

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE CONSERVATORSHIP OF \_\_\_\_\_,  
A MINOR CHILD.**

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

**FINDINGS OF FACT AND ORDER APPOINTING CONSERVATOR/CO-CONSERVATORS  
FOR A MINOR CHILD (Child Under 18 Years Old)**

Minor Child's full name (*first, middle, last*): \_\_\_\_\_

Minor Child's address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Minor Child's age: \_\_\_\_\_

Petitioner full name: \_\_\_\_\_

Name of Petitioner's Attorney: \_\_\_\_\_

Parent's full name: \_\_\_\_\_

Parent's full name: \_\_\_\_\_

Proposed Conservator full name: \_\_\_\_\_

Proposed Co-Conservator full name: \_\_\_\_\_

Name of guardian ad litem (*if appointed*): \_\_\_\_\_

Date of Hearing: \_\_\_\_\_

1. In accordance with Chapter 30.1-29 of the North Dakota Century Code (N.D.C.C.), a hearing regarding the petition for appointment of a conservator/co-conservator of the minor child based on the child's minority in the above-entitled matter was held before the Honorable \_\_\_\_\_ on the date listed above.

2. The following persons appeared personally at the hearing:

- |  |  |
|--|--|
| <input type="checkbox"/> Petitioner:                               | <input type="checkbox"/> Petitioner's Lawyer:              |
| <input type="checkbox"/> Minor Child:                              | <input type="checkbox"/> Minor Child's Lawyer:             |
| <input type="checkbox"/> Parent:                                   | <input type="checkbox"/> Parent's Lawyer:                  |
| <input type="checkbox"/> Parent:                                   | <input type="checkbox"/> Parent's Lawyer:                  |
| <input type="checkbox"/> Proposed Conservator:                     | <input type="checkbox"/> Proposed Conservator's Lawyer:    |
| <input type="checkbox"/> Proposed Co-Conservator:                  | <input type="checkbox"/> Proposed Co-Conservator's Lawyer: |
| <input type="checkbox"/> Child's Guardian ad Litem (if appointed): |  |
| <input type="checkbox"/> Other:                                    |  |
| <input type="checkbox"/> Other:                                    |  |

3. *(Choose one)*

- ☐ A guardian ad litem was not appointed to represent the best interests of the minor child.
- ☐ A guardian ad litem was appointed to represent the best interests of the minor child. The written report of the guardian ad litem was submitted to the court for review.

4. Based on the record in this matter, the Court finds by a preponderance of the evidence:

#### **FINDINGS OF FACT**

5. Notice has been given as required by law and proof of service as required by statute is on file.

6. Venue in this county is proper.

7. The child is a minor as the child has not yet attained the age of 18 years.

8. In accordance with Section 30.1-29-01(01) of the North Dakota Century Code (N.D.C.C.), the appointment of a conservator/co-conservators is necessary and in the best interests of the minor child because *(Paragraph 8 continues on next page)*:

- ☐ The child owns money or property that requires management or protection which cannot otherwise be provided.
- ☐ The child has or may have business affairs which may be jeopardized or prevented by the child's minority.
- ☐ The child needs funds for the child's support and education and protection is necessary or desirable to obtain or provide funds.

This is based on the following findings:

9. There is no less intrusive alternative to conservatorship for the minor child which could be used instead of a conservatorship.

10. The proposed conservator/co-conservators is/are \_\_\_\_\_  
and is/are:

- ☐ The attorney in fact or agent in power of attorney.
- ☐ The conservator, guardian of property, or other like fiduciary appointed or recognized by the appropriate court of another jurisdiction where the minor child resides.
- ☐ A parent of the minor child.
- ☐ A person nominated by the minor child's deceased parent in the deceased parent's will.
- ☐ A relative of the minor child with whom the minor child has resided for more than 6 months prior to filing the petition for conservatorship.
- ☐ A person nominated by the person who is caring for or paying benefits to the minor child.

11. The proposed conservator's/co-conservators' address(es), telephone number(s), and email address(es) is/are:

12. The Court finds the proposed conservator/co-conservators ☐ have ☐ do not have first priority for appointment and is/are the most suitable and best qualified among those available and willing to act as conservator/co-conservators pursuant to Section 30.1-29-10 of the North Dakota Century Code (N.D.C.C.) based on the following findings:

13. Bond ☐ is ☐ is not required from the conservator/co-conservators. If bond is not required, the Court finds good cause as follows:

14. The Court finds a ☐ full conservatorship ☐ limited conservatorship is appropriate as follows:

## ORDER

IT IS ORDERED, ADJUDGED, AND DECREED that:

15. \_\_\_\_\_ is/are appointed to serve as conservator/co-conservators of the minor child.

16. The conservator/co-conservators will exercise ☐ full ☐ limited conservatorship of the minor child and Letters of Conservatorship shall issue in accordance with the Order. **The Letters take effect immediately and expire on \_\_\_\_\_, or when the minor child turns eighteen (18) years old, whichever occurs first.**

17. The conservator/co-conservators shall have the power and duty to:

☐ Invest the minor child's settlement funds in a secured account that preserves the funds until the child turns eighteen (18) years old. The conservator/co-conservators will provide evidence to the Court of this account after it is opened.

☐ Exercise:

☐ All of the duties and powers under Sections 30.1-29-24 of the North Dakota Century Code (N.D.C.C.).

☐ The limited duties and powers under N.D.C.C. Sections 30.1-29-24 as follows:

18. In exercising the conservator's powers, the conservator/co-conservators is/are to act as a fiduciary and shall observe the standards of care applicable to trustees.

19. The conservator/co-conservators shall:

- ☐ Serve without bond.
- ☐ Serve with bond in the amount of \$\_\_\_\_\_. The bond must be posted with the Court by \_\_\_\_\_. If bond is posted by a surety, notice of any proceedings must be provided to the surety by registered or certified mail at the surety's address as listed with the Court where the bond is filed and to the surety's address as then known.

20. (Choose one)

- ☐ The conservator/co-conservators may not charge a fee for services unless preapproved by the Court.
- ☐ The conservator/co-conservators is/are preapproved to charge a fee for services in the amount of \_\_\_\_\_  
\_\_\_\_\_.

21. (Choose one)

- ☐ The guardian ad litem's fees shall be paid from the minor child's estate.
- ☐ The guardian ad litem's fees shall be paid by the county of venue.

22. The conservator/co-conservators shall provide to the court a Beginning Inventory Report of the minor child's estate within 90 days of appointment. Copies must be provided to the child, if fourteen (14) years or older, and the person(s) with care and custody of the child. If this Order continues the appointment of the previous conservator(s), a Beginning Inventory Report is not required.

23. The conservator/co-conservators shall provide annual reports to the court concerning the status of the conservatorship, the conservator's/co-conservators' exercise of powers and duties, and the minor child's estate and financial affairs. Such reports shall be written and must contain a summary of any changes within the past year, all financial matters handled for the child, and a detailed accounting of the child's estate. Copies of these reports must be provided

to the child, if fourteen (14) years or older, the person(s) with care and custody of the child, and interested persons.

24. The following interested persons shall receive information regarding this conservatorship:

25. The annual report described in Paragraph 23 must cover the period from \_\_\_\_\_ to \_\_\_\_\_, and continue on a yearly basis thereafter. The report is due within 30 days of the period covered by the annual report.

26. *(Choose one)*

☐ A guardian ad litem was not appointed to represent the best interests of the minor child.

☐ Upon issuance of the Letters of Conservatorship, the guardian ad litem shall be and is discharged of the duties of guardian ad litem.

27. Unless the minor child is represented by counsel, the conservator/co-conservators must meet with the child following the hearing and explain to the fullest extent possible the contents of this Order and the extent of the conservator's/co-conservators' authority.

28. **This Order takes effect immediately and expires on \_\_\_\_\_ or when the minor child turns eighteen (18) years old, whichever occurs first.**

29. (Choose one)

- ☐ The signature of one co-conservator ☐ is ☐ is not sufficient to authorize any matter.
- ☐ The Court has not appointed a co-conservator for the minor child.

**NOTICE TO MINOR CHILD AND GUARDIAN AD LITEM (IF ANY):**

**YOU ARE HEREBY GIVEN NOTICE OF YOUR RIGHT TO REVIEW OF A JUDICIAL REFEREE'S FINDINGS AND ORDER BY A DISTRICT COURT JUDGE. TO REQUEST A REVIEW, YOU MUST FILE A WRITTEN REQUEST STATING THE REASONS FOR THE REVIEW WITHIN SEVEN (7) DAYS AFTER SERVICE OF THIS NOTICE.**

**YOU ARE HEREBY GIVEN NOTICE OF YOUR RIGHT TO APPEAL THIS ORDER APPOINTING A CONSERVATOR/CO-CONSERVATORS OR LIMITED CONSERVATOR/CO-CONSERVATORS FOR YOUR PERSON, WITHIN 60 DAYS FROM THE DATE OF SERVICE OF THIS ORDER UPON YOU AND YOUR GUARDIAN AD LITEM (IF ANY) AND OF YOUR RIGHT TO SEEK ALTERATION OR TERMINATION OF THIS CONSERVATORSHIP AT ANY TIME.**

**BY THE COURT:**

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Judge of the District Court