

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 _____

STATEMENT OF FACTS

[List the facts that caused you to decide to file a motion in the guardianship case. List only the facts that are relevant to your motion.]

1.

LAW AND ARGUMENT

[Explain how each law, case law, or court rule you've identified supports your motion. Apply each law, case law, or court rule you've identified to the facts you listed in the Statement of Facts. If you identified laws, case laws, or court rules that don't support your motion, explain why the court rule, law or case law doesn't apply to your motion.]

CONCLUSION

[Summarize what you're asking the court to do and why the court should grant your motion. This is generally a short paragraph.]

Dated _____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

Email Address

INSTRUCTIONS FOR BRIEF IN SUPPORT OF MOTION FORM

ND Legal Self Help Center Staff and Court employees can't help you fill out forms. If you're unsure how to proceed, you should 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 your completed brief in support of your motion.

The "Motion" Section of the [GUIDE TO A CIVIL ACTION](#) on the ND Legal Self Help Center website has additional information and resources.

A Brief in support of motion is **one of a set** of required documents that make up a written motion:

- Notice of Motion;
- Motion;
- **Brief in Support of Motion**;
- Declaration in Support of Motion; and
- Other supporting documents.

A Brief in support of motion is a written explanation of why you, the moving party, should have your motion granted.

A Brief takes the rules and laws that support your request and explains how they apply to the facts of your particular situation.

Facts referred to in your Brief must also appear in your declaration in support of the motion.

Research North Dakota court laws and rules. Information and resources for legal research are available through the North Dakota Legal Self Help Center. Go to ndcourts.gov/legal-self-help. Scroll to the "Legal Research" section.

A motion must include the legal authority that supports the motion request. Any motions to the court must refer to the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the motion is filed. The Brief in support of the motion explains how and why the law, case law, or court rule supports the request.

(The North Dakota Century Code, and North Dakota Supreme Court case law, and North Dakota court rules are also found in print in many North Dakota public and academic libraries.)

- The North Dakota Century Code** is available at ndlegis.gov/general-information/north-dakota-century-code. The Century Code contains the laws enacted by the North Dakota Legislature.
- North Dakota Supreme Court case law** is available at ndcourts.gov. When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the case the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.
- North Dakota court rules** are found online at ndcourts.gov/legal-resources/rules. Court rules govern how a dispute makes its way to court and how the dispute is conducted.

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

Option One: Print this form on 8 ½" x 11" paper and hand-write your brief in support of motion. Your hand-writing must be easily readable. Black ink is preferred. Don't use pencil.

Option Two: Copy and paste the Brief in Support of Motion 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 your legal document.

Caption (Top of 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.
- Fill in the caption exactly as it appears in the petition that started the case.
- Fill in the title of the type of motion you're making to the court.

Paragraph Numbering:

- Each paragraph of your written or typed brief in support of the motion must be numbered.

Statement of Facts:

- List the facts that caused you to decide to file a motion in the guardianship case. List only the facts that are relevant to your motion.
- These facts must also be included in your Declaration in Support of Motion. You'll create a separate legal document as your Declaration in Support of Motion.

Law and Argument:

- From your legal research, explain how each law, case law, or court rule you've identified supports your motion.
- Apply each law, case law, or court rule you've identified to the facts you listed in the Statement of Facts.
- If you identified laws, case laws, or court rules that don't support your motion, explain why the court rule, law or case law doesn't apply to your motion.

Conclusion:

- Summarize what you're asking the court to do and why the court should grant your motion. This is generally a short paragraph.

Date and Signature:

- The date and signature are at the end of your brief in support of motion.
- If you copied and pasted the Signature section into a word processing program, format your signature section as close as you can to the Signature section of the form.
- The self-represented party making the motion must date and sign the Brief in Support of Motion.

WARNING: By signing your name you're telling the Court that you're telling the truth and that you have a good faith reason for your requests. 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.

- The self-represented party making the motion fills in their printed name, address, telephone number, and email address.

If you have a physical address and a mailing address, type or write both addresses using the lines provided, and the space next to the address lines.

Page Numbering:

Each page of a document prepared for a guardianship case must be numbered.

- Number each page of your completed brief in support of the motion.
- The last page of the brief in support of motion is the date and signature page.

Service:

In general, copies of documents filed, or intended to be filed, 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 after a guardianship case has started. [Rule 5](#) of the North Dakota Rules of Civil Procedure gives the requirements for service after a civil action has started.

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 your completed brief in support of your motion.

****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.****