

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF _____,
AN ALLEGED INCAPACITATED INDIVIDUAL**

Case No. _____

NOTICE OF HEARING AND STATEMENT OF RIGHTS

TO THE ABOVE-NAMED ALLEGED INCAPACITATED INDIVIDUAL:

1. The Petitioner has started a case in District Court asking the Court to appoint an emergency guardian/co-guardians for you. The name(s) of the proposed guardian/co-guardians is/are _____.

2. **A hearing will be held on the date and time listed below.** The hearing is to decide whether an emergency guardian/co-guardians should be appointed for you. If it is in your best interests, the hearing may be held in some place other than the courthouse.

3. **The hearing will be held before the Honorable** _____,
District Court Judge/ Judicial Referee, at Date: _____ Time: _____

The hearing will be held by **Zoom Video Conference**, **not** at the courthouse. To attend the hearing: _____

The hearing will be held in-person **at the** _____ **County Courthouse** at:

4. You **must** be present at the hearing. The Court may excuse your attendance at the hearing for good cause.
5. The hearing is closed to the public unless you, your Guardian ad Litem, or your lawyer ask the Court to allow the hearing to be open to the public.
6. Other people may ask the Court for permission to observe or participate in the hearing. The Court will allow a person to participate or observe **only if** the person’s participation at the hearing is in your best interests.
7. A petition is attached that explains why the Petitioner is asking for someone to be appointed your emergency guardian or co-guardians. You can review the petition before the hearing or at the hearing. Some of your rights may be affected by having an emergency guardian appointed for you. Some rights that may be affected include your right to vote, to refuse prescribed medications, to get or keep a driver’s license, to get married or get divorced, or to possess a firearm.
8. Other people who are interested parties have a right to respond or object to the petition to appoint an emergency guardian/co-guardians for you. Interested parties may hire a lawyer to represent them at the hearing.
9. You may be assisted by the Guardian ad Litem appointed by the Court. The Guardian ad Litem’s name, address, and phone number are: _____
_____.

The Guardian ad Litem is a lawyer appointed to advocate for your best interests and to explain to you what may happen as a result of the hearing.

10. You may hire a lawyer to represent you and present your point of view about whether an emergency guardian/co-guardians should be appointed and who should be appointed.

11. You, the person who filed the petition, and others who the Court allows to participate in the hearing have the right to present evidence and to call and ask questions of witnesses.

12. If the Court finds you are in need of an emergency guardian/co-guardians, the Court will consider whether the person(s) proposed to be the emergency guardian/co-guardians should be appointed. The Court will also consider whether some other qualified person(s) should be appointed as your emergency guardian/co-guardians. The Court will also decide whether there should be any limits on the powers and duties of the emergency guardian/co-guardians so you can keep control over certain activities.

13. A Judicial Referee may decide whether you are in need of an emergency guardian/co-guardians. If a Judicial Referee will hear this petition, you are entitled to have the petition heard by a Judge of the District Court, instead of a Referee, by filing a written request for a Judge with the Clerk of this Court within seven (7) days after receiving this Notice of Hearing and Statement of Rights.

Dated _____.

Signature

Printed Name

Address City, State, Zip Code

Telephone Number Email Address