

## Instructions for Accepting Appointment as Guardian of a Minor as Part of a Probate Case

### **Important! Read Before Using These Forms and Instructions**

ND Legal Self Help Center staff and court employees can't help you fill out forms. Carefully read this information and any instructions to which you're referred.

**If you're unsure how to proceed, or need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota.** If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

**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.**

For information about how to find a lawyer, go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer).

**As a self-represented individual, 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 North Dakota state laws, case law, and court rules can be found at [ndcourts.gov](https://ndcourts.gov).

A glossary with definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

***These instructions and forms aren't a complete statement of the law. They cover the basic process for accepting appointment as guardian of a minor as part of a probate case in a North Dakota state district 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.***

***WARNING – Acceptance of appointment of guardian can have serious legal and financial consequences for both the minor and the guardian. It's strongly recommended that you consult a lawyer and carefully consider all of your options before you accept the appointment as guardian of a minor (under 18 years of age) in a North Dakota State District Court Probate case.***

**A guardian's authority and responsibility terminates on the death, resignation, or removal of the guardian, or on the minor child's death, adoption, marriage, or attainment of majority (age 18). Termination doesn't affect the guardian's liability for prior acts or the guardian's obligation to account for funds and assets of the minor child.**

### **You May Use this Packet of Forms If:**

1. The minor child's parent is deceased **and**:
  - a. There's no other living parent, or
  - b. Any other living parent's parental rights are terminated by court order;**AND**
2. The deceased parent left a will, which is being probated in a North Dakota state district court;  
**AND**
3. The deceased parent's will named **you** the guardian (or guardians) of the minor child;  
**AND**
4. You want to accept the parent's nomination as guardian of the minor child.

**\*\*\*The guardian named in the will must file a criminal history record check with the District Court.** A criminal history doesn't automatically disqualify the guardian.

### **If You Don't Meet the Requirements to Use this Packet of Forms, You May Petition Juvenile Court:**

If your situation doesn't meet the requirements to use this packet of forms, you may petition a North Dakota Juvenile Court to appoint you the guardian (or guardians) of the minor child.

For more information about the North Dakota Juvenile Court process, review the Juvenile Court Guardianship instructions and forms available at [ndcourts.gov/legal-self-help/minor-guardianship](https://ndcourts.gov/legal-self-help/minor-guardianship).

For information about finding a lawyer to help you decide if guardianship is right for you and the minor child, go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer).

## Overview of the Eight Step Process to Appoint a Guardian for a Minor in a Probate Case

- Step One. The Nominated Guardian Files Acceptance of Appointment with the District Court Probating the Deceased Parent's Will**  
If the nominated guardian doesn't accept appointment, the guardianship case transfers to North Dakota Juvenile Court for further proceedings.
- Step Two. After Acceptance of Appointment is Filed, the Judge Appoints a Guardian ad Litem (GAL)**  
Within 60 days of appointment, the Guardian ad Litem (GAL) files their written report with recommendations about the nominated guardian and guardianship.
- Step Three. The Nominated Guardian Serves Notice of Their Appointment by Will on the Minor Child and Others**  
Notice of the Guardian's appointment and right to object to the Guardian must be served on the minor child, the person caring for the child, and the child's nearest adult relative. A copy of the acceptance must be served with the notice.
- Step Four. The Nominated Guardian Files an Affidavit and Criminal History Record Check with the District Court**  
Within 45 days of filing their acceptance, the individual nominated as guardian must file an affidavit and criminal history record check with the District Court.
- Step Five. Written Objections to the Appointment of the Guardian Must be Filed within 14 days of the GAL Filing their Report with the District Court**  
Within 14 days of filing the GAL report with the District Court, any person interested in the welfare of the minor child, including the child, may file a written objection with the District Court. If written objections are filed, the guardianship case transfers to North Dakota Juvenile Court.
- Step Six. If No Objections are Filed, the Judge may Approve Acceptance of Appointment Without Holding a Hearing**  
The judge may require a hearing first.
- Step Seven. The Judge Issues Letters of Guardianship**  
After the judge approves acceptance of appointment of the guardian, the judge Court issues letters of guardianship to the guardian.
- Step Eight. The Guardianship is Transferred to Juvenile Court for all Further Proceedings**  
After the judge issues letters of guardianship to the guardian, the guardianship portion of the probate case transfers to North Dakota Juvenile Court for all further proceedings.

## Laws & Rules

The requirements for District Court approval of a guardian of a minor child named in a deceased parent's will are in **North Dakota Century Code (N.D.C.C.)** [Chapter 30.1-01](#), [Chapter 30.1-03](#), [Chapter 30.1-26](#) and [Chapter 30.1-27](#).

[The North Dakota Rules of Civil Procedure](#) apply in probate proceedings. If the Chapters 30.1-01, 30.1-03, 30.1-26 or 30.1-27 include procedure that's different from the Rules of Civil Procedure, the procedure in the Chapter applies.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws apply to your situation. The ND Legal Self Help Center **can't** give you legal advice under any circumstances.

## Definitions

**\*\*\*The following definitions are intended to be helpful, but they don't address every possible meaning of the terms in this section.\*\*\***

(See [Chapter 30.1-01](#) and [Chapter 27-20.1](#) of the North Dakota Century Code for more definitions.)

**Appointing Parent:** Also called a Nominating Parent. The deceased parent who named a guardian in the will being probated by a North Dakota state district court.

**Best Interests:** The standard the district court judge will use to decide what guardianship arrangement is to the minor child's greatest benefit. The 13 best interest factors the judge will use to make the decision are in [Section 14-09-06.2 of the North Dakota Century Code](#).

**Guardian:** An individual, or individuals, appointed by a North Dakota state district court to act in place of the minor child's parents.

**Guardian ad Litem (GAL):** An individual, usually a lawyer, appointed by a North Dakota state district court to advocate for the best interests of the minor child.

**Letters of Guardianship:** A document signed by a North Dakota state district court that identifies the authority and limitations of the guardian to make decisions on behalf of the minor child. Letters also identify any other powers or duties given to the guardian by the court.

**Minor Child:** A child of the deceased parent, who is under 18 years of age.

**Nominated Guardian:** An individual, or individuals, who a parent named in their will to become the guardian of the child if the parent dies while the child is a minor.

**Probate:** A legal process that includes:

- Proving to the District Court judge that the deceased parent's will is valid;
- Identifying, inventorying, and appraising the deceased parent's property;
- Paying the deceased parent's debts and taxes; and
- Distributing the deceased parent's remaining property as directed by the will.

**Testamentary:** Provided for or appointed by a will.

**Venue:** The North Dakota county where the District Court judge will hear the probate case. The venue is the District Court of the North Dakota county where the deceased parent's will is, or will be, probated. Wills are probated in the North Dakota county where the deceased parent lived. However, if the parent didn't live in North Dakota, the will is probated in any North Dakota county where the parent had property.

## Fees

**A filing fee of \$160.00 is required to file the case to probate the deceased parent's will.** If the probate case has already been filed, there's no filing fee required for filing the guardianship related documents.

**Other fees may apply.** The fees include, but aren't limited to:

- Service fees                      Varies
- Copy of Documents      \$.10 per page, \$1.00 minimum
- The court must appoint a guardian ad litem.
  - The deceased parent's estate is required to pay the reasonable fees, if funds are available.
- The nominated guardian(s) is required to obtain a criminal history record report. For the cost and process of obtaining a North Dakota criminal history record report, contact the Bureau of Criminal Investigation Division of the North Dakota Attorney General.  
([attorneygeneral.nd.gov/public-safety/criminal-history-records](http://attorneygeneral.nd.gov/public-safety/criminal-history-records))

## Forms for Accepting Appointment as the Guardian of a Minor Child in a Probate Case

**Forms you'll need** (*list continues on next page*):

Form Title	Purpose
Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary)	Completed by the Nominated Guardian, if you accept the appointment of guardian by the deceased parent in the parent's will.
Form 1a: Confidential Information Form (Guardianship Proceeding)	Completed by the Nominated Guardian. Lists the full confidential information that isn't allowed to appear in other documents filed with the court. This form is a part of the court record that isn't seen by the public.
Form 1b: Powers and Duties of a Guardian of a Minor Child	Reviewed by the Nominated Guardian before completing Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary).
Form 2: Notice of Guardian's Appointment by Will and Right to Object	Completed by the Nominated Guardian. Gives notice to the minor child, person(s) caring for the minor child, and the minor child's closest living relative that the Nominated Guardian accepts appointment as guardian. Gives the deadline for written objections and how to object.
Form 2a: Declaration of Service by Personal Delivery	Completed by the individual who handed a copy of Form 1 and Form 3 to the minor child, or the child's closest living relative. Proves to the District Court that the Nominated Guardian arranged for service by personal delivery of Form 1 and Form 3.
Form 2b: Declaration of Service by Mail	Completed by the individual who mailed a copy of Form 1 and Form 3 to the minor child, or the child's closest living relative. Proves to the District Court that the Nominated Guardian arranged for service by mail of Form 1 and Form 3.
Form 3: Order Appointing a Guardian ad Litem	Proposed order of the court appointing a Guardian ad Litem (GAL) for the minor child. You must have the consent of the lawyer you want appointed. The proposed order isn't effective until it's signed by the judge.

Form Title	Purpose
Form 4: Declaration of Guardian Appointed in a Will (Testamentary)	Written statement given by the Nominated Guardian. States how the proposed guardian meets the requirements of Section <a href="#">30.1-27-02 of the North Dakota Century Code</a> . Must be filed with the District Court within 45 days after the Nominated Guardian files Form 1.

### Forms you may need:

The court where you plan to file your petition may require you to file one or more of the following forms. Check with the clerk of court for special requirements.

Form Title	Purpose
Form 5a: Order Approving Testamentary Appointment of Guardian ( <i>No hearing held.</i> )	Proposed order approving the appointment of the Nominated Guardian. Form 7a may be used when the judge approves the appointment without a holding a hearing. The proposed order isn't effective until it is signed by the judge.
Form 5b: Order Approving Testamentary Appointment of Guardian ( <i>Hearing held.</i> )	Proposed order approving the appointment of the Nominated Guardian. Form 7b may be used when the judge approves the appointment after a hearing was held. The proposed order isn't effective until it is signed by the judge.
Form 6: Letters of Guardianship of Minor	Proposed letters of guardianship of the minor child after the judge approves the appointment of the Nominated Guardian. This document isn't effective until it is signed by the judge.

### Form the Guardian ad Litem (GAL) may use:

The Guardian ad Litem (GAL) appointed by the District Court judge may use the following form to submit their required written report.

Form Title	Purpose
Form 3a: Guardian ad Litem's Report	A form a Guardian ad Litem may use to submit their required report to the court.

## **Eight Steps to Appoint a Guardian for a Minor in a Probate Case**

### **Step 1 – The Nominated Guardian Files Acceptance of Appointment with the District Court Probating the Deceased Parent’s Will.**

**First,** you, the Nominated Guardian, review:

- Form 1b: Powers and Duties of a Guardian of a Minor Child.

**Second,** you, the Nominated Guardian, complete:

- Form 1: Guardian’s Acceptance of Appointment in a Will (Testamentary); and
- Form 1a: Confidential Information Form (Guardianship Proceeding).

To complete the caption (top) of both forms:

- County – the North Dakota county where the deceased parent’s probate case is filed.
- Judicial District – the name of the Judicial District where the deceased parent’s probate case is filed. (The county is within the Judicial District.) County and Judicial District information and maps are available at [ndcourts.gov/court-locations](http://ndcourts.gov/court-locations).
- “In the Matter of the Estate of” – the deceased parent’s full name.
- Case Number – the case number of the deceased parent’s probate case.

To complete Form 1: Guardian’s Acceptance of Appointment in a Will (Testamentary):

- Read each paragraph completely.
  - When you date and sign this form, you’re declaring that all of the information on the form is accurate and true.
- Complete all paragraphs that require you to type or write information.
  - DON’T INCLUDE the minor child’s full name or their full birthdate.
  - Write or type only the minor child’s initials and year of birth.
- Read Paragraph 13 carefully!
  - Make sure everything you type or write is true and correct. Make any corrections before you date and sign this form.
- Write or type the county, state, and country where you sign this form.
- Date and sign the form. Complete all lines below your signature.
  - You’re not required to have your signature notarized.



To complete Form 1a: Confidential Information Form (Guardianship Proceeding):

- Review [Rule 3.4 of the North Dakota Rules of Court](#).
- Certain information is considered confidential and can't be included in Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary).
- Full confidential information that can't be included:
  - Full names or birthdates of minor children
  - Social Security Numbers
  - Taxpayer-Identification Numbers
  - Financial Account Numbers
- Include only the following in Form 1: Guardian's Acceptance of Appointment in a Will:
  - Minor child's initials and birth year
  - Last 4 digits of Social Security Number
  - Last 4 digits of Taxpayer-Identification Number
  - Last 4 digits of Financial Account Number
- Fill out only the parts of the form that apply. If you don't have information for a part of the form write or type "Not applicable."
- Date and sign this form.
- This form won't be available as a public court record.

**Third,** you, the Nominated Guardian, are required to propose a Guardian ad Litem (GAL) for the District Court to appoint. Contact the GAL to get their consent, fees and any other information you consider necessary.

- Duties of the GAL are found in [N.D.C.C. § 30.1-27-06](#).
- A Legal Guardian Ad Litem roster published by the North Dakota State Court Administrators Office is found at [ndcourts.gov/district-court/parenting-investigator-legal-guardian-ad-litem-roster](https://ndcourts.gov/district-court/parenting-investigator-legal-guardian-ad-litem-roster).
- The Legal Guardian Ad Litem roster is specifically for use in child custody proceedings, but may be useful as a starting point for locating a guardian ad litem for minor guardianship proceedings in the probate of a deceased parent's will.

You, the Nominated Guardian, complete Form 3: Order Appointing a Guardian ad Litem:

- This is your proposed order of the District Court appointing a Guardian ad Litem (GAL). The proposed order isn't effective until signed by the District Court.
- Complete the caption exactly as you completed the caption of Form 1.
- Complete Paragraphs 1 and 3 ONLY. DON'T complete any other paragraphs.
- DON'T sign Form 3: Order Appointing a Guardian ad Litem.

**Fourth,** make copies of the completed forms.

Make FOUR copies of the following completed form:

- Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary)
  - Keep one copy for your records.
  - You'll arrange for the remaining three copies to be served in Step Three.

Make ONE copy of the following completed forms:

- Form 1a: Confidential Information Form (Guardianship Proceeding)
  - Keep the copy for your records.
- Form 3: Order Appointing a Guardian ad Litem
  - Keep the copy for your records.

**Fifth,** file the following ORIGINAL completed forms with the Clerk of District Court where the deceased parent's probate case is filed:

- Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary)
- Form 1a: Confidential Information Form (Guardianship Proceeding)
- Form 3: Order Appointing a Guardian ad Litem

## **Step 2 – After Acceptance of Appointment is Filed, the District Court Judge Appoints a Guardian ad Litem (GAL).**

If your documents are accepted for filing, the District Court judge appoints a Guardian ad Litem (GAL).

If the judge uses your proposed Form 3: Order Appointing a Guardian ad Litem, the judge completes the rest of the form and dates and signs it.

The GAL prepares a written report with the GAL's recommendation about the Nominated Guardian and the guardianship.

The GAL's written report is due to the District Court within 60 days of the GAL's appointment.

*(This space left intentionally blank.)*

### **Step 3 –The Nominated Guardian Serves Notice of the Guardian’s Appointment by Will on the Minor Child and Others.**

You, the Nominated Guardian, must arrange to have notice of the Guardian’s appointment in the deceased parent’s will and the Guardian’s acceptance served on the following:

- The minor child;
- The person having the minor child’s care; and
- The minor child’s nearest relative, as defined by [Section 27-20.3-01 of the North Dakota Century Code](#).

**First,** gather the names and current addresses or locations of the following:

- The minor child;
- The person having the minor child’s care; and
- The minor child’s nearest relative.
  - a) The minor child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin;
  - b) An individual with a relationship to the minor child, derived through a current or former spouse of the minor child's parent, similar to a relationship described in subdivision a;
  - c) An individual recognized in the child's community as having a relationship with the minor child similar to a relationship described in subdivision a; or
  - d) The minor child's stepparent.

**Second,** you, the Nominated Guardian, complete Form 2: Notice of Guardian’s Appointment by Will and Right to Object:

- Complete the caption exactly as you completed the caption of Form 1.
- Read each paragraph completely.
- Complete all paragraphs that require you to type or write information.
- Date and sign this form.

Make FOUR copies of the completed Form 2: Notice of Guardian’s Appointment by Will and Right to Object.

- Keep one copy for your records.
- You’ll arrange for the remaining three copies to be served.

**Third,** you, the Nominated Guardian, arrange for the following:

- The minor child;
- The person having the minor child's care; and
- The minor child's nearest relative

to be served copies of the following completed forms:

- Form 2: Notice of Guardian's Appointment by Will and Right to Object; and
- Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary).

They must be served by Personal Service or by Mail.

#### Personal Service:

You, the Nominated Guardian, **can't personally serve the documents yourself**. You arrange for personal service as follows:

- The person who personally serves a copy of Form 2: Notice of Guardian's Appointment by Will and Right to Object and Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary) must be at least **18 years old** and **not a party** to the guardianship or an interested party.
- The person who serves the notice and acceptance documents must complete Form 2a: Declaration of Service by Personal Delivery. This is your proof of service of the notice and acceptance.
  - If the Sheriff personally serves the documents, the Sheriff will provide a completed certificate of service.
- Make a copy of each declaration or certificate for your records.

#### Service by Mail:

You, the Nominated Guardian, arrange for service by mail as follows:

- The person who mails a copy of Form 2: Notice of Guardian's Appointment by Will and Right to Object and Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary) must be at least **18 years old**.
- The copy of the notice and acceptance must be sent by ordinary first-class mail addressed to the person's office or place of residence.

- The person who mails the notice and accompanying documents must complete Form 2b: Declaration of Service by Mail. This is your proof of service of the notice.
- Make a copy of each declaration of service by mail for your records.

**Fourth,** as soon as possible after service is complete, you, the Nominated Guardian, file the following ORIGINAL completed documents with the Clerk of District Court where the deceased parent's probate case is filed:

- Form 2: Notice of Guardian's Appointment by Will and Right to Object; and
- ALL ORIGINAL declarations or certificates of service.

### **Step 4 – Within 45 Days of Acceptance, The Nominated Guardian Files a Declaration and Criminal History Record Check with the District Court.**

**Within 45 days of filing Form 1: Guardian's Acceptance of Appointment in a Will (Testamentary), you, the Nominated Guardian, MUST file the following with the District Court:**

- Original completed Form 4: Declaration of Guardian Appointed in a Will (Testamentary); and
- Results of the Nominated Guardian's criminal history record check.

For the cost and process of obtaining a criminal history record report, contact the Bureau of Criminal Investigation Division of the North Dakota Attorney General at [attorneygeneral.nd.gov/public-safety/criminal-history-records](http://attorneygeneral.nd.gov/public-safety/criminal-history-records).

The Nominated Guardian completes Form 4: Declaration of Guardian Appointed in a Will (Testamentary):

- Complete the caption exactly as you completed the caption of Form 1.
- Read each paragraph completely.
  - When you date and sign this form, you're declaring that all of the information on the form is accurate and true.
- Complete all paragraphs that require you to type or write information.
- Read Paragraph 7 carefully!
  - Make sure everything you type or write is true and correct. Make any corrections before you date and sign this form.
- Write or type the county, state, and country where you sign this form.
- Date and sign the form. Complete all lines below your signature.

## **Step 5 – Written Objections to the Appointment of the Guardian Must be Filed within 14 Days of the Guardian ad Litem (GAL) Filing their Report with the District Court.**

**The Guardian ad Litem (GAL) appointed by the District Court in Step Two, must file their written report with the District Court within 60 days of the GAL's appointment.**

The GAL arranges to have a copy of their written report served on the following:

- The minor child, if the child is 14 years old or older;
- You, the Nominated Guardian;
- The person having the minor child's care or the minor's nearest relative; and
- The personal representative of the deceased parent's estate.

Otherwise, the GAL's report isn't available as a public court record.

If the GAL doesn't recommend that the District Court approve you, the Nominated Guardian, the guardianship case is immediately transferred to Juvenile Court. The Juvenile Court begins proceedings to decide whether you, the Nominated Guardian, or an alternative person (or persons) should be appointed guardian of the minor child.

**Within 14 days of the GAL filing their report, the following may file a written objection to the District Court approving the Nominated Guardian:**

- Any person interested in the welfare of the minor child; and
- The minor child.

If any written objections are filed with the District Court within the 14 day deadline, the guardianship case is immediately transferred to Juvenile Court. The Juvenile Court begins proceedings to determine whether the Nominated Guardian or an alternative person (or persons) should be appointed guardian of the minor child.

## **Step 6 – If No Objections are Filed, the District Court Judge MAY Approve Acceptance of Appointment without Holding a Hearing.**

**If no objections are filed, the District Court judge reviews the Guardian ad Litem's (GAL's) written report and other related documents in the record.**

After review, the judge has the option of approving the acceptance of the appointment of guardian without holding a hearing.

However, the judge may decide to hold a hearing before approving the acceptance of the appointment of guardian.

**If the judge decides NOT to hold a hearing**, you may be required to prepare a proposed order for the judge to sign.

You, the Nominated Guardian, complete Form 5a: Order Approving Testamentary Appointment of Guardian.

- This is your proposed order of the District Court judge approving the appointment of the guardian named in the deceased parent's will without holding a hearing.
  - The proposed order isn't effective until signed by the judge.
- Complete the caption exactly as you completed the caption of Form 1.
- Complete ONLY the information you know.
  - If you don't know the information, leave it blank.
- DON'T sign Form 4: Order Approving Testamentary Appointment of Guardian.
  - If the District Court judge uses your proposed order, the judge will sign and date the document.

**If the judge decides to hold an in-court hearing**, you'll receive written notice of the date, time and location of the hearing.

Attend the hearing. If you need to request to appear at the hearing electronically, you must make the request in writing.

- Forms and instructions to request to appear at a hearing electronically is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help). Scroll to the "Miscellaneous" section and click on the "Appear by Phone or Other Electronic Means Request" link.

Be prepared to prove to the judge the information you provided in the documents you filed with the District Court.

- An Evidence Research Guide is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help). Scroll to the "District Court Civil" section and click on the "Evidence" link.

Following the hearing, if the District Court judge decides to approve the acceptance of the appointment of guardian by the deceased parent, you may be required to prepare a proposed order for the judge to sign.

You, the Nominated Guardian, complete Form 5b: Order Approving Testamentary Appointment of Guardian.

- This is your proposed order of the District Court judge approving the appointment of the guardian named in the deceased parent's will after holding a hearing.
  - The proposed order isn't effective until signed by the judge.
- Complete the caption exactly as you completed the caption of Form 1.
- Complete ONLY the information you know.
  - If you don't know the information, leave it blank.
- DON'T sign Form 4: Order Approving Testamentary Appointment of Guardian.
  - If the judge uses your proposed order, the judge will sign and date the document.

If the judge **doesn't** approve the Nominated Guardian, **with or without holding a hearing**, the guardianship case is immediately transferred to Juvenile Court. The Juvenile Court will begin proceedings to decide who should be appointed guardian of the minor child.

## Step 7 – The District Court Judge Issues Letters of Guardianship.

**After the District Court judge approves the appointment of the guardian and signs and dates the Order, the judge will issue Letters of Guardianship.**

Letters of Guardianship are proof of the appointed guardian's authority.

You may be required to prepare proposed letters of guardianship for the judge to sign.

The Nominated Guardian completes Form 6: Letters of Guardianship of Minor.

- This is your proposed Letters of Guardianship.
  - The proposed Letters of Guardianship isn't effective until signed by the judge.
- Complete the caption exactly as you completed the caption of Form 1.
- Complete ONLY the information you know.
  - If you don't know the information, leave it blank.
- DON'T sign the 2<sup>nd</sup> page of Form 6: Letters of Guardianship of Minor.
- If the judge uses your proposed letters, the judge will sign and date the 2<sup>nd</sup> page of the document.

To accept the duties as guardian of the minor child, you must sign the Letters of Guardianship of Minor. You may sign the proposed Letters before filing with the Court, or wait to sign after the judge signs the 2<sup>nd</sup> page of the Letters.



## **Step 8 – The Guardianship is Transferred to Juvenile Court for ALL Further Proceedings.**

After Letters of Guardianship of Minor issued by the District Court judge, the guardianship is transferred to Juvenile Court for ALL further proceedings and filings.

The guardianship is assigned a Juvenile Court case number.

### **Beginning Inventory Report:**

Within 90 days of the District Court judge's order appointing you guardian, you must file a beginning inventory report with Juvenile Court listing all assets owned by the minor child or in which the child has an interest.

You must mail a copy of the Beginning Inventory Report to the following:

- The minor child, if the child is age fourteen or older; and
- Any interested persons designated by the judge in the order.

A beginning inventory report is available at [ndcourts.gov/legal-self-help/minor-guardianship](https://ndcourts.gov/legal-self-help/minor-guardianship).

### **Guardian's Annual Report:**

You must file an annual guardianship report with the Juvenile Court. The requirements of the report are in [Section 27-20.1-15 of the North Dakota Century Code](#).

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

You must mail a copy of the Annual Report to the following:

- The minor child, if the child is age fourteen or older; and
- Any interested persons designated by the judge in the order.

An annual report form set is available at [ndcourts.gov/legal-self-help/minor-guardianship](https://ndcourts.gov/legal-self-help/minor-guardianship).

### **Payment of Room and Board from Minor Child's Funds Not Allowed in Certain Circumstances:**

Funds from the minor child's estate can't be used to pay for the child's room and board when room and board is furnished by the guardian/co-guardian, or the guardian's/co-guardian's spouse.

A court order is required to allow funds from the minor child's estate to be used for room and board in these instances. (See N.D.C.C. [§ 27-20.1-15\(2\)\(b\)](#).)