

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

_____.

Case No. _____

DECLARATION

I, _____, the undersigned,

state as follows:

1.

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), at _____ (City),
_____ (County), _____ (State), _____ (Country).

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

INSTRUCTIONS FOR DECLARATION FORM

ND Legal Self Help Center Staff and Court employees can't help you fill out forms. If you're unsure how to proceed, consult a lawyer.

There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. Use at your own risk.

Don't include these instruction sheets when you serve or file the completed form.

THE "GUARDIANSHIPS AND CONSERVATORSHIPS" SECTION – "Guardianship of Adults" link of the [ND Legal Self Help Center website](#) has additional information and resources.

A declaration is a written statement of fact given by an individual with first-hand knowledge of the facts.

As of March 1, 2018, **in general, notarization isn't required** when a declaration will be filed with a North Dakota district court in a civil action.

If the declaration meets the following requirements, the signature of the person making the declaration **doesn't** need to be notarized. (See [Rule 11\(a\)\(2\) of the North Dakota Rules of Civil Procedure](#) and [Section 31-15-05 of the North Dakota Century Code](#).)

1. There's **NO** court rule that applies to your guardianship case that requires the declaration to be notarized;
2. The last statement of the declaration is substantially similar to the following: "I declare, under penalty of perjury under the law of North Dakota, that the foregoing is true and correct";
3. The declaration is dated and signed by the individual giving the statement of fact;
4. The date is the month, day and year the individual signed the declaration; AND
5. The name of the City, County, State, and Country where the individual signed the declaration are listed on the declaration.

This declaration form may be used when the declaration meets the above requirements.

If the declaration DOESN'T meet the FIRST requirement above, the declaration must be signed and dated in the presence of a notary public or clerk of court by the individual making the written statement.

- The affidavit form available at ndcourts.gov/legal-self-help/general-use-forms may be used when the declaration or affidavit must be dated and signed in front of a notary public or clerk of court.

This form isn't a fillable form. To create a declaration using this form, you have at least two options:

Option One: Print this form on 8 ½" x 11" paper and hand-write the declaration. The hand-writing must be easily readable. Black ink is preferred. Don't use pencil.

Option Two: Copy and paste the Caption and Signature sections into a word processing program, for example, Microsoft Word, WordPerfect, Google Docs, or OpenOffice. Use this form and these instructions as your guide to format the declaration.

Caption (Top of Declaration Form):

- If you copied and pasted the Caption section into a word processing program, format your caption as close as you can to the Caption section of this form.
- Complete the caption exactly as it appears in the petition that started the case.

First Sentence:

- Fill in the full, legal name of the individual who is giving their written statement of fact.

Written Statement of Fact:

- Type or print the statement of fact.
- Number each paragraph of the statement of fact.

Date and Sign the Declaration:

- The date and signature are at the end of the written statements of fact.
- IMPORTANT:** Review the [North Dakota court rules](#) to determine if any rule that applies to your guardianship case specifically requires the declaration or affidavit to be notarized.
- If you copied and pasted the Date and Signature section into a word processing program, format the signature section as close as you can to the Date and Signature section of this declaration form.

- The individual giving their written statement of fact dates and signs the Declaration, fills in their address, telephone number, and email address and fills in the name of the City, State, County and Country where they signed the declaration.

WARNING: By signing your name you're telling the Court that you're telling the truth and your facts are accurate. If you're not telling the truth, if you're misleading the Court, or if you're serving or filing this document for an improper purpose, the Court could find you in contempt or you may be prosecuted for perjury.

Page Numbering:

- Number the pages of the declaration.
- The last page of the declaration is the page with the date and signature of the individual giving their written statement of fact.

Service:

In general, copies of documents filed, or intended to file, with the court must be provided to the other parties in the guardianship case. This is called service.

There are specific requirements for serving documents. Rule 4 and Rule 5 of the [North Dakota Rules of Civil Procedure](#) give the requirements for service in a guardianship case.

Proof of service is an important step in the legal process. The court won't act on papers filed with the court until proof of service is filed.

For information about service and proof of service in a civil action, go to the [Service](#) link on the ND Legal Self Help Center website.

Don't include these instruction sheets when you serve or file the completed form.

****The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center isn't intended for legal advice but only a general guide to the civil court process. The Center can't guarantee that all judges and courts will accept forms available through the Self Help Center. The Center isn't responsible for any consequences that may result from the information provided. The information can't replace the advice of competent legal counsel licensed in the state. Use at your own risk.****