

How to Ask a Court for a Different Guardian

First, Answer Two Questions:

1. Did a North Dakota court appoint a guardian for you?
2. Do you want to a different guardian to make decisions for you?

If you said **Yes** to both questions, this information will help you understand how to ask a North Dakota district court to give you a different guardian.

Steps to Ask for a Different Guardian

Since a North Dakota district court appointed your guardian for you, only the North Dakota district court can appoint, or give, you a different guardian.

You have to ask the North Dakota district court in charge of your guardianship to give you a different guardian to make decisions for you.

Step # 1 – Write Your Letter



To ask the North Dakota district court to give you a different guardian, send a letter to the North Dakota district court in charge of your guardianship.

If you don't know which North Dakota district court is in charge of your guardianship, look on the first page of the annual report your guardian gave you. The name of the district court and your case number are on the first page.

Hand-write or type your letter.

If you hand-write your letter, make sure you write your words neatly, so your words are easy to read. Use a pen that has blue or black ink. **Don't use a pencil.**

You may use the form at the end of these instructions to write your letter.

In your letter:

- Type or write the case number for your guardianship.
- Type or write your first and last name.
- Type or write your current address.
- Type or write your current phone number, if you have one.
- If you talked to other people or your doctor **and they agree with you** about asking for a different guardian, type or write their names and who they are.
 - If you can, get a letter from each person or your doctor to include with the letter you write.
- Type or write the reasons you want a different guardian to make decisions for you.

Sign your first, middle, and last name at the bottom of your letter.

Write the date you signed your letter next to your signature.

Print your first, middle, and last name after your signature.

Step # 2 – Make a Copy of Your Letter; Keep for Your Records



Make a copy of your letter, or you may have someone you trust make a copy for you.

If you have letters from other people or your doctor, make a copy of each.

Step # 3 – Take or Mail Your Letter to the North Dakota District Court



You may take your letter in-person to the North Dakota district court in charge of your guardianship.

Or, you may have someone you trust take your letter in-person.

If you or someone you trust can't get to the court in-person, you may mail your letter.

Here are some ways to find the phone number and address for a North Dakota district court:

- Go to ndcourts.gov/court-locations and click on the name of the County.
- Look for the name of the County in the phone book.
- Go to a public library near you and ask how to find the phone number and address.

Step # 4 – Follow the Instructions from the North Dakota District Court

Wait two weeks, if you don't get something in the mail from the North Dakota district court, call and ask about your letter.

After you send your letter to the North Dakota district court, you get information in the mail about your letter.

The information you get in the mail from the North Dakota district court tells you if you need to do anything else.

If the North Dakota district court decides to have a hearing, the information you get in the mail tells you when the hearing will be and where the hearing will be.

You don't have to hire a lawyer, but you can choose to hire a lawyer to represent you.

At the hearing, you have a chance to show the North Dakota district court why you want a different guardian.

Step # 5 – The North Dakota District Court Decides if You Should Have a Different Guardian

The North Dakota district court decides if you should have a different guardian to make decisions for you.

You get the North Dakota district court decision in the mail.

If the District Court decides you should have a different guardian, the decision will have the name of your new guardian. Your new guardian will also talk to you about who they are and what they do.

If the District Court decides you should keep the same guardian, the guardian you have right now will be your guardian.

How to Find a Lawyer

You don't have to hire a lawyer, but you can choose to hire a lawyer to represent you.

Here are some ways to find a lawyer:

Legal Services of North Dakota may be able to be your lawyer for free.

- The phone number is (800) 634-5263. The website is lsnd.org.

The State Bar Association has a lawyer referral service.

- The phone number is (866) 450-9579. The website is sband.org.

The North Dakota Supreme Court website has a list of lawyers in North Dakota at ndcourts.gov/Lawyers.

The North Dakota Legal Self Help Center

The North Dakota Legal Self Help Center can give information about the North Dakota state court system to people who don't have lawyers.

- The phone number is (701) 328-1852. The website is ndcourts.gov/legal-self-help.

State of North Dakota

In District Court

County of _____
(Type or write the name of the County)

_____ Judicial District
(Type or write the name of the Judicial District)

In the Matter of the Guardianship of

(Type or write your first, middle and last name)

Case No. _____
(Type or write your case number)

Petition for Different Guardian

1. My name is _____.
(type or write your first, middle and last name)

2. I live at (type or write your address where you live):

3. My telephone number is (type or write your telephone numbers):

4. I currently have a guardian. I don't want them to be my guardian anymore. I want a different guardian.

5. The following people also believe I should have a different guardian (type or write the names of other people you have talked to who agree you should have a different guardian):

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

(Sign your first, middle and last name)

(Write the date you signed)

(Print your first, middle and last name)