

Instructions for **Part 5** of Process to Transfer Another State's Guardianship or Conservatorship of an Adult to North Dakota

Don't include these instructions when you serve or file the completed forms.

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees can't help you fill out forms.

If you're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.

To protect your rights, carefully read this information and any instructions to which you're referred.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
 - North Dakota Rules of Civil Procedure;
 - North Dakota Rules of Court;
 - North Dakota Rules of Evidence;
 - North Dakota Administrative Rules and Orders; and
 - Any local court rules.

Links to the state laws, case law, and court rules can be found at ndcourts.gov.

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

- If you would like to learn more about finding a lawyer to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

A glossary with definitions of legal terms is available at ndcourts.gov/legal-self-help.

These instructions and forms aren't a complete statement of the law. They cover the basic procedure for **Part 5** of asking a North Dakota state district court to accept the transfer of a guardianship and/or conservatorship established by another state court. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided. Use at your own risk.

You may use these forms if:

1. You're the guardian and/or conservator of an **adult** who was appointed by another (non-North Dakota) state court. You were appointed when the ward and/or protected person was 18 years old or older.

AND

2. The North Dakota State District Court issued a FINAL order accepting the transfer of jurisdiction of the entire guardianship and/or conservatorship case to North Dakota from the other state.

AND

3. You've received notice from the North Dakota State District Court that you need to provide additional information and/or attend a hearing so the Court can determine if the guardianship and/or conservative order that was issued by the other state needs to be modified to conform to North Dakota law.

This is a 5 Part process. ALL 5 Parts MUST be completed.

Transferring jurisdiction of a guardianship and/or conservatorship case from the court of another state to a North Dakota state district court is a 5 Part process.

You must complete all 5 Parts to transfer jurisdiction of the entire guardianship and/or conservatorship to a North Dakota state district court.

Part 1. You Work with the Other State Court to Get a Provisional Order Transferring Jurisdiction of the Guardianship and/or Conservatorship to North Dakota.

You must work directly with the other state to fulfill the other state court's process for obtaining a provisional order transferring jurisdiction of the entire guardianship and/or conservatorship case to a North Dakota state district court.

*The North Dakota state court system and the North Dakota Legal Self Help Center **can't** assist you with Part 1 of the process.*

Part 2. You Petition the North Dakota State District Court for a Provisional Order to Accept the Transfer of Jurisdiction of the Guardianship and/or Conservatorship from the Other State Court.

*Instructions and a set of forms for completing **Part 2** are available at ndcourts.gov/legal-self-help/conservatorship/transfer.*

Part 3. If the North Dakota State District Court issues a Provisional Order to Accept Transfer of Jurisdiction, You Work with the Other State Court to Get a Final Order Transferring Jurisdiction to North Dakota and Terminating the Other State’s Guardianship and/or Conservatorship.

You must work directly with the other state to fulfill the other state court’s process for obtaining a final order transferring jurisdiction of the entire guardianship and/or conservatorship case to a North Dakota state district court.

*The North Dakota state court system and the North Dakota Legal Self Help Center **can’t** assist you with Part 3 of the process.*

Part 4. After the Other State Issues a Final Order Transferring Jurisdiction to North Dakota, Make a Motion for a Final Order to Accept Transfer of Jurisdiction of the Guardianship and/or Conservatorship Case to North Dakota.

*Instructions and forms for completing **Part 4** are available at ndcourts.gov/legal-self-help/conservatorship/transfer*

Part 5. If the North Dakota State District Court Issues a Final Order to Accept Transfer of Jurisdiction, Within 90 Days of the Final Order, the Court Must Determine Whether the Guardianship and/or Conservatorship Needs to be Modified to Conform to North Dakota’s Laws.

These are the instructions for the set of forms to complete Part 5.

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Definitions

(The following definitions are intended to be helpful, BUT they AREN'T legal advice and DON'T address every possible meaning of the terms included in this section.)

Conservator: A person, limited liability company, association, corporation, or other entity with general power to serve as trustee appointed by the court of another state to handle the money and/or property of the protected person.

Conservatorship: A court action appointing a conservator to handle an adult person's money and property. The court must find that the adult person can't manage their money and/or property due to mental or physical illness or disability, advanced age, chronic use of drugs or chronic intoxication, confinement, detention by a foreign power, or disappearance.

Guardian: A person or nonprofit corporation appointed by the court of another state to make personal decisions for the ward.

Guardian ad Litem: A lawyer appointed by a North Dakota District Court to advocate for the best interests of the ward and/or or protected person.

Guardianship: A court action appointing a guardian to make personal decisions for an incapacitated person. Personal decisions include place of residence, education and/or training, legal matters, vocation, medical treatment (including involuntary treatment with prescribed medications), and access to and control and disposition of safety deposit box and contents.

Letters of Conservatorship: A document signed by the court of another state that identifies the authority and limitations of the conservator to handle the money and/or property on behalf of the protected person; identifies any other powers or authority given to the conservator by the court; and identifies any limitations the court puts on the protected person in matters where powers aren't granted to the conservator.

Letters of Guardianship: A document signed by the court of another state that identifies the authority and limitations of the guardian to make decisions on behalf of the ward; identifies any other powers or authority given to the guardian by the court; and identifies any limitations the court puts on the ward in matters where powers aren't granted to the guardian.

Limited Conservator: A person, limited liability company, association, corporation, or other entity with general power to serve as trustee appointed by the court of another state, to supervise certain specified aspects of the care of a protected person.

Limited Guardian: A person or nonprofit corporation, appointed by the court of another state, to supervise certain specified aspects of the care of a ward with limited capacity.

Protected Person: An adult person for whom the court of another state appointed a conservator.

Venue: The place where the petition to accept transfer of jurisdiction of another state's guardianship and/or conservatorship will be filed. Generally, in adult guardianship proceedings, the venue is the North Dakota county where the ward and/or protected person resides or is present and expected to remain for the duration of the proceedings.

Ward: An adult person for whom the court of another state Court appointed a guardian.

Requesting a Guardian Ad Litem for the Ward and/or Protected Person

The court may appoint a guardian ad litem for the ward and/or protected person upon the request of the guardian, conservator, ward, protected person, or any interested person.

A guardian ad litem is a lawyer appointed by a North Dakota District Court to advocate for the best interests of the ward and/or protected person.

Guardian Ad Litem request forms are available for use during this process. You can find the request forms at ndcourts.gov/legal-self-help/conservatorship/transfer.

ND Laws and Rules

North Dakota Century Code Chapter 28-35: Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act contain requirements for transferring guardianships of adults. Chapter 28-35 is available at ndlegis.gov/cencode/t28c35.html.

- For requirements for petitioning to transfer guardianship jurisdiction from the court of another state to a North Dakota state district court, see [Section 28-35-16: Accepting Guardianship or Conservatorship Transferred From Another State](#).

North Dakota Century Code Chapter 28-35 may reference the **North Dakota Rules of Civil Procedure, the North Dakota Rules of Court, or the North Dakota Rules of Evidence**. The rules are available at ndcourts.gov/legal-resources/rules.

The North Dakota Century Code and North Dakota rules of court can also be found in print in many North Dakota public and academic libraries.

Part 5 Forms in the Packet

You may use these forms to complete **Part 5** of the process. If you're unsure how to proceed or unsure if these forms are suitable for your situation, consult an attorney.

- Form 1.** Information about the Guardianship/Conservatorship Accepted for Transfer from Another State;
- Form 2.** Affidavit of Service by Mail;
- Form 3.** (*Proposed*) Findings of Fact and Order Following Review of Guardianship/Conservatorship Accepted for Transfer from Another State;
- Form 4.** (*Proposed*) Letters of Guardianship;
- Form 5.** (*Proposed*) Letters of Conservatorship;
- Form 6.** (*Proposed*) Letters of Guardianship and Conservatorship; and
- Form 7.** Affidavit of Service by Mail.

Steps for Completing Part 5 of the 5 Part Process

Within 90 days of the final order accepting the transfer of jurisdiction, [Section 28-35-16\(6\) of the North Dakota Century Code](#) requires the North Dakota State District Court to determine whether the other state's order of guardianship and/or conservatorship conforms to North Dakota law.

Depending on how the individual North Dakota State District Court chooses to manage the Section 28-35-16(6) requirement, you may be asked to provide additional information, to attend a hearing, or both.

You may find the **Part 5** forms helpful if you're asked to provide additional information about the other state's order of guardianship and/or conservatorship.

- See Pages 8-12 for the steps.

You may also find the **Part 5** forms helpful if you're asked to file a proposed order and/or proposed letters of guardianship and/or conservatorship.

If you don't know if you should use the **Part 5** forms, consult a lawyer who is licensed to practice in North Dakota. ND Legal Self Help Center staff and court employees can't help you make any decisions about these forms.

- See Pages 13-23 for the steps.

Step One: Complete Part 1, Part 2, Part 3, and Part 4 of the 5 Part Process; and Gather Information.

You must complete Part 1, Part 2, Part 3, and Part 4 BEFORE you can start Part 5 of the Process.

Instructions and forms for Part 2 and Part 4 are available at ndcourts.gov/legal-self-help/conservatorship/transfer.

You must work directly with the state court of the other state to complete Part 1 and Part 3. ND Court System staff and ND Legal Self Help Center staff **can't** provide **any** assistance with Part 1 or Part 3.

If you need assistance with Part 1 and Part 3, check to see if the other state court system has a legal self-help program that can provide information about that state court's processes. Check for legal service providers in the other state who may have information available. Check with the other state's Bar Association for attorney referral programs that can help you find an attorney to hire to represent you.

Gather Information:

- A copy of the order from the court of the other state that appointed you guardian and/or conservator, AND a copy of the letters of guardianship and/or letters of conservatorship.
- A copy of the most recent annual report you filed in the other state's guardianship and/or conservatorship case.
- If you don't have a recent annual report, complete an annual report to file with your **Form 1: Information about the Guardianship/Conservatorship Accepted for Transfer from Another State**.
 - For guardianships: ndcourts.gov/legal-self-help/adult-guardianship, Scroll to the "After Adult Guardianships are Established" section, Click on "Annual Report."
 - For conservatorships: ndcourts.gov/legal-self-help/conservatorship; Click on "Conservator Annual Report."
- Names and addresses of all persons who must receive a copy of the **Part 5** forms you intend to file (*list continues on next page*):
 - For Guardianships:
 - The ward;
 - The ward's living spouse, if any;

- The ward’s living adult children, if any;
 - Any person, corporation, or institution who is serving as the ward’s guardian (*if not a co-petitioner in this process*), attorney in fact, representative payee for public benefits, and conservator (*if not a co-petitioner in this process*);
 - The ward’s attorney; and
 - All interested person’s named in the guardianship order.
- For Conservatorships:
 - The protected person;
 - The protected person’s living spouse, if any;
 - If no living spouse, the protected person’s living parents, if any;
 - Any other guardian or conservator (*if not a co-petitioner in this process*);
 - Any government agency paying benefits to the protected person;
 - The protected person’s attorney, if any; and
 - All interested person’s named in the guardianship order.
 - For Guardianships and Conservatorships (Combined in one case):
 - People listed above for both Guardianships and Conservatorships.

If You’re Asked to Provide Information About the Other State’s Order of Guardianship and/or Conservatorship, Complete the Following Steps

Step Two: Complete the Information About the Guardianship/Conservatorship Accepted for Transfer from Another State Form.

Complete the following form. You may type or handwrite. If you handwrite, print neatly using blue or black ink.

Checkboxes for Guardianship and/or Conservatorship; Guardian and/or Conservator:

There are checkboxes throughout the form for selecting guardianship and/or conservatorship, and guardian and/or conservator.

You must be consistent throughout all of the forms.

- If you checkmarked Guardianship ONLY in the caption of your Part 2 and Part 4 forms, checkmark ONLY guardianship and guardian throughout the Part 5 forms.
- If you checkmarked Conservatorship ONLY in the caption of your Part 2 and Part 4 forms, checkmark ONLY conservatorship and conservator throughout the Part 5 forms.
- If you checkmarked BOTH Guardianship and Conservatorship in the caption of your Part 2 and Part 4 forms, checkmark BOTH guardianship and conservatorship, and guardian and conservator throughout the Part 5 forms.

Including Protected Information on the Form:

The case records in guardianships and conservatorships of adults are generally available to the public, and anyone can request to look in almost any court file. However, certain information is protected and required to remain confidential, even if the protected information is part of a public court case record.

Protected Information is:

- Social Security Number or Taxpayer Identification Number.
- Birthdates.
- Minor child's name.
- Financial account number.

You may need to refer to Protected Information when you fill out the form. When you fill out the form, write or type ONLY:

- The last four (4) digits of the social security number and taxpayer identification number.
- The year of birth.
- The minor child's initials.
- The last four (4) digits of the financial-account number.

The district court still needs to have access to the full Protected Information. Make sure the **Form 3: Confidential Information Form** you filed with the Court in Part 2 includes the full Protected Information you reference in all of your Part 5 forms.

Form 1: Information About the Guardianship/Conservatorship Accepted for Transfer from Another State:

To complete this form, refer to the copy of the order from the court of the other state that appointed you guardian and/or conservator, AND to the copy of the letters of guardianship and/or letters of conservatorship.

This completed form helps the judge or judicial referee determine if your guardianship and/or conservatorship order from the other state needs to be modified to conform to North Dakota law.

You may also use this form to ask the judge or judicial referee to make changes to your authority.

Caption (*top of form*):

- Complete the County, Judicial District, Name of incapacitated person/protected person, EXACTLY the same as the caption of your forms from **Part 2**.
- Fill in the Case Number (*No.*) EXACTLY as assigned by the Clerk of District Court in **Part 2**.
- Fill in the information below the Title of the form completely.

Paragraphs 1 through 22:

- Checkmark the appropriate box or boxes. See Pages 8-9 of these instructions for more information.

Date and Signature:

- Date and sign this form.
 - Completely fill out the lines under the signature line.
 - If there is a co-guardian or a co-conservator, they date and sign this form and completely fill out the lines under their signature.
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Step Three: Make Copies of Completed Forms; Serve Copies on ALL Persons Who Must Receive Copies of the Forms.

Count the number of persons required to receive a copy of Form 1: Information About the Guardianship/ Conservatorship Accepted for Transfer from Another State:

- For Guardianships:
 - The ward;
 - The ward's living spouse, if any;
 - The ward's living adult children, if any;
 - Any person, corporation, or institution who is serving as the ward's guardian (*if not a co-petitioner in this process*), attorney in fact, representative payee for public benefits, and conservator (*if not a co-petitioner in this process*);
 - The ward's attorney; and
 - All interested person's named in the guardianship order.

- For Conservatorships:
 - The protected person;
 - The protected person's living spouse, if any;
 - If no living spouse, the protected person's living parents, if any;
 - Any other guardian or conservator (*if not a co-petitioner in this process*);
 - Any government agency paying benefits to the protected person;
 - The protected person's attorney, if any; and
 - All interested person's named in the guardianship order.

- For Guardianships and Conservatorships (Combined in one case):
 - People listed above for both Guardianships and Conservatorships.

Make a copy of the following for each person:

- Form 1: Information About the Guardianship/Conservatorship Accepted for Transfer from Another State;
- The most recent annual report you filed in the other state's guardianship and/or conservatorship case, **OR** the completed North Dakota guardianship and/or conservatorship annual report; and
- Any other supporting documents you plan to file with Form 1.

Serve one copy on each person required to receive to receive Form 1: Information About the Guardianship/Conservatorship Accepted for Transfer from Another State:

You may serve by mail.

Service by Mail:

You may arrange for a person who is at least 18 years or older to mail copies of documents to the person to be served.

Put the copies in an envelope. Address the envelope with the last known address of the person to be served. List your address as the return address on the envelope.

The person who is at least 18 years old takes the envelope to a United States Post Office and mails the envelope. First Class postage must be prepaid.

The person who took the copies of documents to the Post Office and paid the First Class postage completes, signs and dates **Form 2: Affidavit of Service by Mail.**

Service by mail is complete upon mailing.

Step Four: File the Original, Completed Forms with the Clerk of District Court.

File the following original, completed forms with the Clerk of the District Court:

- Form 1: Information About the Guardianship/Conservatorship Accepted for Transfer from Another State;
- The most recent annual report you filed in the other state's guardianship and/or conservatorship case, **OR** the completed North Dakota guardianship and/or conservatorship annual report;
- Any other supporting documents you plan to file with Form 1; and
- An affidavit of service for every person required to receive a copy of Form 1.

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If You Receive Notice that a Hearing will be Held, Complete the Following Steps

Step Five: Attend the Hearing.

You must attend the hearing:

You must attend the hearing on the date and time in the notice of hearing you received. If you don't attend the hearing, the judge or judicial referee may find you in contempt of court.

Bring your copies of any documents you've already filed with the Court for **Part 5**:

- If you completed Step 4 on Page 12, bring your copies of all of the documents you filed in Step 4.
- If you weren't asked by the North Dakota State District Court to provide information about the other state's order of guardianship and/or conservatorship, you may wish to gather the following to bring with you to the hearing:
 - Complete Form 1: Information About the Guardianship/ Conservatorship Accepted for Transfer from Another State;
 - The most recent annual report you filed in the other state's guardianship and/or conservatorship case, **OR** a completed North Dakota guardianship and/or conservatorship annual report; and
 - Any other documents you used to help you complete Form 1.

If the Hearing will be Held in Person, Attend the Hearing in Person:

If you need to request to appear at the hearing some other way, a request form is available at ndcourts.gov/legal-self-help.

If the Hearing will be Held in Person, Arrive Early to the Courthouse on the Date of the Hearing:

If your hearing is in-person at the courthouse, arrive early so you don't miss your hearing date and time. If you have a serious, unavoidable reason you can't get to court on the date and time scheduled for trial, call the Clerk of District Court as soon as you can.

If the Hearing will be Held by Zoom, Make Sure You Can Connect to the Zoom Hearing:

If your hearing is held electronically by Zoom, well before the hearing begins, make sure you can connect and understand how to function in Zoom.

Don't be late to the Zoom hearing. If you have a serious, unavoidable reason you can't attend the hearing on the date and time scheduled for trial, call the Clerk of District Court as soon as you can.

Take Notes:

The purpose of the hearing is to decide what, if any, modifications need to be made to the other state's guardianship and/or conservatorship order to conform to North Dakota law.

If you, the ward/protected person, or other interested parties made requests to modify your authority, the purpose of the hearing will also be to decide whether to make modifications to your authority.

Take good notes whenever the judge or judicial referee makes decisions about modifications.

Often, judges and judicial referees assign the guardian or conservator to draft proposed findings of fact and orders based on the decisions made at the hearing.

If you're assigned to draft a proposed findings of fact and order, you'll need good notes of all of the decisions made by the judge or judicial referee.

Before the Hearing Ends:

Make sure you understand what happens next.

Ask if you aren't sure what, if anything, you need to do next.

Step Six: The Judge or Judicial Referee Decides Whether to Modify the Other State's Guardianship and/or Conservatorship Order.

Based on the information presented at the hearing and/or review of the documents filed for Part 5, the judge or judicial referee will decide what, if any, modifications will be made to the other state's guardianship and/or conservatorship order.

The judge or judicial referee may make their decision at the hearing, or they may make their decision following the hearing.

Step Seven: Findings of Fact and Order and Letters of Guardianship and/or Conservatorship.

The other state's guardianship and/or conservatorship order **isn't modified** until the North Dakota State District Court judge or judicial referee issues a signed and dated Findings of Fact and Order, and Letters of Guardianship and/or Conservatorship.

THE JUDGE OR JUDICIAL REFEREE MAY PREPARE THEIR OWN FINDINGS OF FACT AND ORDER AND LETTERS OF GUARDIANSHIP AND/OR CONSERVATORSHIP.

If the judge or judicial referee prepares their own Findings of Fact and Order and Letters of Guardianship and/or Conservatorship, you'll be mailed a signed copy.

HOWEVER, YOU MAY BE REQUIRED TO PREPARE PROPOSED FINDINGS OF FACT AND ORDER AND LETTERS OF GUARDIANSHIP AND/OR CONSERVATORSHIP FOR THE JUDGE OR JUDICIAL REFEREE TO SIGN.

If the Judge or Judicial Referee requires you to prepare proposed Findings of Fact and Order and Letters of Guardianship, **complete Step 7.**

Form 3: Findings of Fact and Order Following Review of Guardianship/Conservatorship Accepted for Transfer from Another State:

Findings of fact are the judge's or Judicial Referee's written determination of the facts made from the evidence. This explains the facts the judge or judicial Referee found to be true.

The Order is the ruling of law made by the judge or judicial referee based on, or in connection with, the findings of fact. These are the legal consequences of the facts the judge or judicial referee found to be true.

Caption (*top of form*):

- Complete the County, Judicial District, Name of incapacitated person/protected person, EXACTLY the same as the caption of your forms from **Part 2**.
- Fill in the Case Number (*No.*) EXACTLY as assigned by the Clerk of District Court in **Part 2**.
- Completely fill out the section following the Caption.

Paragraph 1:

- Checkmark the appropriate box or boxes. See Page 8-9 of these instructions for more information.
- Fill in the date of the hearing.

If the Hearing HAS Been Held, Follow These Instructions to Complete the Form:

Paragraphs 2 through 33:

- Checkmark the appropriate box or boxes. See Page 8-9 of these instructions for more information.
- Using the notes you took at the hearing, complete all paragraphs with the judge's or judicial referee's decisions.
 - If you're unsure of the judge's or judicial referee's decision for a paragraph, leave blank.
 - Note that the judge or judicial referee may ask you to try again and resubmit proposed findings of fact and order.

DON'T date and sign this form:

- If the Court uses your proposed findings of fact and order, the judge or judicial referee will sign and date the form.

If the Hearing HASN'T Been Held, Follow These Instructions to Complete the Form:

DON'T complete the rest of the form:

- If the Court uses your proposed findings of fact and order, the judge or judicial referee will complete the form.

DON'T date and sign this form:

- If the Court uses your proposed findings of fact and order, the judge or judicial referee will sign and date the form.
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Letters of guardianship and/or conservatorship is the document issued by the North Dakota State District Court that identifies the authority and limitations of the guardian and/or conservator to make decisions on behalf of the ward and/or protected person. The letters also identify any other powers or authority given to the guardian and/or conservator by the court.

There are three different forms for proposed letters of guardianship and/or conservatorship. You must decide which form(s) suits your circumstances. The ND Legal Self Help Center and court employees CAN'T assist you in making the decision.

Form 4: Letters of Guardianship:

This form may be used when you have a guardianship only. This form may also be used if both a guardian and a conservator are appointed, but the guardian and conservator aren't the same person (or entity).

Caption (*top of form*):

- Complete the County, Judicial District, Name of incapacitated person, EXACTLY the same as the caption of your forms from **Part 2**.
- Fill in the Case Number (*No.*) EXACTLY as assigned by the Clerk of District Court in **Part 2**.
- Fill out the name and address of the ward.

If the Hearing HAS Been Held, Follow These Instructions to Complete the Form:

Accept Duties of Guardianship:

- Date and sign your acceptance of the duties of guardianship.

Name of Guardian/Co-Guardians:

- Fill out the name(s), address(es), and telephone number(s) of the guardian/co-guardians.

Paragraphs 2 through 4:

- Using the notes you took at the hearing, complete Paragraphs 2 through 4 with the judge's or judicial referee's decisions.
 - They must EXACTLY match your proposed findings of fact and order.
 - If you're unsure of the judge's or judicial referee's decision for a paragraph, leave blank.

DON'T date and sign this form:

- If the Court uses your proposed letters of guardianship, the judge or judicial referee will sign and date the form.

If the Hearing HASN'T Been Held, Follow These Instructions to Complete the Form:

DON'T complete the rest of the form:

- If the Court uses your proposed letters of guardianship, the judge or judicial referee will complete the form.

DON'T date and sign this form:

- If the Court uses your proposed letters of guardianship, the judge or judicial referee will sign and date the form.
 - After the form is signed and dated, you'll need to sign and date your acceptance of the duties of guardianship. Return to the Clerk of Court.
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Form 5: Letters of Conservatorship:

This form may be used when you have a conservatorship only. This form may also be used if both a guardian and a conservator are appointed, but the guardian and conservator aren't the same person (or entity).

Caption (*top of form*):

- Complete the County, Judicial District, Name of protected person, EXACTLY the same as the caption of your forms from **Part 2**.
- Fill in the Case Number (*No.*) EXACTLY as assigned by the Clerk of District Court in **Part 2**.
- Fill out the name and address of the protected person.

If the Hearing HAS Been Held, Follow These Instructions to Complete the Form:

Accept Duties of Conservatorship:

- Date and sign your acceptance of the duties of conservatorship.

Name of Conservator/Co-Conservators:

- Fill out the name(s), address(es), and telephone number(s) of the conservator/co-conservators.

Paragraphs 2 through 4:

- Using the notes you took at the hearing, complete Paragraphs 2 through 4 with the judge's or judicial referee's decisions.
 - They must EXACTLY match your proposed findings of fact and order.
 - If you're unsure of the judge's or judicial referee's decision for a paragraph, leave blank.

DON'T date and sign this form:

- If the Court uses your proposed letters of conservatorship, the judge or judicial referee will sign and date the form.

If the Hearing HASN'T Been Held, Follow These Instructions to Complete the Form:

DON'T complete the rest of the form:

- If the Court uses your proposed letters of conservatorship, the judge or judicial referee will complete the form.

DON'T date and sign this form:

- If the Court uses your proposed letters of conservatorship, the judge or judicial referee will sign and date the form.
 - After the form is signed and dated, you'll need to sign and date your acceptance of the duties of conservatorship. Return to the Clerk of Court.
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Form 6: Letters of Guardianship and Conservatorship:

This form may be used when you have a guardianship and conservatorship, AND the guardian and conservator are the same person (or entity). If a co-guardian and co-conservator are appointed, they must also be the same person (or entity).

Caption (*top of form*):

- Complete the County, Judicial District, Name of ward/protected person, EXACTLY the same as the caption of your forms from **Part 2**.

- Fill in the Case Number (No.) EXACTLY as assigned by the Clerk of District Court in **Part 2**.
- Fill out the name and address of the ward/protected person.

If the Hearing HAS Been Held, Follow These Instructions to Complete the Form:

Accept Duties of Guardianship and Conservatorship:

- Date and sign your acceptance of the duties of guardianship and conservatorship.

Name of Guardian/Conservator and Co-Guardian and Co-Conservator (if any):

- Fill out the name, address, and telephone number of the guardian/conservator. If a co-guardian/co-conservator is appointed, include their information.

Paragraphs 2 through 6:

- Using the notes you took at the hearing, complete Paragraphs 2 through 6 with the judge's or judicial referee's decisions.
 - They must EXACTLY match your proposed findings of fact and order.
 - If you're unsure of the judge's or judicial referee's decision for a paragraph, leave blank.

DON'T date and sign this form:

- If the Court uses your proposed letters of guardianship and conservatorship, the judge or judicial referee will sign and date the form.

If the Hearing HASN'T Been Held, Follow These Instructions to Complete the Form:

DON'T complete the rest of the form:

- If the Court uses your proposed letters of guardianship and conservatorship, the judge or judicial referee will complete the form.

DON'T date and sign this form:

- If the Court uses your proposed letters of guardianship and conservatorship, the judge or judicial referee will sign and date the form.
 - After the form is signed and dated, you'll need to sign and date your acceptance of the duties of guardianship and conservatorship. Return to the Clerk of Court.
-

Step Eight: Make Copies of Completed Forms; Serve Copies on ALL Persons Who Must Receive Copies of the Forms.

Count the number of persons required to receive a copy of the forms you completed in Step Seven:

- For Guardianships:
 - The ward;
 - The ward's living spouse, if any;
 - The ward's living adult children, if any;
 - Any person, corporation, or institution who is serving as the ward's guardian (*if not a co-petitioner in this process*), attorney in fact, representative payee for public benefits, and conservator (*if not a co-petitioner in this process*);
 - The ward's attorney; and
 - All interested person's named in the guardianship order.

- For Conservatorships:
 - The protected person;
 - The protected person's living spouse, if any;
 - If no living spouse, the protected person's living parents, if any;
 - Any other guardian or conservator (*if not a co-petitioner in this process*);
 - Any government agency paying benefits to the protected person;
 - The protected person's attorney, if any; and
 - All interested person's named in the guardianship order.

- For Guardianships and Conservatorships (Combined in one case):
 - People listed above for both Guardianships and Conservatorships.

Make a copy of the following for each person:

- Form 3: Findings of Fact and Order Following Review of Guardianship/ Conservatorship Accepted for Transfer from Another State; and
- The Letters you completed:
 - Form 4: Letters of Guardianship;
 - Form 5: Letters of Conservatorship;
 - Form 6: Letters of Guardianship and Conservatorship.

Serve one copy on each person required to receive a copy of the forms you completed in Step Seven:

You may serve by mail.

Before the North Dakota State District Court will act on your completed form, you must provide proof that copies of the completed documents were mailed to all persons required to receive copies. **Form 7** in this **Part 5** packet of forms gives the Court proof that copies were served.

Service by Mail:

You may arrange for a person who is at least 18 years or older to mail copies of documents to the person to be served.

Put the copies in an envelope. Address the envelope with the last known address of the person to be served. List your address as the return address on the envelope.

The person who is at least 18 years old takes the envelope to a United States Post Office and mails the envelope. First Class postage must be prepaid.

The person who took the copies of documents to the Post Office and paid the First Class postage completes, signs and dates **Form 7: Affidavit of Service by Mail**.

Service by mail is complete upon mailing.

Step Nine: File the Original, Completed Forms with the Clerk of District Court.

File the following original, completed forms with the Clerk of the District Court:

- Form 3: Findings of Fact and Order Following Review of Guardianship/ Conservatorship Accepted for Transfer from Another State; and
- The Letters you completed:
 - Form 4: Letters of Guardianship;
 - Form 5: Letters of Conservatorship;
 - Form 6: Letters of Guardianship and Conservatorship; and
- An affidavit of service for every person required to receive a copy.

Step Ten: Requirements After the Judge or Judicial Referee Issues Findings of Fact and Order, and Letters of Guardianship.

After findings of fact and order are date and signed by the judge or judicial referee, AND letters of guardianship and/or conservatorship are dated and signed:

Review your dated and signed Findings of Fact and Order Carefully:

Requirements you must meet are included in the Findings of Fact and Order.

Purchase Certified Copies of Dated and Signed Letters:

You may wish to purchase several certified copies of the dated and signed letters of guardianship and/or conservatorship. You may be required to provide a certified copy when dealing with guardianship and/or conservatorship issues.

A certified copy has a clerk of court's stamp on it stating that the document is a duplicate of the original on file with the District Court.

Annual Report:

Both the guardian and conservator must file an annual report with the North Dakota State District Court.

The Annual Report is filed with the District Court using the District Court case number.

A form set for the guardianship annual report is available at ndcourts.gov/legal-self-help/adult-guardianship.

A form set for the conservatorship annual report is available at ndcourts.gov/legal-self-help/conservatorship.