**Case No.** \_\_\_\_\_

**ORDER APPOINTING SUCCESSOR GUARDIAN**

\_\_\_\_\_, guardian for  
\_\_\_\_\_, has filed a motion  
requesting that the Court terminate his/her appointment as guardian and appoint  
\_\_\_\_\_ as successor guardian.

The Court makes the following findings of fact:

1. Notice has been provided as required by law.
2. \_\_\_\_\_ is still in need of a guardian.
3. The original guardian, \_\_\_\_\_, is unable to continue to serve as guardian.
4. \_\_\_\_\_ has been nominated to serve as successor guardian and is willing, able, and qualified to serve as guardian.
5. No objection has been filed to the nominated successor's appointment.

**THEREFORE IT IS ORDERED:**

1. \_\_\_\_\_ is hereby appointed as successor guardian for the person and estate of \_\_\_\_\_, an incapacitated person. Letters of Guardianship shall issue to him/her. **The Letters are effective immediately and expire** \_\_\_\_\_.

2. The appointment of \_\_\_\_\_ as a guardian is hereby terminated, and he/she is discharged from his/her duties and responsibilities.

3. \_\_\_\_\_ shall provide a final report and inventory within 60 days of entry of this Order, and upon approval of the final accounting, he/she is released from the bond he/she was required to furnish.

4. The powers and duties conferred upon the successor guardian are appropriate as the least restrictive form of intervention consistent with the ability of the ward for self care are as follows:

<u>Full</u>	<u>Limited</u>	<u>None</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Place of residence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Education and training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Involuntary treatment with prescribed medications
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents

The successor guardian shall involve the ward to the fullest degree possible.

5. The successor guardian shall not place the ward in a mental health facility or state institution for more than forty-five days.

6. If the successor guardian is granted full authority to consent to involuntary treatment of the ward with prescribed medications, consent may not be provided without receiving a recommendation and determination from the ward's treating physician, physician assistant, or advanced practice nurse that:

- a. The proposed medication prescribed medication is clinically appropriate and necessary to effectively treat the ward and that the ward requires treatment;
- b. The ward was offered that treatment and refused it or that the ward lacks the capacity to make or communicate a responsible decision about that treatment;
- c. Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and

d. The benefits of the treatment outweigh the known risks to the ward.

7. The ward retains the legal right to:

- Vote
- Seek to change marital status
- Obtain or retain a motor vehicle operator's license

8. The successor guardian shall involve the ward as much as possible, when making decisions about living arrangements, healthcare, and all other care.

9. The guardian/co-guardians shall allow the ward as much freedom as possible using the least intervention possible and by intervening only when necessary for the safety of the ward or of other people.

10. The successor guardian may not use funds from the ward's estate for room and board which the guardian/co-guardian or the guardian's/co-guardian's spouse, parent, or child have furnished the ward unless a charge for the service is approved by order of the court made upon notice to at least one of the next of kin of the ward, if notice is possible.

11. \_\_\_\_\_ shall provide a beginning inventory of all assets owned by the ward or in which the ward has an interest within 90 days of entry of this Order appointing him/her as successor guardian. A copy of the beginning inventory must be provided to the ward, any interested persons designated in the Order appointing the original guardian, and any other persons interested in this guardianship.

12. \_\_\_\_\_ shall provide to the Court an annual report describing the status and condition of the ward and that a copy of the annual report must be provided to the ward, any interested persons designated in the Order appointing the original guardian, and any other persons interested in this guardianship. These reports should commence on \_\_\_\_\_, and continue on a yearly basis thereafter.

BY THE COURT:

\_\_\_\_\_  
Judge of the District Court