

STATE OF NORTH DAKOTA
COUNTY OF _____

IN DISTRICT COURT
_____ JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF

_____.

Case No. _____

ORDER TRANSFERRING GUARDIANSHIP PROCEEDING TO JUVENILE COURT

1. The will of _____ (*deceased parent*) was filed for probate in this court on the ____ day of _____, 20____, nominating _____ (*testamentary guardian*) as the guardian of, _____, the minor.
2. This court does not have jurisdiction to approve the testamentary appointment of the guardian for _____, the minor, under Chapter 30.1-27 of the North Dakota Century Code (N.D.C.C.) because:

- The person nominated as guardian in the will declined the testamentary appointment as guardian.
- The written report submitted by the guardian ad litem states that the guardian ad litem believes the testamentary appointment of the guardian is contrary to the best interests of the minor.
- A written objection to the testamentary appointment of the guardian was timely filed by _____, whose relationship to the minor is _____.

- The person nominated as guardian in the will failed to accept the testamentary appointment as guardian within sixty (60) days of the death of the minor's last living parent.
- The minor's mother is living and has not had her parental rights terminated by prior court order.
- The minor's father is living and has not had his parental rights terminated by prior court order.
- Both of the minor's parents are deceased, but there has been no appointment of a guardian for the minor by will.
- The minor's mother/father is deceased and the surviving parent's parental rights were terminated by prior court order, but there has been no appointment of a guardian for the minor by will.
- Other: _____.

3. THEREFORE, IT IS ORDERED that the guardianship portion of this probate case and copies of all related legal documents are transferred to the juvenile court of _____ County for all further filings and proceedings.

4. The minor shall be:

- Taken immediately to the juvenile court.
- Taken to a place of shelter care designated by the juvenile court.
- Released to the custody of: _____
_____ (*name and address*),

and brought before the juvenile court at a time designated by the juvenile court.

BY THE COURT:

Judge of the District Court