

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

**Case No.** \_\_\_\_\_

**MOTION** \_\_\_\_\_

1. \_\_\_\_\_ (Name),  
Petitioner/ Respondent (*choose one*), in the above-captioned civil case, makes this motion to the Court for an order of the Court under (*specify the North Dakota laws and/or rules*)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

2. Wherefore, Petitioner/ Respondent (*choose one*) respectfully moves the Court to (*specify relief sought*) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

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

Respectfully submitted,

\_\_\_\_\_  
*Signature of Moving Party*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Phone Number*

\_\_\_\_\_  
*Email Address*

## INSTRUCTIONS FOR 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 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 motion is a short, written request to the court for an order in an existing case. A motion **can't be used** to start a new [guardianship case](#).

The party making the motion is called the "Moving Party." The party answering the motion is called the "Opposing Party."

**A Motion document is [one of a set](#) of required documents that make up a written motion:**

1. Notice of Motion;
2. [Motion](#);
3. Brief in Support of Motion;
4. Declaration in Support of Motion; and
5. Other supporting documents.

A motion is a short, written request to the court that includes references to the specific rules and laws that support the request.

**Research North Dakota court laws and rules.** A motion to the court must include the legal authority that supports the motion request. The motion document lists the laws, North Dakota Supreme Court case law, and court rules, or a combination of all three, upon which the motion is filed. You must explain how and why the law, case law, or court rule supports your request in a separate document, the brief in support of motion.

(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](http://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](http://ndcourts.gov). When the decision of a case is appealed from a North Dakota state 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 available at [ndcourts.gov/legal-resources/rules](http://ndcourts.gov/legal-resources/rules). Court rules govern how a dispute makes its way to court and how the dispute is conducted.

**Caption (Top of Form):**

- Complete the caption of the Motion exactly as it appears in the petition that started the case.
- Fill in the title of the type of motion you are making to the court.

**Paragraph 1:**

- Fill in the full, legal name of the moving party.
- List the North Dakota rules and/or laws that support the moving party's request(s). (The moving party must determine the North Dakota rules and/or laws that support their motion.)

**Paragraph 2:**

- List what you would like the Court to order, based on the rules and/or laws listed in Paragraph 1.

**Paragraph 3:**

- This paragraph tells the court that the moving party has prepared, served and filed a brief in support of motion and the moving party's declaration in support of motion.
- The moving party must create, serve and file a notice of motion, a motion, a brief in support of motion, and the moving party's declaration in support of motion.
- If the brief and moving party's declaration refer to information in other affidavits, declarations, or exhibits, copies of the other affidavits, declarations, or exhibits must be served and filed with the motion documents.

## Date and Signature:

- The self-represented party making the motion must date and sign the Notice 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.

## 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 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.\*\*\**