

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE CONSERVATORSHIP OF

_____, **A PROPOSED PROTECTED PERSON.**

Case No. _____

NOTICE OF HEARING

TO THE ABOVE-NAMED PROPOSED PROTECTED PERSON, THEIR SPOUSE (IF ANY), AND THEIR PARENTS (IF NO SPOUSE):

1. The Petitioner has started a case in District Court asking the Court to appoint a conservator for the proposed protected person listed above.

2. **A hearing will be held on the date and time listed below.** This hearing will be to determine whether a conservator should be appointed for the proposed protected person. If it is in the proposed protected person’s best interests, the hearing may be held in some place other than the courthouse.

3. **The hearing will be held before the Honorable** _____,

District Court Judge/ Judicial Referee, at Date: _____ Time: _____

The hearing will be held by **Zoom Video Conference**, not at the courthouse. To attend the hearing: _____

The hearing will be held in-person at the _____ **County Courthouse** at:

4. A petition is attached that explains why the Petitioner is asking for a conservator to be appointed.
5. The proposed protected person has the right to retain an attorney to represent them and present their point of view about whether a conservator should be appointed and who should be appointed.
6. You MUST be present at the hearing and prepared to participate and present evidence of what you want. You may ask questions of the Petitioner’s witnesses and call your own witnesses.
7. If the Court finds the proposed protected person is in need of a conservator, the Court will consider whether the person proposed to be the conservator should be appointed. The Court will also consider whether some other qualified person should be appointed as the conservator. The Court will also determine whether there should be any limits on the powers and duties of the conservator.
8. If a Judicial Referee will hear this petition, you are entitled to have the petition heard by a Judge of the District Court, instead of a Referee, by filing a written request for a Judge with the Clerk of this Court within seven (7) days after receiving this Notice of Hearing.

Dated _____.

_____/_____
(Signature) (Printed Name)

(Address) (City, State, Zip Code)

(Telephone Number) (Email Address)

INSTRUCTIONS FOR NOTICE OF HEARING ON PETITION TO START A CONSERVATORSHIP CASE

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 is 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 file the completed form.

THE "[CONSERVATORSHIP OF ADULTS & MINOR CHILDREN](#)" PAGE of the [ND Legal Self Help Center website](#) has additional information and resources.

Review [Chapter 30.1-29 of the North Dakota Century Code](#) CAREFULLY!

When you start a conservatorship case for an adult or a minor child in North Dakota state district court, a hearing is required.

You may be required to give written notice of the reason for the hearing, and the hearing date, time and location. *(Sometimes, the Clerk of Court's office will give notice of hearing for you.)*

If you're required by the Clerk of Court's office to give written notice of the hearing, you MUST arrange to have a Notice of Hearing document and a copy of the petition that starts the conservatorship case served on all other parties in your conservatorship case.

IMPORTANT!

This is a **GENERIC** Notice of Hearing form to start a conservatorship case. Although every effort is made to keep the form up to date with the requirements of North Dakota laws and court rules, there is **NO GUARANTEE** that this generic form is legally sufficient, or will be accepted by every district court or judicial officer.

Carefully review the laws or rules that specifically apply to conservatorship cases and the type of hearing. As a self-represented individual, you're entirely responsible for including the correct information on your notice of hearing.

Review [Chapter 30.1-29 of the North Dakota Century Code](#) CAREFULLY!

Review [North Dakota court rules](#) CAREFULLY!

File Your Petition to Start the Conservatorship Case & Get a Hearing Date Scheduled:

After you've completed your written petition to start the conservatorship case, file the original petition with the Clerk of District Court's office.

If the Clerk of District Court's office accepts your conservatorship petition for filing, a hearing date, time, and location will be scheduled.

Contact information for Clerks of District Court by county is available at ndcourts.gov/court-locations.

If you're required to create your own Notice of Hearing, AND you decide this generic Notice of Hearing form is legally sufficient, complete the form as follows:

Caption (Top of Form):

- Fill in the name of the North Dakota County of the district court where you filed the petition to start the conservatorship case.
- Fill in the name of the Judicial District – the County is within the Judicial District. County and Judicial District information and maps are available at ndcourts.gov/court-locations.
- Fill in the case number the Clerk of District Court's office assigned when you filed your conservatorship petition.

Paragraphs 1 & 2:

- Read carefully. If the information isn't accurate for your circumstances, don't use this form.

Paragraph 3:

- Fill in the name of the Judge or Judicial Referee who will preside at the hearing. Checkmark (✓) the appropriate box.
- Fill in the date and time of the hearing.
- Checkmark (✓) the appropriate box and fill in the information.
 - If the hearing will be held by Zoom Video Conference, fill in the information about how to attend the Zoom Video Conference.
 - If the hearing will be held in-person at a courthouse, fill in the name and physical address of the courthouse.

Paragraphs 4-8:

- Read carefully. If the information isn't accurate for your circumstances, don't use this form.

Date and Signature:

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

Service on Proposed Protected Person, Their Spouse (if any), and Their Parents (if no spouse):

IMPORTANT!

You have a deadline to serve the Notice of Hearing and a copy of your conservatorship petition on the proposed protected person, their spouse (if any), and their parents (if no spouse).

Carefully review the laws or rules that specifically apply to your civil action and the type of hearing for the deadline.

You MUST arrange to have a copy of the dated and signed Notice of Hearing document and a copy of your conservatorship petition served on the proposed protected person, their spouse (if any), and their parents (if no spouse).

For information about service and proof of service required to start a conservatorship case, go to the "[Conservatorship of Adults & Minor Children](#)" page of the ND Legal Self Help Center website and click on the "[Service Instructions and Forms for Establishing Conservatorship](#)" link.

Proof of service MUST be filed with the Clerk of District Court. If proof of service ISN'T filed, the Judge or Judicial Referee may decide to cancel the hearing.

- An affidavit of service completed by the individual who served the copies of documents is proof that service occurred.
 - Make sure to keep a copy for your records.

Don't include these instruction sheets when you 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.****