

## Can a Guardian get paid for providing their guardian services?

Maybe, if your request is reasonable under the circumstances and won't unreasonably jeopardize the Ward's well-being and estate. Guardians appointed by a North Dakota state district court may receive payment for their guardian services to the Ward. The Guardian **must** get approval from the judge or judicial referee assigned to the guardianship case.

The judge or judicial referee assigned to the guardianship case decides what a guardian service is, and if your fee approval request won't unreasonably jeopardize the Ward's well-being and estate.

Fee approval forms are available on the [ND Legal Self Help Center webpage](#) to make the request.

## What types of guardian services might be considered for compensation?

Staff of the ND Supreme Court Law Library and the ND Legal Self Help Center used the following resources to gather the following list of examples of guardian services:

- [Guidelines for New Guardians Packet](#) (North Dakota State Court Administration)
- [National Guardianship Association Standards](#) (National Guardianship Association)
- [The Fundamentals of Guardianship: What Every Guardian Should Know](#) (National Guardianship Association; American Bar Association)

**CAUTION!! Don't Rely Solely on this List of Examples of Guardian Services!!** This list isn't considered an official court system approved list and isn't all inclusive.

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| <ul style="list-style-type: none"><li>• Managing finances</li><li>• Making financial transactions</li><li>• Paying bills</li><li>• Managing correspondence</li><li>• Managing paperwork</li><li>• Gathering the Ward's medical information</li><li>• Phone calls related to the guardianship</li><li>• Visits with the Ward</li></ul> | <ul style="list-style-type: none"><li>• Attending meetings</li><li>• Travel time</li><li>• Arranging for meal services</li><li>• Arranging for cleaning services</li><li>• Arranging for laundry services</li><li>• Taking the Ward to appointments</li><li>• Maintaining the Ward's health aids</li></ul> | <ul style="list-style-type: none"><li>• Maintaining safe living areas</li><li>• Locating and hiring caregiver</li><li>• Developing and implementing a written guardianship plan</li><li>• Monitoring the Ward's residential setting</li><li>• Locating and obtaining public benefits for which the Ward is eligible</li></ul> |
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A Guardian should make provision for the care, comfort, and maintenance of the Ward. A Guardian, whenever appropriate, should arrange for the Ward's training, education and health care services that help the Ward keep, learn, or improve their skills and functioning for daily living. ([N.D.C.C. § 30.1-28-12\(3\)](#))

## What may the court consider when deciding whether to approve payment to a Guardian for their guardian services?

[Section 30.1-28-03\(12\) of the North Dakota Century Code \(N.D.C.C.\)](#) requires the judge or judicial referee assigned to the guardianship case to consider all of the following factors:

- The size and nature of the Ward's estate.
- The benefit to the Ward, or the Ward's estate, of your guardian services.
- The necessity of the guardian services you performed.
- The Ward's anticipated future needs and income.
- The time you spent performing the guardian services.
- Whether the guardian service you performed was routine or required more than ordinary skill or judgment.
- Whether you brought any unusual skill, expertise, or experience to the performance of your guardian services.
- Your estimate of the value of the guardian services you performed.
- The fee customarily charged in the community for similar services.
- The nature and length of your relationship with the Ward.
- Your experience, reputation, diligence and ability related to the guardian service you performed.
- Any conflict of interest you may have related to the guardian service you performed.
- Whether your appointment as Guardian prevents you from other employment.

**In addition to the factors listed above, the judge or judicial referee is allowed to consider other factors they consider relevant.**

The judge or judicial referee decides how much weight to give to each factor when deciding whether your fee approval request is reasonable under the circumstances and won't unreasonably jeopardize the Ward's well-being and estate.

*This information is provided as a starting point for your research into payment for providing guardian services. This information isn't intended as legal advice and can't replace the advice of competent legal counsel licensed to practice in North Dakota. Staff of the North Dakota Supreme Court Law Library and the North Dakota Legal Self Help Center can't give you legal advice, or advise you of your legal rights and responsibilities. For legal advice or assistance, [contact a lawyer](#).*