

## **General Instructions for the Guardianship Annual Report (Minor Child Guardianships)**

**Court employees can't help you fill out this form.**

**Don't include these instructions when you file the completed form.**

Guardians and conservators of minor children must report on the status of the Child and update the Court with a summary of the “exercise of powers” for the past year.

The exercise of powers means all of the ways in which a guardian or conservator has handled decision making on behalf of the Child. This includes all of the areas of authority that the court has appointed to a guardian or conservator.

Generally, the annual report is due to the Court on the anniversary of the Letters of Guardianship. Unless directed by the Court to report more frequently, the report should detail the events of the previous year. The annual report is by the law of North Dakota in North Dakota Century Code [§ 27-20.1-15](#).

North Dakota Juvenile Courts are required to provide oversight of minor children in a guardianship, and these annual summaries supply the Court with a snapshot of the Child's health, financial wellbeing, and significant changes in care or living arrangements.

Fillable forms with instructions are available on the North Dakota Supreme Court's website: [www.ndcourts.gov/legal-self-help](http://www.ndcourts.gov/legal-self-help) in the Guardianships and Conservatorships section.

Please add additional pages as necessary to submit a report to the Court that contains all relevant information on the Child's wellbeing and activities for the past year.

The following instructions apply to all three components, and the website has further instructions for each individual component.

### **Guardianship Annual Report (Minor Child Guardianships):**

- **Purpose of Notice of Guardianship Annual Report**

1. The notice provides the guardian with a reminder that the annual report is due.
2. You may or may not receive a notice from the Court.

- **Annual Report Composition**

1. The complete annual report submission includes three component documents:
  - a. The Annual Wellbeing Report
  - b. The Annual Financial Report
  - c. The Confidential Information Form

- **Top of Each Form**

1. If the Court has not completed the top of the forms for you, please:
  - a. Enter the county and judicial district names.
    - Go to <https://www.ndcourts.gov/court-locations> and click on the county name. The judicial district name is listed below the county.
  - b. Fill in legal name of the Child.
  - c. Enter the case number from the Letters of Guardianship.

- **Confidentiality of the Child**

1. As required by [Rule 3.4 of the North Dakota Rules of Court](#), the Annual Wellbeing Report and the Annual Financial Report shouldn't contain the following identification information:
  - a. Social security numbers;
  - b. Taxpayer identification numbers;
  - c. Birthdates; or
  - d. Financial account numbers.
2. The following examples are acceptable substitutions:
  - a. The last four digits of the social security number;
  - b. The year of an individual's birth; and
  - c. The last four digits of a financial account number.
3. The Annual Wellbeing Report contains confidential health-related information. You shouldn't keep your copy in a publically accessible file.

4. The Confidential Information Form requires personal identification information. **The Confidential Information Form shouldn't be distributed to anyone other than the Court.** This form is filed in the guardianship case as a confidential document. You shouldn't keep your copy in a publically accessible file.
- **Child and Guardian Information (The Annual Wellbeing Report and The Annual Financial Report)**
    1. Complete the current address of the Child, and the Child's age and phone number.
    2. Fill in the information for guardians, co-guardians, and conservator(s). Complete the contact information including address, phone numbers, and emails for each guardian and conservator.
  - **Present and Explain the Annual Report to the Child**
    1. Once you've completed all three components of the annual report, the annual report should be presented and explained to the Child.
  - **Notice to the Guardian or Conservator**
    1. All three documents must be completed annually and submitted to the clerk of juvenile court. If a district court established the guardianship, you'll receive notice from the juvenile court of the new juvenile court case number and contact information.
  - **Forms Certification**
    1. The Annual Wellbeing Report and the Annual Financial Report must be signed by the Guardian(s).
    2. Please do the following:
      - a. Print your name;
      - b. Sign;
      - c. Date; and
      - d. Write in the county, state and country where you signed the document.
  - **Forms Submission**

1. If you're not represented by a lawyer and paper-file your Guardianship Annual Report:
    - a. Submit the original, completed and signed forms to your clerk of juvenile court.
  2. If you e-file your Guardianship Annual Report using the Court's e-filing system, e-file each component report as follows:
    - a. Annual Wellbeing Report
      - i. **Filing Code:** Select "GAR - Guardian and/or Conservatorship Annual Report"
      - ii. **Filing Description:** Type "Annual Wellbeing Report"
      - iii. **Security:** Confidential
    - b. Annual Financial Report
      - i. **Filing Code:** Select "GAR - Guardian and/or Conservatorship Annual Report"
      - ii. **Filing Description:** Type "Annual Financial Accounting"
      - iii. **Security:** Public
    - c. Confidential Information Form
      - i. **Filing Code:** Select "CIP – Confidential Information Form"
      - ii. **Filing Description:** Type "Guardianship Annual Report"
      - iii. **Security:** Confidential
  3. Submit copies of the original, completed Annual Wellbeing Report and Annual Financial Report to the Child and other interested persons.
  4. If you're unable to submit your annual report within 30 days of the due date, please contact the juvenile court. An Order to Show Cause hearing will be scheduled for the protection of the Child's wellbeing if annual reports are not filed on their behalf.
- **Instructions for Individual Forms** are available on the North Dakota Legal Self Help Center website.

# Instructions for Guardianship Annual Report (Minor Child Guardianships)

## Annual Wellbeing Report

### Purpose

This report is the Annual Wellbeing Report component of the Guardianship Annual Report (Minor Child Guardianships). The Annual Financial Report and the Confidential Information Form must also be filed as part of the annual report.

The Annual Wellbeing Report gives the Court a summary of the Child's health, activities, and significant changes in care or living arrangements.

This report should inform the Court and interested persons of the Child's condition, improvements or needs, and assure the Court that the child is living in the least restrictive environment.

This report must be completed annually. Regardless of whether the guardianship was established by a district court or a juvenile court, submit the report to the clerk of juvenile court. You may or may not receive a notice from the court as a reminder.

The report template does have some space for you to add comments and for additional information that does not fit in one of the preset questions.

Please add additional pages as necessary to submit a report to the court that contains all relevant information on the Child's wellbeing and activities for the past year.

Review the full instructions for completing the Annual Report of Guardianship; the instructions below are specific to the Annual Wellbeing Report.

**Don't leave any of the form blank.** If a section of the form doesn't apply to you or the Child, type or write "0.00" for the dollar amount, or "Not Applicable."

Remember to completely cross out identification numbers on any attachments that you submit.

- **Fillable Forms**

1. Fillable forms are available on the North Dakota State Court's website: [www.ndcourts.gov/legal-self-help](http://www.ndcourts.gov/legal-self-help) under the Guardianships and Conservatorships tab.
2. The Annual Financial Report and Confidential Information Form must also be filed as part of the annual report.

- **Annual Wellbeing Report**

1. Enter the report period.

For the first annual report, the beginning date will be the date of appointment of the guardian. The end date will be the end of the month, 12 months later (unless otherwise directed by the court.)

The following year's reports will have a beginning period date of the first of the month following the month-end of last year's report. The reporting period may be adjusted by the court to meet the unique needs of the Child and guardian.

***Annual report period example:*** if the Letters of Guardianship are dated April 16, 2020, that is the beginning date of the first annual report. The end date will be March 31, 2021 (unless otherwise directed by the court.) The due date of the first report will be April 30, 2021. The beginning date of the second annual report will be April 1, 2021 and the end date will be March 31, 2022.

2. Answer the questions listed in the form.

**If a question does not apply to you or the Child, please enter n/a for "not applicable."**

The following explanations are provided for specific questions on the form:

- **#2:** Refer to your Letters of Guardianship and check the areas where you were granted authority for decision making.
- **#3:** some children may have more than one person assisting them with their financial transactions. For example, a Child may have a representative payee managing some of their money, and a guardian or conservator managing other assets. These people will need to provide input into your annual reports.
- **#4:** the person with care or custody of the Child is usually where the Child is currently residing.
- **#5:** describe the changes in residences and care, and the reasons for these decisions.
- **#7:** the services provided to the Child will include services that the guardians have provided as well as care that the Child is receiving.

- **#10:** unless the guardianship order specifically states otherwise, living parents whose parental rights haven't been terminated by court order, retain visitation and contact rights with the Child. Describe how visitation and contact between the parent(s) and the Child over the annual report period.
- **#11:** Children in a guardianship should be living in the least restrictive environment and able to take advantage of community events and activities. Not all Children will be capable of participating in all activities. To give the court a broad picture of the Child's environment, please provide general examples of activities in which the Child participated.
- **#12:** use this space to explain why you believe the guardianship should continue. If you don't believe the guardianship should continue, write "not applicable."
- **#13:** use this space to explain why you believe the guardianship **shouldn't** continue. If you believe the guardianship should continue, write "not applicable."
- **#14:** if you believe your powers should be either increased or decreased, use this space to explain how and why. If you believe your powers should stay the same, state why in this space.
- **#15:** use this space to expand on details or to inform the Court of other matters important to the Child's care, health, and happiness, as well as important events in the past year. Attach additional pages if necessary.

## Instructions for Guardianship Annual Report (Minor Child Guardianships)

### Annual Financial Report

#### Purpose

This report is the Annual Financial Report component of the Guardianship Annual Report.

The Annual Financial Report supplies the Court with a summary of the expenditures made from the Child's estate, as well as a picture of the Child's financial wellbeing.

It should provide details on how the Child's estate was managed during the year.

Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Annual Financial Accounting. (*The Annual Wellbeing Report and the Confidential Information Form must also be filed as part of the annual report.*)

**Don't leave any of the form blank. If a section of the form doesn't apply to you or the Child, type or write "0.00" for the dollar amount, or "N/A" or "not applicable" for not applicable.**

- **Fillable Forms**

1. Fillable forms are available on the North Dakota State Court's website: [www.ndcourts.gov/legal-self-help](http://www.ndcourts.gov/legal-self-help) under the Guardianships and Conservatorships tab. (The Annual Wellbeing Report and the Confidential Information Form must also be filed as part of the annual report.)

- **Annual Accounting of the Estate**

2. Financial authority may be shared with others; work with co-guardians and/or conservators to complete this report.
3. If the Child has federally appointed representatives managing their Social Security, Veteran's or other benefits, please attach reports provided by those fiduciary representatives.
4. Complete the Annual Financial Report for the assets that you, co-guardians, or conservators manage. If there are no other assets or income to report besides the fiduciary's reports, please make a note of this in the comments of the Annual Financial Report.



5. Enter the report period.

For the first annual report, the beginning date will be the date of appointment of the guardian. The end date will be the end of the month, 12 months later (unless otherwise directed by the court.)

The following year's report will have a beginning period date of the first of the month following the month-end of last year's report. The period can be adjusted to meet the unique needs of the Child and guardian; however, the reporting period for the Annual Financial Report needs to coincide with the reporting period of the Annual Wellbeing Report.

***Annual report period example:*** if the Letters of Guardianship are dated April 16, 2020, that is the beginning date of the first annual report. The end date will be March 31, 2021 (unless otherwise directed by the court.) The due date of the first report will be April 30, 2021. The beginning date of the second annual report will be April 1, 2021 and the end date will be March 31, 2022.

6. Fill in the blanks for the income and expenditures of the Child's estate. The following explanations are provided for specific questions listed on the form:

- **#1: beginning balance:** if this is the first annual report for the minor child, the beginning balance will be the total of the "Cash, checking accounts" section of the Beginning Inventory report. These are the accounts that you or other authorized people use to pay expenses for the Child's care. If this is not the first annual report for the Child, the beginning account balance will be the ending balance from the prior year's annual report.
- **#2: income and deposits** will include all income as well as transfers into the checking account(s) from other accounts such as savings or trusts. Total all of the income and deposits on the line at the bottom of this section.
- **#3: the expenses and withdrawals** section is where you will list all of the payments made this year on behalf of the Child, and any transfers out to other accounts. The "Personal" category includes clothing, hygiene and beauty products, first aid, and similar products and services. Any large or unusual expenses should be described in the comments. Total all of the expenditures on the line at the bottom of this section.

- **#4:** the **ending balance** is the sum of the beginning balance plus the total of all deposits, and the subtraction of all the expenditures. The ending balance amount will be the beginning balance for next year's report. This balance should match the Child's total checking and spending account balances on the end date of this report.
- **#5:** the **current asset listing** is similar to an inventory report. All of the Child's assets and current values should be listed here. Attach additional sheets if more space is required. New assets acquired should be explained in the comments.
- **#6:** list all **assets that have been sold or disposed** of since the last report to the Court. Please include the purpose for the disposal, the person or company that received the asset, and where the income was deposited. This information is helpful for the Court to monitor reductions in the Child's estate.
- **#7:** all of the **Child's debt** should be listed. Any significant new debt acquired should be explained in the comments.
- **#8:** this space should be used to explain large or unusual expenditures and asset disposals. You may also wish to discuss debt arrangements, loss of income, plans for future asset management, or other information of interest to the Court. Attach additional pages if needed.

## Instructions for Guardianship Annual Report (Minor Child Guardianships) Confidential Information Form

### **Purpose**

This report is the Confidential Information Form component of the Guardianship Annual Report. The Confidential Information Form assists the court in maintaining current contact information for persons involved or interested in the guardianship or conservatorship of a minor child. When completed, this form should be protected from public viewing. Fillable forms are available on the North Dakota State Court's website: [www.ndcourts.gov/legal-self-help](http://www.ndcourts.gov/legal-self-help) under the Guardianships and Conservatorships tab. (*The Annual Wellbeing Report and the Annual Financial Report must also be filed as part of the annual report.*)

Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Confidential Information Form.

Note: birthdates and Social Security numbers are required for the identification of the minor child and the guardians or conservators.

### • **Confidential Information**

1. Enter the name, birthdate, current address, phone number, and social security number of the minor child.
2. Enter the name, birthdate, current address, phone number, and social security number of the guardian(s) and conservator(s). If a guardian or conservator is a professional organization rather than an individual, the birthdate and social security numbers are not required. Instead, please provide the organization's name and business address, phone number, and tax identification number.
3. Enter the name, relationship, current address, and phone number of persons that have an interest in the minor child's wellbeing. (Social Security numbers are not required.)
4. Use additional pages if necessary for a complete listing of co-guardians, co-conservators, and interested persons.
5. Do not submit copies of the Confidential Information Form to any other party or interested person unless directed by the court.