

STATE OF NORTH DAKOTA

IN JUVENILE COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE INTEREST OF _____, DOB _____, A CHILD.

_____)
 _____)
 _____) Case No. _____
 _____)
 _____)

PETITION FOR APPOINTMENT OF EMERGENCY GUARDIAN(S)

1. Petitioner(s) bring(s) before the Court this Petition for Appointment of Emergency Guardian(s) under Section 27-20.1-18 of the North Dakota Century Code (N.D.C.C.). The Petitioner(s) is/are a person interested in the welfare of the above-named child who respectfully requests appointment of an emergency guardian for the child with the effect of the appointment to be as provided under N.D.C.C. Section 27-20.1-13.

Jurisdiction and Venue:

2. This court has jurisdiction under N.D.C.C. Section 27-20.1-02; and this is the proper venue because (*choose one*):

The child is not alleged to be a child in need of protection and the child resides in _____ County.

The child is alleged to be a child in need of protection and (*select and complete*):

the child was present in _____ County at the time the action was commenced; OR

the child has resided for the majority of the thirty days in _____ County before the alleged need for protection occurred; or the alleged need for protection occurred in _____ County.

Petitioner(s)/Proposed Emergency Guardian(s) Information:

3. The Petitioner(s) is/are seeking emergency guardianship of the child.

4(a). The name and addresses of the Petitioner seeking to be emergency Guardian(s) is:

Name: _____

Address: _____

Phone number: _____

(b). (Choose one):

There is no Co-Petitioner who wishes to be appointed the emergency Co-Guardian.

The name and address of the Co-Petitioner seeking to be emergency Co-Guardian is:

Name: _____

Address: _____

Phone number: _____

5(a). The occupation of the proposed emergency Guardian is: _____

(b). (Choose one):

There is no Co-Petitioner who wishes to be appointed the emergency Co-Guardian.

The occupation of the proposed emergency Co-Guardian is: _____

6(a). The proposed emergency Guardian has the following qualifications to serve as emergency Guardian: _____

(b). (Choose one):

There is no Co-Petitioner who wishes to be appointed the emergency Co-Guardian.

The proposed emergency Guardian has the following qualifications to serve as

emergency Co-Guardian: _____

Child's Information:

7. The child's full legal name is _____.

8. The child was born _____ (*birthdate*) and is currently _____ years of age.

9. The child is currently under the care, custody, or control of:

Name of Person or Entity: _____

Address: _____

City, State, Zip Code: _____

Telephone number: _____

10. The child currently resides with:

Name: _____

Relationship to Child: _____

Address: _____

City, State, Zip Code: _____

Telephone number: _____

Child's First Parent Information:

11. The child's first parent is: _____ (*full name*),
whose last known address and telephone number are (*if unknown, type or write "Unknown"*):

Address: _____

City, State, Zip Code: _____

Telephone number: _____

This parent is the child's (*choose and complete one*):

mother by (*choose one*) **birth**, **adoption**, or **other court order/judgment**.

father. He is (*choose one*) **known to be**, **alleged to be**, or **presumed to be** the
child's father.

If the last known address and phone number of the first parent are not known, provide detailed
information describing the efforts made to locate them: _____

_____.

Child's Second Parent Information:

12. The child's second parent is: _____ (full name),
whose last known address and telephone number are (if unknown, type or write "Unknown"):

Address: _____

City, State, Zip Code: _____

Telephone number: _____

This parent is the child's (choose and complete one):

mother by (choose one) birth, adoption, or other court order/judgment.

father. He is (choose one) known to be, alleged to be, or presumed to be the
child's father.

If the last known address and phone number of the second parent are not known, provide
detailed information describing the efforts made to locate them: _____

_____.

Additional Unknown, Alleged or Presumed Fathers:

13. (Choose one):

There are **no** more unknown, alleged or presumed fathers.

There are more unknown, alleged or presumed fathers. A complete Exhibit A To
Petition for Emergency Guardianship Additional Unknown, Presumed, or Alleged Fathers form
is attached. (If you chose this option, you **must** complete an Exhibit A To Additional Unknown,
Presumed, or Alleged Fathers form).

Necessity of Emergency Guardian(s):

14. The appointment of (an) emergency Guardian(s) is necessary because compliance with
the statutory procedures for appointment of an emergency guardianship under Chapter 27-
20.1 of the North Dakota Century Code (N.D.C.C.) will likely result in substantial harm to the
child's health, safety, or welfare. The nature of the substantial harm is stated in the Affidavit in
Support of Petition for Emergency Appointment of a Child filed with this Petition and
incorporated by reference.

15. I believe the appointment of (an) emergency Guardian(s) is in the best interests of the child. My detailed statement is provided in the Affidavit in Support of Petition for Emergency Appointment of a Child filed with this Petition and incorporated by reference.

16. The appointment of emergency Guardian(s) is appropriate under N.D.C.C. Section 27-20.1-11(1) because *(choose one; Paragraph 15 continues on Page 5)*:

- all parents are dead;
- the surviving parent’s parental rights have been terminated by prior court order, but there has been no appointment of a Guardian for the child by will;
- the district court has transferred the case to juvenile court without appointment of a Guardian; or
- the testamentary Guardian failed to accept the appointment under Chapter 30.1-27 of the North Dakota Century Code (N.D.C.C.) *(provide facts and appropriate documentation)*; _____

- the parent(s) have consented in writing to this emergency guardianship. Affidavit(s) of consent are filed with this Petition;
- all parental rights have previously been terminated. A certified copy of the court order terminating parental rights is filed this Petition;
- the child is alleged to be a child in need of protection as defined under N.D.C.C. Section 27-20.1-01 *(provide detailed facts and circumstances that establish the need for protection)*: _____

WHEREFORE, PETITIONER(S) REQUEST(S):

17. The court hold a hearing on this petition to determine the appropriateness of the emergency appointment.
18. The court find that compliance with the procedures of this N.D.C.C. Chapter 27-20.1 will likely result in substantial harm to the child's health, safety, or welfare.
19. The court find probable cause exists that emergency appointment is in the best interests of the child and that one of the provisions of N.D.C.C. Section 27-20.1-11 has been met.
20. The court issue findings of fact and order appointing emergency Guardian(s) for the child for a time not to exceed sixty days from the date of the hearing.
21. The court grant the emergency Guardian(s) the powers and duties under N.D.C.C. Section 27-20.1-15, with the following limitations (*if any*): _____

_____.
22. The court appoint a guardian ad litem to advocate for the best interests of the child.

(Verified signature(s) on next page.)

PETITIONER'S VERIFIED SIGNATURE

I, _____ (*Petitioner's name*), verify under penalty of perjury under the law of North Dakota, that I am the Petitioner in the above-entitled action; that I have read the Petition for Appointment of Emergency Guardian(s) and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

Signed on _____ (*date*), in _____ (*city*),
_____ County, _____ (*state*), _____ (*country*).

(*Petitioner's Signature*)

(*Petitioner's Printed Name*)

(*Address*) (City, State, Zip Code)

(*Telephone Number and Email Address*)

CO-PETITIONER'S VERIFIED SIGNATURE

(*Co-Petitioner signs. If no Co-Petitioner, write "No Co-Petitioner" on the first blank line.*)

I, _____ (*Co-Petitioner's name*), verify under penalty of perjury under the law of North Dakota, that I am the Petitioner in the above-entitled action; that I have read the Petition for Appointment of Emergency Guardian(s) and know the contents thereof and that the same is true, except as to matters stated therein upon information and belief as to those matters I state that I believe them to be true.

Signed on _____ (*date*), in _____ (*city*),
_____ County, _____ (*state*), _____ (*country*).

(*Co-Petitioner's Signature*)

(*Co-Petitioner's Printed Name*)

(*Address*) (City, State, Zip Code)

(*Telephone Number and Email Address*)