

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP/CONSERVATORSHIP OF

AN INCAPACITATED INDIVIDUAL/PROTECTED PERSON

Case No. _____

**PROVISIONAL ORDER ☐GRANTING ☐DENYING PETITION TO ACCEPT TRANSFER OF
☐GUARDIANSHIP ☐CONSERVATORSHIP
FROM ANOTHER STATE**

THE COURT FINDS:

1. A petition has been filed to accept transfer of the ☐guardianship ☐conservatorship from _____ (*county and state*) to North Dakota.
2. The petitioner filed a certified copy of the other state's provisional order of transfer.
3. The petitioner filed a certified copy of the other state's order appointing the guardian/co-guardians or conservator/co-conservators, and a certified copy of letters of guardianship or conservatorship, or comparable document.
4. Notice of this petition was given to those persons who would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the other state and North Dakota. Notice was given in the same manner as notice is required to be given under Section 30.1-28-09 North Dakota Century Code (N.D.C.C.) and/or N.D.C.C. Section 30.1-29-05.

5. ☐ There **has not been** an objection to the transfer.
- ☐ There **has been** an objection to the transfer. The objector ☐ has ☐ has not established that the transfer would be contrary to the interests of the ward/protected person.
6. The ☐ guardian/co-guardians ☐ conservator/co-conservators:
- a. ☐ **is/are eligible** to be appointed as a ☐ guardian ☐ conservator in North Dakota.
- OR**
- b. ☐ **is not/are not eligible** to be appointed as a ☐ guardian ☐ conservator in North Dakota.
7. This court:
- a. ☐ **recognizes** the ☐ guardianship order ☐ conservatorship order from the other state.
- OR**
- b. ☐ **does not recognize** the ☐ guardianship order ☐ conservatorship order from the other state.
8. ☐ The petitioner requests North Dakota accept transfer of a conservatorship **only**. The conservator/co-conservators are **not** required to meet the requirements of Rule 59 of the North Dakota Supreme Court Administrative Rules.
- ☐ The guardian/co-guardians have taken steps to comply with Rule 59 of the North Dakota Supreme Court Administrative Rules and will meet the requirements before this Court issues a final order and letters accepting the transfer of the guardianship/conservatorship from another state.

9. This court:

a. ☐recognizes the determination of the incapacitated person's incapacity and the appointment of the guardian/☐recognizes the determination of the basis for appointment of a conservator and the appointment of the conservator.

OR

b. ☐does not recognize the determination of the incapacitated person's incapacity and the appointment of the guardian/☐does not recognize the determination of the basis for appointment of a conservator and the appointment of the conservator.

THEREFORE, THE COURT ORDERS:

10. ☐The Petition to Accept Transfer of ☐Guardianship ☐Conservatorship from Another State is provisionally granted. The ☐guardian/co-guardians ☐conservator/co-conservators shall petition for a final order to confirm transfer of the ☐guardianship ☐conservatorship and termination of the ☐guardianship ☐conservatorship in the other state. No later than ninety (90) days after issuance of the final order accepting transfer of the ☐guardianship ☐conservatorship, this court shall determine whether the ☐guardianship ☐conservatorship needs to be modified to conform to the laws of North Dakota.

Prior to requesting a final order to accept transfer of the ☐guardianship ☐conservatorship, The ☐guardian/co-guardians ☐conservator/co-conservators shall obtain a criminal history record background check, and complete the North Dakota Guardianship Training Course and obtain a certificate of completion.

OR

☐The Petition to Accept Transfer of ☐Guardianship ☐Conservatorship from Another State is denied. This order does not affect the ability of the ☐guardian ☐conservator to seek appointment as ☐guardian ☐conservator in this state under North Dakota Century Code Chapter 30.1-28 or Chapter 30.1-29 if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

Dated _____.

BY THE COURT:

Judge of the District Court