

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN ALLEGED CHILD BECOMING AN INCAPACITATED INDIVIDUAL

Case No. _____

**FINDINGS OF FACT AND ORDER APPOINTING A
GUARDIAN/CO-GUARDIANS**

Name of proposed Ward:

Age:

Address:

City:

State:

Zip:

Name of petitioner(s):

Name of petitioner's attorney:

Name of guardian ad litem:

Address:

Name of expert examiner:

Name of Visitor:

Date of Hearing:

FINDINGS OF FACT

1. The Court held a hearing on the above indicated date regarding the petition of the petitioner(s) listed above for appointment of a guardian of an alleged child becoming an incapacitated individual.

2. After consideration of the alleged child becoming an incapacitated individual personally and/or through the individual's guardian ad litem, whose name and address are listed above, and the Petitioner(s) appearing in person and represented by the indicated counsel, **the Court makes the following findings of fact:**

3. Notice has been given as required by law.

4. The written report of the guardian ad litem for the proposed Ward, the expert examiner appointed by the Court to examine the proposed Ward, and the written report of the person appointed visitor by the Court, have been submitted to the court for review.

The Court also finds by clear and convincing evidence as follows:

5. The proposed Ward is at least 17 years and 6 months of age.

6. The proposed Ward is incapacitated due to:

7. Appointment of a guardian is necessary and desirable as the best means of providing care, supervision, and habilitation of the proposed Ward.

8. There is no available alternative resource plan that is suitable to safeguard the health, safety, or habilitation of the proposed Ward which could be used instead of a guardianship.

9. The person(s) that had legal decisionmaking authority for the proposed Ward when the proposed Ward turned 17 years and 6 months of age is/are _____
_____, and is/are is not/are not the proposed person(s) to serve as the guardian or limited guardian, or co-guardians or limited co-guardians, of the proposed Ward.

10. _____ is/are the proper and best qualified person(s) to serve as the guardian or limited guardian, or co-guardians or limited co-guardians, of the proposed Ward. If they did not have legal decisionmaking authority for the proposed Ward when the proposed Ward turned 17 years and 6 months of age, the Court finds the appointment of the person(s) with legal decisionmaking authority would be contrary to the best interests of the proposed Ward based on the following specific findings:

11. The proposed Ward's known real and personal property, and estimated value is listed in the Petition for Appointment of a Guardian filed with the Court, and:

Has not changed.

Has changed as follows:

12. The proposed Ward's known income, insurance, pension, or allowance, and estimated value is listed in the Petition for Appointment of a Guardian filed with the Court, and:

Has not changed.

Has changed as follows:

13. The Court finds the proposed Ward has the following capacity to make decisions:

Full Limited None

 Place of residence, based on the following specific findings:

 Vocation, based on the following specific findings:

Legal matters, based upon the following specific findings:

Financial matters, based upon the following specific findings:

Education and training, based upon the following specific findings:

Medical treatment, based upon the following specific findings:

Access to and control of safety deposit box and contents, based upon the following specific findings:

14. _____ is/are willing and qualified to act as guardian/co-guardians for the proposed Ward.

15. Due to _____, the proposed Ward's right to _____ should be restricted.

16. The Proposed ward:

Has been adjudicated as a mental defective and the federal firearms restrictions under 18 U.S.C. 922(d)(4)(g)(4) apply.

Has not been adjudicated as a mental defective and the federal firearms restrictions under 18 U.S.C.922(d)(4)(g)(4) do not apply.

ORDER

It is Ordered, Adjudged, and Decreed that:

17. A guardianship is established for the Ward, _____, a child becoming an incapacitated person.

18. _____ is/are appointed full limited guardian/co-guardians of the incapacitated person and Letters of Guardianship shall issue. The Letters take effect on the day the Ward turns 18 years old and expire _____ . The appointment of the guardian/co-guardians shall be effective upon the guardian's/co-guardians' acceptance.

19. The powers and duties to be conferred upon the guardian/co-guardians appropriate as the least restrictive form of intervention consistent with the ability of the Ward for self care are as follows:

Full	Limited	None	
<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"/>	Access to and control of safety deposit box and contents

This degree of authority granted and limited above is as follows:

- No limitations beyond those listed in Chapter 30.1-28 of the North Dakota Century Code.
- Other limitations (*if "Limited" is selected above, specify the area and limitations.*):

20. The guardian/co-guardians shall involve the Ward to the fullest degree possible.

21. 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.

22. The guardian/co-guardians shall not place the Ward in a mental health facility or state institution for more than forty-five days.

23. The Ward retains the legal right to:

- Vote
- Seek to change marital status
- Obtain or retain a motor vehicle operator's license
- Use, own, control, or possess a firearm

24. The guardian/co-guardians may receive reasonable compensation from the ward's estate if the compensation will not unreasonably jeopardize the ward's well-being. The Court must approve compensation and reimbursement before payment to the guardian/co-guardians is made.

25. The guardian/co-guardians 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.

26. The guardian/co-guardians shall provide to the Court within ninety (90) days of the date of this Order a beginning inventory of all assets owned by the Ward or in which the Ward has an interest. The guardian/co-guardians must provide a copy of the inventory to the Ward and to any interested persons designated in this Order.

27. The guardian/co-guardians shall provide an annual report to the Court concerning the status of the guardianship and the Ward. Such reports shall be written and shall contain a summary of any changes within the past year. These reports shall start _____, and continue on a yearly basis thereafter. The report is due within 30 days of the period covered by the annual report. The guardian/co-guardians must provide a copy of the annual report to the Ward and to any interested persons designated in this Order. The Ward's copy must be accompanied by a statement, not less than double-spaced twelve-point type, of the Ward's right to seek alteration, limitation, or termination of the guardianship at any time.

28. Upon issuance of the Letters of Guardianship, the guardian ad litem shall be and is hereby discharged of the duties as guardian ad litem.

29. The following interested persons shall receive information regarding this guardianship, including copies of annual reports and other notices or information required by Chapter 30.1-28 of the North Dakota Century Code to be given to interested persons:

30. Unless the Ward is represented by counsel, the guardian/co-guardians must meet with the Ward following the hearing and explain to the fullest extent possible the contents of this Order and the extent of the guardian's/co-guardian's authority.

31. **This guardianship Order takes effect on the day the Ward turns 18 years old and expires _____.**

32. The Ward has been has not been adjudicated as a mental defective and the federal firearms restrictions under 18 U.S.C. §922(d)(4)(g)(4) do do not apply.

If the Federal Firearms Restrictions Apply, the Ward is given Notice that the Ward is prohibited by federal law [18 U.S.C. §922(d)(4) and (g)(4)] from possessing or receiving any firearm or ammunition or selling or disposing of any firearm or ammunition to a person the Ward knows or has reasonable cause to know the person had been found to be a mental defective or has been committed to a mental institution. Respondent is prohibited by North Dakota law [N.D.C.C. §62.1-02-01(1)(c)] from purchasing a firearm or having a firearm in possession or under control.

33. If co-guardians are appointed, the signature of one co-guardian is is not sufficient to authorize any matter.

Notice to Ward and Guardian Ad Litem:

You are hereby given notice of your right of to review by a district court judge of a judicial referee's findings and order. To request a review, you must file a written request within seven (7) days after service of this notice. The written request must state the reasons for the review.

You are hereby given notice of your right to appeal this Order appointing a guardian or limited guardian for your person to the North Dakota Supreme Court within 60 days from the date of service of this order upon you and your Guardian Ad Litem and of your right to see alteration or termination of this guardianship at any time.

BY THE COURT:

Judge of the District Court/Judicial Referee of the District Court