

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____,
AN ALLEGED CHILD BECOMING AN INCAPACITATED INDIVIDUAL

Case No. _____

PETITION FOR APPOINTMENT OF A GUARDIAN

1. Your Petitioner(s), *(full name(s))*, _____,
in accordance with Chapter 30.1-28 of the North Dakota Century Code (N.D.C.C.), respectfully
request(s) appointment of a guardian under N.D.C.C. Section 30.1-28-03.3 for the above-named
child becoming an incapacitated adult (proposed Ward). Further, I/we state to the Court:

2. Jurisdiction and Venue *(choose one)*:

The above-named proposed Ward currently resides in _____ County,
North Dakota and is expected to remain there for the duration of the guardianship
proceedings.

The above-named proposed Ward is present in _____ County,
North Dakota and is expected to remain there for the duration of the guardianship
proceedings.

3. Petitioner's Information:

Name: _____

Address: _____

Corporate or Agency status: _____

Connection with or Relationship to the proposed Ward: _____

4. Co-Petitioner's Information (choose one):

There is no Co-Petitioner.

The Co-Petitioner's information is as follows:

Name: _____

Address: _____

Corporate or Agency status: _____

Connection with or Relationship to the proposed Ward: _____

5. Proposed Ward's Information:

Name: _____

Age: _____ years _____ months. (*The child must be at least 17 years 6 months of age.*)

Address: _____

6. The following person or institution currently has care or custody of the proposed Ward

(list name(s) and address(es)): _____

7. The following person currently has legal decisionmaking for the proposed Ward (*legal*

decisionmaking means the legal right and responsibility to make all legal decisions for the

proposed Ward, including those regarding education, health care, and personal care decisions.

List name(s) and address(es): _____

8. (Choose and complete one; Paragraph 8 continues on next page):

The names and addresses of the proposed Ward's living parents are: _____

The proposed Ward does not have any living parents. The names and addresses of the proposed Ward's living adult siblings and any adult with whom the proposed Ward resides in a private residence are: _____

The proposed Ward does not have any living parents or adult siblings, and does not currently reside with any adult in a private residence. The name and address of the proposed Ward's living nearest relative is: _____

9. The proposed Ward currently (*choose one*) **has** **does not have** a conservator appointed by a court. If a conservator is appointed, their name and address is _____

10. The proposed Ward currently (*choose one*) **has** **does not have** a representative payee. If the proposed Ward has a representative payee, their name and address is _____

11. The proposed Ward (*choose one*) **was** **was not** recently represented by an attorney. If an attorney recently represented the proposed Ward, their name and address is _____

12. The known real and personal property, and approximate value if known, of the proposed Ward consists of (*real property is land either with or without buildings on it, also called real estate; personal property is everything that isn't real property*):

13. The proposed ward's sources of income, and approximate value if known, consists of (*examples of sources of income include, but aren't limited to, employment, public assistance, and Social Security benefits*):

14. The proposed Ward is in need of a guardian due to the following reasons (*list specific facts that show appointment of a guardian is necessary when the child turns 18 years old*):

15. The Petitioner(s) has/have reviewed possibilities for alternative resource plans and less restrictive forms of intervention as specified by Section 30.1-26-01 of the North Dakota Century Code (N.D.C.C.), and believe(s) that no alternative resource plan or less restrictive forms of intervention are available to the proposed Ward for the following reasons:

16. *(Choose and complete one; Paragraph 16 continues on next page)*

Petitioner(s) request(s) that the guardian/co-guardians have the degree of authority indicated to make decisions for the proposed Ward in the following areas:

<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"/>	Education and/or training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents.

Petitioner(s) is/are undecided about the extent of authority to make decisions for the proposed Ward in the above areas, but request(s) the Court consider some degree of authority to make decisions in the following areas:

- Place of Residence
- Education and/or training
- Legal matters
- Vocation
- Financial matters
- Medical treatment
- Access to and control and disposition of safety deposit box and contents.

17. *(Choose and complete one)*

Petitioner(s) **does not (do not) request** that the proposed Ward's rights to vote, to seek to change marital status, to obtain or retain a motor vehicle operator's license, and to use, own, control, or possess a firearm be restricted.

Petitioner(s) **request(s)** that the proposed Ward's rights be restricted as follows (*checkmark the rights you want the Court to restrict*):

- To vote
- To seek to change marital status
- To obtain or retain a motor vehicle operator's license
- To use, own, control, or possess a firearm

18. Name and address of proposed guardian/co-guardians: _____

19. Occupation of proposed guardian/co-guardians: _____

20. Qualifications of proposed guardian/co-guardians: _____

21. List priority of the proposed guardian/co-guardians (*the person listed in Paragraph 7 with legal decisionmaking has first priority. If no one has legal decisionmaking, the priority list is in [N.D.C.C § 30.1-28-11](#)*): _____

22. If not first in priority, it is in the best interests of the proposed Ward that the Court appoint the proposed guardian/co-guardians because:

23. If available, attached is a statement from an expert examiner regarding the physical, neurological, and psychological limitations of the proposed Ward.

24. The proposed Ward (*choose and complete one*):

Is able to appear physically or by reliable electronic means at the courthouse for the hearing.

Is not able to appear physically or by reliable electronic means at the courthouse for the hearing. If unable, the proposed ward cannot appear because:

25. For the benefit of the proposed Ward, the hearing (*choose one*) should should **not** be held at a place other than the courthouse. If the hearing should be at a place other than the courthouse, explain and propose an alternative location for the hearing:

26. The cost of this proceeding should be paid by:

- 27.** The Petitioner(s) request(s) the following:
- a. A hearing be held promptly on this Petition and that the Court appoint the above-indicated person(s) as guardian/co-guardians for the proposed Ward;
 - b. The court appoint an expert examiner to examine the proposed Ward, and a visitor to interview the proposed ward, proposed guardian/co-guardians, and other persons interested in the welfare of the proposed ward; and
 - c. A guardian ad litem be appointed to advocate for the best interests of the proposed Ward; and the costs of the guardianship shall be paid for as indicated.
- 28.** The proposed guardian/co-guardians understand(s) that attendance at the hearing on this petition is required unless excused by the court for good cause.

Dated _____.

 Petitioner's Signature

 Petitioner's Printed Name

 Address City, State, Zip Code

 Telephone Number Email Address

(Use for Co-Petitioner. If no co-petitioner, write "No Co-Petitioner" on signature line.)

Dated _____.

 Co-Petitioner's Signature

 Co-Petitioner's Printed Name

 Address City, State, Zip Code

 Telephone Number Email Address