

## Instructions for Petition for Termination of Guardianship and Discharge of Guardian Because Guardianship No Longer Needed

### **Important! Read Before Using These Forms And Instructions**

ND Legal Self Help Center staff and court employees **can't** help you fill out forms. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

ND Legal Self Help Center forms **aren't** official court forms. Judges and courts **aren't** required to accept Center forms. There's no guarantee Center forms will be accepted. Use at your own risk!

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer) for more information about finding a lawyer to represent you.

**When you represent yourself, you're expected to know and follow the law, including:**

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
  - North Dakota Rules of Civil Procedure;
  - North Dakota Rules of Court;
  - North Dakota Rules of Evidence;
  - North Dakota Administrative Rules and Orders; and
  - Any local court rules.

Links to the state laws, case law, and court rules can be found at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

***These instructions and forms **aren't** a complete statement of the law. They cover the basic procedure for asking a North Dakota state district court **to end the guardianship and discharge the guardian because the Ward no longer needs a guardian.** There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.***

**Use at your own risk.**

**Don't include these instructions when you serve or file the completed forms.**

## Purpose

These forms may be used by a Guardian to ask the North Dakota State District Court to end the guardianship and discharge the Guardian because the Ward no longer needs a guardianship.

[North Dakota Century Code Section 30.1-28-07](#) relates to terminating a guardianship for an adult when the Ward no longer needs a Guardian.

## Forms

The forms in the Petition for Termination of Guardianship and Discharge of Guardian include:

- Notice of Petition for Termination of Guardianship and Discharging Guardian/Co-Guardians;
- Petition for Termination of Guardianship and Discharging Guardian/Co-Guardians;
- Confidential Information Form;
- Proposed Order Terminating Guardianship and Discharging Guardian/Co-Guardians (Guardianship No Longer Needed); and
- Declaration of Serve by Mail.

## The Current Guardian/Co-Guardian Complete the Forms

The current Guardian/Co-Guardians complete and sign the Petition for Termination of Guardianship and Discharge of Guardian Because Guardianship No Longer Needed forms.

If you're unsure how to proceed or unsure if these forms are suitable for your situation, [consult a lawyer](#) who can agree to represent you.

## Mail Copies of the Completed Forms

The Ward's living spouse (if any), the Ward's living parents (if any), and all interested persons designated in the Order appointing you as Guardian **must** receive a **copy of each** of the completed Petition for Termination of Guardianship and Discharge of Guardian Because Guardianship is no Longer Needed forms.

Copies may be mailed first class, postage prepaid. The North Dakota State District Court requires proof that each person received a copy of the completed forms. A Declaration of Service is your proof.

## Step One: Complete The Forms

### Notice of Petition

- **Top of Form (Caption)**
  - Enter the county and judicial district court of the guardianship case (*you can get this information from your Letters of Guardianship.*)
  - Fill in legal name of the Ward.
  - Fill in the case number from your Letters of Guardianship.
- **Date and Signature**
  - Fill in the date you sign the form.
  - Sign the form.
  - Fill in your name, address, telephone number, and email address.
  - If there is a Co-Guardian, the Co-Guardian also dates and signs the form and fills in their information.
  - If there is no Co-Guardian, write “none” on the signature line for the Co-Guardian.

### Petition for Termination of Guardianship and Discharge of Guardian/Co-Guardians

- **Top of Form (Caption)**
  - Fill out **exactly** as you filled out the Caption of the Notice of Petition.
- **Top Section**
  - Fill out the information regarding the Guardian/Co-Guardian
- **Paragraphs 1-6:**
  - Read the paragraphs carefully. Fill in any required information.

- **Date and Signature**

- Fill in the date you sign the form.
- Fill in the county, state, and country where you sign the form.
- Sign the form.
- Print your name, address, telephone number, and email address.
- If there is a Co-Guardian, the Co-Guardian dates and signs the form and fills in their information.
- If there is no Co-Guardian, write “none” on the signature line for the Co-Guardian.

## **Confidential Information Form**

[Rule 3.4 of the North Dakota Rules of Court](#) requires that documents filed with the Court 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 a social security;
- The last four digits of a financial account number;
- The year of an individual’s birth; and
- A minor’s initials.

## **You must fill out and sign the Confidential Information Form.**

- Fill out **exactly** as you filled out the Caption of the Notice of Petition.
- Completely fill out the Ward’s and Guardian(s)/Conservator(s) information.
  - If a Co-Guardian or a Conservator was appointed for the Ward, fill out their information.
- **Date and Sign** the form. Fill in the information below your signature.
  - If there is no Co-Guardian, write “none” on the signature line for the Co-Guardian.

## **(Proposed) Order Confirming Termination of Guardianship and Discharging of Guardian/Co-Guardians (Guardianship No Longer Needed)**

This is your proposed Order for the Judge or Judicial Referee to sign.

- **Top of Form (Caption)**
  - Enter the county and judicial district court names of the guardianship case.
  - Fill in legal name of the Ward.
  - Enter the case number from your Letters of Guardianship.
  - Fill in your name as Guardian. If a Co-Guardian was appointed by the court, fill in the Co-Guardian's name, too.
- **Leave the rest of the form blank.**

### **Step Two: Serve Copies of The Completed Forms**

#### **Make Copies of Completed and Signed Forms**

Make a copy of the following completed and signed forms for the Ward's living spouse (if any), Ward's living parents (if any), and each interested person designated in the Court's order establishing the guardianship:

- Notice of Petition;
- Petition for Termination of Guardianship and Discharge of Guardian/Co-Guardians;
- (Proposed) Order Confirming Termination of Guardianship and Discharging of Guardian/Co-Guardians (Guardianship No Longer Needed); and
- Any additional documents you plan to file with the court along with your petition documents. (*You may not have any additional documents.*)

#### **Arrange to Serve Copies of the Completed Forms**

You must serve a copy of the completed forms on the Ward's living spouse (if any), Ward's living parents (if any), and each interested person designated in the Court's order establishing the guardianship.

The North Dakota State District Court requires proof that the Ward's living spouse (if any), Ward's living parents (if any), and each interested person received a copy of the completed forms. A Declaration of Service is your proof.

### **Arrange to have copies of the completed forms mailed:**

- The person who mails the envelope(s) containing the copies **must be** 18 years old or older. The postage must be prepaid.
- The person who mails the envelope(s) containing the copies completes and signs the Declaration of Service by Mail form.
- Make a copy for your records. You file the original(s) with the Clerk of Court in Step Three.

## **Step Three: File Originals of The Completed Forms**

### **File the Original, Completed Forms with the Clerk of Court**

File the following original, completed forms with the Clerk of Court of the North Dakota State District Court that has jurisdiction of the guardianship:

- Notice of Petition;
- Petition for Termination of Guardianship and Discharge of Guardian/Co-Guardians;
- Confidential Information Form;
- (Proposed) Order Confirming Termination of Guardianship and Discharging of Guardian/Co-Guardians (Guardianship No Longer Needed);
- Any additional documents you plan to file with the court along with your petition documents. (*You may not have any additional documents.*); and
- Declaration of Service forms showing service on the Ward and every person from Step Two.

You may be required to pay a filing fee. Contact the Clerk of Court for the amount, if any.

Contact information for Clerks of Court by North Dakota county is available at [ndcourts.gov/court-locations](https://ndcourts.gov/court-locations).

## **After the Original, Completed Forms are Filed**

Since you served by mail, the people who received copies of the completed forms have **17 days to serve and file a response or objection** to your request to end the guardianship because the guardianship is no longer needed.

You're notified if a hearing on your request is scheduled, or if the court requires you to do something before the court will make a decision.

If the Judge or Judicial Referee ends (terminates) the guardianship, you must complete, serve, and file a Final Report and Accounting.

Forms and instructions for the Final Report and Accounting are available at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship) in the "After Adult Guardianships are Established" section.

State Of North Dakota

In District Court

County Of \_\_\_\_\_

\_\_\_\_\_Judicial District

**In The Matter Of The Guardianship Of**

\_\_\_\_\_.

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

**Notice Of Petition For Termination Of Guardianship  
And Discharge Guardian/Co-Guardians**

**1.** The Petition to Terminate Guardianship and Discharge Guardian/Co-Guardians is brought under North Dakota Century Code Chapter 30.1-28 and Rule 3.2 of the North Dakota Rules of Court. Upon service of this Petition, any interested person has fourteen (14) days within which to serve and file a response or objection to the Court granting the Petition.

**2.** Upon expiration of the time for filing a response or objection, the Petition is considered submitted to the court, unless a party or interested person timely requests a hearing. A request for hearing must not be made later than seven (7) days after expiration of the time for filing a response or objection. The party or interested person requesting a hearing must secure a time for the hearing and must serve notice of the time for hearing upon all other parties and interested persons.

Dated \_\_\_\_\_.

Dated \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Guardian)

\_\_\_\_\_  
(Signature of Co-Guardian)

\_\_\_\_\_  
(Printed Name of Guardian)

\_\_\_\_\_  
(Printed Name of Co-Guardian)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(City, State, Zip Code)

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

State Of North Dakota

In District Court

County Of \_\_\_\_\_

\_\_\_\_\_ Judicial District

**In The Matter Of The Guardianship Of**

\_\_\_\_\_

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

**Petition For Termination Of Guardianship And Discharge Of  
Guardian/Co-Guardians**

Name of guardian/co-guardians:

Address:

City:

State:

Zip:

Phone:

**1.** I/We was/were appointed Guardian/Co-Guardians by Order of this Court dated

\_\_\_\_\_.

**2.** I/we have performed all duties and responsibilities required by this Court's Order of Appointment.

**3.** I/we seeks/seek discharge from the obligations as Guardian/Co-Guardians because the above-named Ward is no longer in need of a Guardian for the following reasons (*explain in detail*):

*(Paragraph 3, continued.)*

☐ Additional pages are attached for Paragraph 3 (*choose if applicable, otherwise leave blank*).

4. Petitioner/Petitioners requests an Order of this Court terminating the guardianship and discharging the Guardian/Co-Guardians.

5. Petitioner/Petitioners will surrender titles, invoices, receipts, insurance policies, bank and financial statements, and all other papers and assets in this Ward's estate as the court directs.

6. I/we declare, under penalty of perjury under the law of North Dakota, that everything I/we stated in this Petition is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_/\_\_\_\_\_  
(Signature of Guardian) (Printed Name of Guardian)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)

*(Use for Co-Guardian. If no Co-Guardian, leave blank)*

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_/\_\_\_\_\_  
(Signature of Co-Guardian) (Printed Name of Co-Guardian)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)

State of North Dakota

In District Court

County Of \_\_\_\_\_

\_\_\_\_\_ Judicial District

**In The Matter of The Guardianship Of**

\_\_\_\_\_.

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

**Confidential Information Form**

*The information on this form is confidential and must not be placed in a publically accessible portion of a file. Social security numbers and birthdates **aren't** required for company employees – list the company's contact information.*

**Full Information**

**Redacted Information**

**Ward:**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Year of Birth: \_\_\_\_\_

XXX-XX-\_\_\_\_\_

**Guardian/Conservator:**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Year of Birth: \_\_\_\_\_

XXX-XX-\_\_\_\_\_

**Co-Guardian/Co-Conservator:**

Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Social Security #: \_\_\_\_\_

Year of Birth: \_\_\_\_\_

XXX-XX-\_\_\_\_\_

Dated \_\_\_\_\_.

Dated \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Guardian)

\_\_\_\_\_  
(Signature of Co-Guardian)

\_\_\_\_\_  
(Printed Name of Guardian)

\_\_\_\_\_  
(Printed Name of Co-Guardian)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(City, State, Zip Code)

Phone Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

State Of North Dakota

In District Court

County Of \_\_\_\_\_ Judicial District

**In The Matter Of The Guardianship Of**

\_\_\_\_\_

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

**Order Terminating Guardianship And Discharging Guardian/Co-Guardians (Guardianship No Longer Needed)**

**1.** On the petition of \_\_\_\_\_,

Guardian/Co-Guardians of the above-named Ward, and there having been no objections to termination of the guardianship and discharge of the Guardian/Co-Guardians,

**The Court Finds:**

**2.** The above-named Ward is no longer in need of a Guardian for the following reasons:

3. The Guardian/Co-Guardians should be discharged from the duties of guardianship.

**Therefore, The Court Orders**

4. The termination of the above-named guardianship and discharge of the Guardian(s).

**It Is Further Ordered,**

5. The Guardian(s) shall provide a final report and inventory within 60 days of entry of this Order, and upon approval of the final accounting, they are released from the bond they were required to furnish.

**By the Court:**

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Judge of the District Court  
Judicial Referee of the District Court

State Of North Dakota

In District Court

County Of \_\_\_\_\_

\_\_\_\_\_Judicial District

**In The Matter Of The Guardianship Of**

\_\_\_\_\_.

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

**Declaration Of Service By Mail**

*(May serve multiple persons **only if** envelopes are mailed same day.)*

**The person serving court documents by mail states:**

1. My name is \_\_\_\_\_ *(person who mailed*

*documents)*. I am at least 18 years of age.

2. **List of Court Documents Served** *(checkmark (✓) the box of each item served. If you have additional documents, checkmark the box and list the document):*

☒ Notice of Petition For Termination of Guardianship and Discharge Guardian/Co-Guardians

☒ Petition For Termination of Guardianship and Discharge of Guardian/Co-Guardians

☒ Proposed Order Terminating Guardianship and Discharging Guardian/Co-Guardians  
(Guardianship No Longer Needed)

☐ \_\_\_\_\_

☐ \_\_\_\_\_

3. **Service by Mail:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to each person listed in Paragraph 5.

4. **Date of Service by Mail:**

Date Court Documents Were Served by Mail: \_\_\_\_\_

5. **Person or Persons Served by Mail:**

1. Name of Person Served: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_
2. Name of Person Served: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_
3. Name of Person Served: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_
4. Name of Person Served: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Address) (City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number) (Email Address)