

Instructions for Motion to Add a Co-Guardian to an Existing Guardianship of an Adult

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 and judges and courts **aren't** required to accept them. There's no guarantee Center forms will be accepted.

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 for 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.

A glossary of definitions of legal terms is available at ndcourts.gov/legal-self-help.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

*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 add a Co-Guardian to an existing guardianship of an adult. 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.

Purpose

These forms may be used by a current Guardian to ask the North Dakota State District Court to add a Co-Guardian to the existing guardianship of an adult.

If the District Court approves the request, the current Guardian and the new Co-Guardian both act as guardian for the Ward.

[North Dakota Century Code Chapter 30.1-28](#) gives the requirements and procedures related to District Court proceedings for guardianship of an adult.

If you're a Guardian representing yourself, you complete and sign the forms. If you're unsure how to proceed or unsure if these forms are suitable for your situation, consult an attorney.

Who Can Be Nominated (& Appointed) Co-Guardian?

Any competent person or a designated person from a suitable institution, agency, or nonprofit group home may be appointed Co-Guardian of the Ward.

North Dakota law lists, in order of priority, who can be appointed a Co-Guardian of the Ward.

Top priority goes to the Ward's most recent nomination in their durable power of attorney.

The judge or judicial referee may find the most recent nomination in the person's durable power of attorney is unqualified, or there find other good cause not to appoint them.

If the Co-Guardian you want to nominate isn't the most recent nomination in the Ward's durable power of attorney, they may still be appointed Co-Guardian if:

- You prove to the judge or judicial referee that there isn't a nomination in a durable power of attorney, the most recent nomination isn't qualified, or there's other good cause not to appoint the most recent nomination; **And**
- The Co-Guardian is one of the following (*listed in order of priority*):
 1. A person nominated by the Ward before they became incapacitated (*other than a nomination in a durable power of attorney*).
 2. The Ward's spouse.
 3. The Ward's adult child.
 4. The Ward's parent.
 5. Any relative of the Ward with whom the Ward has lived for more than 6 months before the Motion for Co-Guardian is filed.

6. Any relative or friend who maintained significant contacts with the Ward; or a designated person from a volunteer agency.
7. A non-profit corporation established to provide direct guardianship services, as long as the corporation doesn't provide direct care to incapacitated persons.
8. Any appropriate government agency, including human services zones.
9. A person nominated by the person who is caring for or paying benefits to the Ward.

If there are proposed Co-Guardians with equal priority, the judge or judicial referee selects the proposed Co-Guardian they decide is best qualified to serve.

The National Guardianship Association's Find a Guardian search at guardianship.org/find-a-guardian may be of interest.

The Nominated Co-Guardian MUST Complete the Guardian Qualification and Training Requirements

Before completing the forms packet, the person nominated to be appointed Co-Guardian **Must** complete the [Rule 59 of the North Dakota Supreme Court Administrative Rules](#) guardian qualification and training requirements.

The North Dakota Guardianship Training Course and affidavit forms for the nominated Co-Guardian are available at ndcourts.gov/legal-self-help/adult-guardianship.

The affidavit forms and the training course is in the "Guardian Responsibilities, Qualifications and Training Requirements, and Payment Information" section.

For the cost and process of obtaining a North Dakota criminal history record report, contact the Bureau of Criminal Investigation Division of the North Dakota Attorney General. (attorneygeneral.nd.gov/public-safety/criminal-history-records)

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Forms

The forms in the Motion for Appointment of Co-Guardian packet are:

- Form 1. Notice of Motion for Appointment of Co-Guardian;
- Form 2. Motion for Appointment of Co-Guardian;
- Form 3. Brief in Support of Motion for Appointment of Co-Guardian;
- Form 4. Declaration in Support of Motion for Appointment of Co-Guardian;
- Form 5. Nominee Statement;
- Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed);
- Form 7. Letters of Guardianship (Proposed);
- Form 8. Declaration of Service by Mail; and
- Form 9. Declaration of Service by Hand Delivery.

Step One: Complete the Forms

Form 1: Notice of Motion for Appointment of Co-Guardian *(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**
 - Enter the county and district court names.
 - Fill in legal name of the ward.
 - Enter the case number from your Letters of Guardianship.
- **Date and Signature**
 - Date and sign the form.
 - Complete the lines following the signature line.

Form 2: Motion for Appointment of Co-Guardian *(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**
 - Fill in the Caption exactly as you filled in the Caption for Form 1: Notice of Motion.
- **Complete Paragraphs 1 through 3 of the Form**

- **Date and Signature**

- Date and sign the form.
- Complete the lines following the signature line.

Form 3. Brief in Support of Motion for Appointment of Co-Guardian *(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**

- Fill in the Caption exactly as you filled in the Caption for Form 1: Notice of Motion.

- **Complete Paragraphs 1 through 10 of the Form**

- **Date and Signature**

- Date and sign the form.
- Complete the lines following the signature line.

Form 4. Declaration in Support of Motion for Appointment of Co-Guardian *(Completed and signed by the current Guardian.)*

- **Top of Form (Caption)**

- Fill in the Caption exactly as you filled in the Caption for Form 1: Notice of Motion.

- **Complete Paragraphs 1 through 10 of the Form**

- **Date and sign the Declaration**

- **By signing this Declaration, you are declaring everything you stated in this Declaration is true and correct.**
- Indicate the county, state, and country where you signed the declaration.
- Print the date you signed the declaration;
- Sign the declaration;
- Print your name, address, telephone number, and email address.

Form 5. Nominee Statement *(Completed and signed by the person nominated by the current Guardian to be appointed Co-Guardian.)*

- **Top of Form (Caption)**
 - The nominated Co-Guardian fills in the Caption exactly as the current Guardian filled in the Caption for Form 1: Notice of Motion.
- **The Nominated Co-Guardian Completes Paragraphs 1 through 10 of the Form**
- **The Nominated Co-Guardian Dates and Sign this form.**
 - **By signing this Statement, the Nominated Co-Guardian is declaring everything they stated in this Statement is true and correct.**
 - The Nominated Co-Guardian:
 - Indicates the county, state, and country where they signed the Statement.
 - Prints the date they signed the Statement;
 - Signs the Statement;
 - Prints their name, address, telephone number, and email address

Form 6. Findings of Fact and Order Appointing Co-Guardian (proposed) *(Completed by the current Guardian. **Don't** sign or date.)*

- **Top of Form (Caption)**
 - Fill in the Caption exactly as the Caption for Form 1: Notice of Motion is filled in.
- **Ward Information – Before Paragraph 1**
 - Fill in the Ward's name, age and address.
- **Leave the Rest of the Form Blank**
 - If the judicial officer appoints the Co-Guardian and uses this form as the judicial officer's Findings of Fact and Order, the judicial officer will complete and sign the form.

Form 7. Letters of Guardianship (proposed) *(Completed by the current Guardian. **Don't** sign or date.)*

- **Top of Form (Caption)**
 - Fill in the Caption exactly as the Caption for Form 1: Notice of Motion is filled in.
- **Ward Information – Before the Co-Guardians' Signatures**
 - Fill in the Ward's name and address.
- **Leave the Rest of the Form Blank**
 - If the judicial officer appoints the Co-Guardian and uses this form as the judicial officer's Letters of Guardianship, the judicial officer will complete and sign the form.

Step Two: Arrange to Serve Copies of Completed Forms

Make Copies of Completed Forms

Make a copy of the following completed and signed forms for the Ward, each interested person designated in the Court's order establishing the guardianship, and every interested person who has made an appearance or requested notice of the guardianship proceedings:

- Form 1. Notice of Motion for Appointment of Co-Guardian;
- Form 2. Motion for Appointment of Co-Guardian;
- Form 3. Brief in Support of Motion for Appointment of Co-Guardian;
- Form 4. Declaration in Support of Motion for Appointment of Co-Guardian;
- Form 5. Nominee Statement;
- Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed); and
- Form 7. Letters of Guardianship (Proposed).

Arrange to Serve Copies of the Completed Forms *(Current guardian arranges for service.)*

You, the current Guardian, must arrange to serve a copy of the completed forms listed above on the following:

- The Ward;
- Each interested person listed in the Court's order establishing the guardianship; and

- Every interested person who has made an appearance or requested notice of the guardianship proceedings.

The North Dakota State District Court **requires proof** that the Ward and each interested person received a copy of the completed forms. An Declaration of Service is your proof.

Two Declaration of Service forms are included in this form packet:

- Declaration of Service by Mail; and
- Declaration of Service by Hand Delivery.

If you arrange to have copies of the completed forms mailed:

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

If you arrange to have copies of the completed forms hand delivered:

- The person who hand delivers the copies **must be** 18 years old or older, and **can't** be a party or interested in the guardianship case.
- The person who hand delivered the copies completes and signs the Declaration of Service by Hand Delivery form.
- Make a copy for your records. The original(s) are filed with the Clerk of Court in Step Three.

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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:

- Form 1. Notice of Motion for Appointment of Co-Guardian;
- Form 2. Motion for Appointment of Co-Guardian;
- Form 3. Brief in Support of Motion for Appointment of Co-Guardian;
- Form 4. Declaration in Support of Motion for Appointment of Co-Guardian;
- Form 5. Nominee Statement;
- Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed);
- Form 7. Letters of Guardianship (Proposed);
- Form 8: Declaration of Service by Mail (*if you arranged for service by mail*);
- Form 9: Declaration of Personal Service (*if you arranged for hand-delivery*).

Filing Fee

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.

After the Original, Completed Forms are Filed

The people who received copies of the completed forms have 14 or 17 calendar days to serve and file a response or objection to your request to appoint a Co-Guardian.

- If you served by hand delivery, they have 14 calendar days.
- If you served by mail, they have 17 calendar days.

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

If the court appoints a Co-Guardian, the current Guardian and the new Co-Guardian both act as guardian for the Ward. Read the court order and your letters of guardianship carefully to determine the authority and duties the Guardian and Co-Guardian have with regard to the Ward.

Requirements After the Court Appointment of a Co-Guardian

Letters of Guardianship:

If the judge or judicial referee appoints a Co-Guardian, they issue findings of fact and an order and letters of guardianship. To accept the duties of Co-Guardian, both the current Guardian and the Co-Guardian must sign the letters of guardianship.

You, the current Guardian, may be required to serve a copy of the order to all persons to whom you served your Motion for Co-Guardian.

You, the current Guardian, must mail copies of the signed letters of guardianship to the Ward and the Ward's attorney, if any. See Step Two for service and proof of service.

Co-Guardians' Annual Report:

The Guardian and Co-Guardian must file their annual report with the court. The requirements of the report are found in [N.D.C.C. § 30.1-28-12](#).

The Guardian and Co-Guardian must provide a copy of the report to the Ward and any interested persons designated by the judge or judicial referee in the order appointing the Co-Guardian. The copy of the report provided to the Ward must include a statement of the Ward's right to seek alteration, limitation, or termination of the guardianship at any time.

A form set for the annual report is available at ndcourts.gov/legal-self-help/adult-guardianship. Scroll to the "After Adult Guardianships are Established" section.

Payment of Room and Board from Ward's Funds Not Allowed in Certain Circumstances:

Funds from the Ward's estate can't be used to pay for the Ward's room and board when room and board is being furnished by the Guardian or Co-Guardian, or the Guardian's or Co-Guardian's spouse, parent or child.

A court order is required to allow funds from the Ward's estate to be used for room and board in these instances. (See [N.D.C.C. § 30.1-28-12\(6\)](#).)

Forms to make a request to the North Dakota State District Court to allow payment of room and board from the Ward's funds at ndcourts.gov/legal-self-help/adult-guardianship. Scroll to the "After Adult Guardianships are Established" section.

[Payment for Guardianship Services](#)

Funds from the Ward's estate may be used to pay Guardian's and/or Co-Guardian's fees.

A court order is required to allow funds from the ward's estate to be used for payment of Guardian's and/or Co-Guardian's fees. ([See N.D.C.C. 30.1-28-03\(14\)](#)). The judge or judicial referee assigned to the guardianship case decides what is a guardian service, and if your fee approval request will unreasonably jeopardize the Ward's well-being and estate.

Forms are available at ndcourts.gov/legal-self-help/adult-guardianship. Scroll to the "After Adult Guardianships are Established" section.

The responsibilities of the Guardian terminate upon the death of the Ward or upon order of the court. The court may terminate the Guardianship if the Ward no longer meets the standard for establishing the Guardianship.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____.

Case No. _____

NOTICE OF MOTION FOR APPOINTMENT OF CO-GUARDIAN

1. The following Motion for Appointment of Co-Guardian(s) is brought in accordance with Rule 3.2, North Dakota Rules of Court. The court will decide whether a Co-Guardian should be appointed for you based on the documents filed with the court.
2. You may request that a hearing be held to decide whether a Co-Guardian should be appointed for you. If it is in your best interests, the hearing may be held some place other than the courthouse.
3. A Motion, Brief in Support of Motion, Declaration in Support of Motion, and Nominee Statement are attached that explain why your Guardian is asking to have a Co-Guardian appointed for you.
4. You have 14 days after you are served this Motion within which to serve and file a written response or objection to the Court. You may request a hearing on the Motion in your written response or objection. Upon the filing of an answer, or upon expiration of the time for filing, the Motion is deemed submitted to the Court.
5. If a hearing is held, you **MUST** attend the hearing unless excused by the court.
6. You may hire an attorney to represent you and present your point of view about whether a Co-Guardian should be appointed for you.

7. Other people who are interested parties have a right to respond or object to the motion to appoint a Co-Guardian for you. Interested parties may hire an attorney to represent them at the hearing.

8. You, the Guardian who filed this motion, and others who are permitted to participate in the hearing have the right to present evidence and to call and ask questions of witnesses.

9. A Judicial Referee may decide whether you are in need of a Co-Guardian. You have the right to have your case decided by a Judge of the District Court, instead of a Judicial Referee. If you want a Judge of the District Court to decide whether you are in need of a Co-Guardian, you must file a written request with the Clerk of this Court within 7 days after receiving this Notice of Motion.

10. If the Court finds that you are in need of a Co-Guardian, the Court will consider whether the person proposed to be your Co-Guardian should be appointed. The Court will also consider whether some other qualified person should be appointed as your Co-Guardian. The Court will also determine whether there should be any limits on the powers and duties of the Co-Guardian.

Dated _____.

Guardian Signature

Guardian Printed Name

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. _____

MOTION FOR APPOINTMENT OF CO-GUARDIAN

1. _____ (*name of Guardian*),

the Guardian of the above-named Ward, makes this motion for appointment of a Co-Guardian in accordance with Chapter 30.1-28 of the North Dakota Century Code and Rule 3.2 of the North Dakota Rules of Court.

2. The Guardian respectfully requests that the Court enter an order appointing

_____ (*name of proposed Co-Guardian*)

as Co-Guardian of the Ward to serve with the Guardian.

3. This motion is based on the brief, declaration, and nominee statement in support of this motion, which are served and filed with the motion.

Dated _____.

Guardian Signature

Guardian Printed Name

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. _____

BRIEF IN SUPPORT OF MOTION FOR APPOINTMENT OF CO-GUARDIAN

1. As required by Rule 3.2 of the North Dakota Rules of Court, _____

_____ (*name of Guardian*), the Guardian of the above-named Ward,
submits this Brief in Support of Motion for Appointment of Co-Guardian.

FACTS

2. The facts are stated in the Declaration in Support of Motion for Appointment of Co-Guardian and the Nominee Statement, which are filed with the Motion for Appointment of Co-Guardian and incorporated by reference.

LAW AND ARGUMENT

3. Chapter 30.1-28 of the North Dakota Century Code allows the District Court to appoint a guardian, or guardians, for an adult when Court finds the adult is incapacitated.

4. The North Dakota _____ County District Court found the
Ward to be incapacitated and appointed _____
(*name of Guardian*) on _____ (*date*).

5. The Guardian is requesting the Court appoint _____
(*name of proposed Co-Guardian*) as Co-Guardian of the Ward to serve with the Guardian.

6. Section 30.1-28-11 of the North Dakota Century Code states that “any competent person or a designated person from a suitable institution, agency, or nonprofit group home may be appointed guardian of an incapacitated person.”

7. As stated in the Declaration in Support of Motion for Appointment of Co-Guardian and the Nominee Statement, the proposed Co-Guardian meets the requirements of Section 30.1-28-11 and is willing and able to serve as Co-Guardian.

8. The proposed Co-Guardian meets the requirements under Rule 59 of the North Dakota Supreme Court Administrative Rules and has submitted all required filings to the Court.

9. The Guardian requests the proposed Co-Guardian have the degree of authority indicated:

<u>Full</u>	<u>Limited</u>	<u>None</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Place of Residence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Education and/or training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents.

10. The Guardian respectfully requests that the Court enter an Order appointing _____ (*name of proposed Co-Guardian*) as Co-Guardian of the Ward to serve with the Guardian.

Dated _____.

Guardian Signature

Guardian Printed Name

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. _____

DECLARATION IN SUPPORT OF MOTION FOR APPOINTMENT OF CO-GUARDIAN

1. My name is _____.

2. My address is _____

_____.

3. On _____ (date), I was appointed the Guardian for the Ward.

4. The Ward is _____ years old and their current address is _____

_____.

5. The approximate value of the real and personal property and income of the Ward is listed in the most recent annual report I filed with the Court on _____
(date of most recently filed guardianship annual report).

6. It is my desire to seek appointment of a Co-Guardian for the above-named ward.

7. I hereby nominate _____ (name
of proposed Co-Guardian) to serve as Co-Guardian with me.

8. My relationship with the person nominated is _____

_____.

9. As stated in the Nominee Statement, the person nominated is competent, willing and able to serve as Co-Guardian. The Nominee Statement of the person nominated to serve as Co-Guardian is filed with this motion and incorporated by reference.

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.

Signed on _____ (date) in _____ (city),
_____, _____ County, _____ (state), _____ (country).

Email Address: _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____.

Case No. _____

NOMINEE STATEMENT

1. My name is _____.

2. My address is _____

_____.

3. I have been nominated to serve as Co-Guardian for the above-named Ward. I accept the nomination and I am willing and able to serve as Co-Guardian.

4. I am (*choose one*):

☐ A person nominated by the Ward before the Court found the Ward to be incapacitated.

☐ The spouse of the Ward.

☐ An adult child of the Ward.

☐ A parent of the Ward.

☐ A relative of the Ward, specifically, the Ward's _____.

The Ward has lived with me for more than 6 months before this Motion was filed.

☐ A relative or friend of the Ward, specifically, _____.

☐ A designated person from _____, a
volunteer agency.

☐ A non-profit corporation established to provide guardianship services.

☐ A government agency.

☐ Other: _____.

5. My occupation is: _____
_____.

6. My qualifications to serve as co- guardian are: _____

_____.

7. I would like the Court to consider the following additional information in making a
decision: _____

_____.

8. I understand and accept the powers and responsibilities designated in the Order appointing the original Guardian.

9. I have fulfilled the qualification and training requirements for appointment of a guardian under Rule 59 of the North Dakota Supreme Court Administrative Rules and submitted all required documents to the Court.

10. I understand that, along with the Guardian, I will be required to provide to the Court an annual report describing the status and condition of the ward and that a copy of the annual report must be provided to the Ward and to any interested persons designated in the Order appointing the original guardian.

11. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Nominee Statement is true and correct.

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

Nominee Signature

Nominee Printed Name

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. _____

FINDINGS OF FACT AND ORDER APPOINTING CO-GUARDIAN

Name of Ward: _____ Age: _____

Ward's Address: _____

City: _____ State: _____ Zip Code: _____

1. _____, the current Guardian of the above-named Ward, filed a motion requesting appointment of a Co-Guardian. The following individuals were present at the hearing:

_____, current Guardian of the above-named Ward

_____, proposed Co-Guardian of the Ward

_____, Ward

2. Following the hearing, the Court makes the following findings of fact:

FINDINGS OF FACT

3. Notice has been provided as required by law.

4. The current Guardian, _____, is willing and able to continue serving as Guardian of the Ward.

5. The proposed Co-Guardian, _____, is willing, able, and qualified to serve as Co-Guardian of the Ward.

6. Appointment of a Co-Guardian to serve with the current Guardian is necessary and desirable as the best means of providing care, supervision, and habilitation of the Ward.

7. The proposed Co-Guardian is the proper and best qualified person to serve as Co-Guardian of the Ward.

ORDER

IT IS ORDERED, ADJUDGED, AND DECREED that:

8. _____ is hereby appointed as Co-Guardian for the person and estate of _____, an incapacitated person. Letters of Guardianship shall issue to them. **The Letters are effective immediately and expire** _____.

9. The appointment of _____, the current Guardian, shall continue. Updated Letters of Guardianship shall issue to them. **The Letters are effective immediately and expire** _____.

10. The powers and duties to be conferred upon the Co-Guardians appropriate as the least restrictive form of intervention consistent with the ability of the Ward for self care are as follows:

<u>Full</u>	<u>Limited</u>	<u>None</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Place of Residence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Education and/or training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents.

This degree of authority granted and limited above is as follows:

- ☐ No limitations beyond those listed in Chapter 30.1-28 of the North Dakota Century Code.
- ☐ Other limitations (*if "Limited" is selected above, specify the area and limitations.*):

11. The Co-Guardians shall involve the Ward to the fullest degree possible.

12. The Co-Guardians shall not place the ward in a mental health facility or state institution for more than forty-five days.

13. The Ward retains the legal right to:

- ☐ Vote
- ☐ Seek to change marital status
- ☐ Obtain or retain a motor vehicle operator's license
- ☐ Use, own, control, or possess a firearm

14. The Co-Guardians shall involve the Ward as much as possible, when making decisions about living arrangements, healthcare, and all other care.
15. The Co-Guardians shall allow the Ward as much freedom as possible using the least intervention possible and by intervening only when necessary for the safety of the ward or of other people.
16. The Co-Guardians may receive reasonable compensation from the Ward's estate if the compensation will not unreasonably jeopardize the ward's well-being. The Court must approve compensation and reimbursement before payment to the Co-Guardians is made.
17. The Co-Guardians may not use funds from the Ward's estate for room and board which the Co-Guardians or the Co-Guardians' spouses, parents, or children have furnished the Ward unless a charge for the service is approved by order of the court made upon notice to at least one of the next of kin of the ward, if notice is possible.
18. The Co-Guardians shall provide an annual report to the Court concerning the status of the guardianship and the ward. Such reports shall be written and shall contain a summary of any changes within the past year. A copy of the annual report must be provided to the Ward, any interested persons designated in the Order appointing the current Guardian, and any other persons interested in this guardianship. The ward's copy must be accompanied by a statement, not less than double-spaced twelve-point type, of the ward's right to seek alteration, limitation, or termination of the guardianship at any time. **The annual report shall commence on _____ and continue on a yearly basis thereafter.**

19. The following interested persons shall receive information regarding this guardianship, including copies of annual reports and other notices or information required by Chapter 30.1-28 of the North Dakota Century Code to be given to interested persons:

20. **This Order takes effect immediately and expires _____.**

21. The ward ☐ has been ☐ has not been adjudicated as a mental defective and the federal firearms restrictions under 18 U.S.C. §922(d)(4)(g)(4) ☐ do ☐ do not apply.

IF THE FEDERAL FIREARMS RESTRICTIONS APPLY, the ward is given NOTICE that the Ward is prohibited by federal law [18 U.S.C. §922(d)(4) and (g)(4)] from possessing or receiving any firearm or ammunition or selling or disposing of any firearm or ammunition to a person the Ward knows or has reasonable cause to know the person had been found to be a mental defective or has been committed to a mental institution. Respondent is prohibited by North Dakota law [N.D.C.C. §62.1-02-01(1)(c)] from purchasing a firearm or having a firearm in possession or under control.

22. This signature of one Co-Guardian ☐ is / ☐ is not sufficient to authorize any matter.

NOTICE TO WARD:

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 GUARDIAN OR LIMITED GUARDIAN FOR YOUR PERSON TO THE NORTH DAKOTA SUPREME
COURT, WITHIN 60 DAYS FROM THE DATE OF SERVICE OF THIS ORDER UPON YOU AND YOUR
GUARDIAN AD LITEM AND OF YOUR RIGHT TO SEEK ALTERATION OR TERMINATION OF THIS
GUARDIANSHIP AT ANY TIME.**

BY THE COURT:

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. _____

LETTERS OF GUARDIANSHIP

Name of Ward:

Address:

We accept the duties of Co-Guardians of the ward and will perform these duties according to law.

Dated _____.

Co-Guardian Signature

Co-Guardian Signature

Names of Co-Guardians:

Addresses:

Telephone Numbers:

The district court appointed these Co-Guardians to be the Co-Guardians of the indicated Ward.

The Co-Guardians shall have the degree of authority indicated below to make decisions for the ward in the following areas:

Full Limited None

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Place of Residence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Education and/or training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents

If the Co-Guardians' authority as specified above is limited, the limitations are as follows:

The signature of one Co-Guardian ☐ is / ☐ is not sufficient to authorize any matter.

These Letters take effect immediately and expire _____.

BY THE COURT:

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 from same Post Office.)

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 for Motion for Appointment of Co-Guardian:

- Notice of Motion for Appointment of Co-Guardian;
- Motion for Appointment of Co-Guardian;
- Brief in Support of Motion for Appointment of Co-Guardian;
- Declaration in Support of Motion for Appointment of Co-Guardian;
- Nominee Statement;
- Findings of Fact and Order Appointing Co-Guardian (Proposed); and
- Letters of Guardianship (Proposed).

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: _____

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: _____

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

Case No. _____

DECLARATION OF SERVICE BY HAND DELIVERY

(A separate declaration is required for each person served.)

The person serving court documents by hand delivery states:

1. My name is _____ *(person who served documents by hand delivery)*. I am at least 18 years of age. **I am not a party or interested in the above named matter.**

2. Service by Hand Delivery:

I served a true and correct copy of each of the court documents listed in Paragraph 4 to

_____ *(name of person served)* by *(choose one)*:

☐ Giving the court documents directly to him/her.

☐ Leaving the court documents with: _____
(name), a person of suitable age and discretion who lives at the same address.

I know the person I served is the person intended to be served because: *(explain how you identified the person)* _____

3. Date, Time, and Address of Service by Hand Delivery:

Date: _____ Time: _____ ☐ a.m. *(or)* ☐ p.m.

Address:

(street address)

(city)

(zip code)

4. **List of Court Documents Served for Motion for Appointment of Co-Guardian:**

- Notice of Motion for Appointment of Co-Guardian;
- Motion for Appointment of Co-Guardian;
- Brief in Support of Motion for Appointment of Co-Guardian;
- Declaration in Support of Motion for Appointment of Co-Guardian;
- Nominee Statement;
- Findings of Fact and Order Appointing Co-Guardian (Proposed); and
- Letters of Guardianship (Proposed).

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

Signed on _____ (date) in _____ (city),
_____ County, _____ (state), _____ (country).

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number: _____

Email Address: _____