

INSTRUCTIONS FOR OBJECTING TO THE PROPOSED GUARDIAN(S) OF A CHILD IN A JUVENILE COURT CASE

*****WHEN 1) ALL PARENTS CONSENT; OR 2) ALL PARENTS ARE DECEASED OR
THEIR PARENTAL RIGHTS ARE TERMINATED BY COURT ORDER*****

IMPORTANT! READ BEFORE USING THESE FORMS AND INSTRUCTIONS

ND Legal Self Help Center staff and court employees cannot help you fill out the form(s).

If you are 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 are referred.

When you represent yourself, you must abide by the following:

- 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 www.ndcourts.gov.

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

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

These instructions and forms are not a complete statement of the law. They cover basic procedure for objecting to appointment of the guardian of a child as part of a guardianship case in a North Dakota juvenile court. There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center is not responsible for any consequences that may result from the forms or information provided. Use at your own risk.

YOU MAY USE THIS FORM IF:

1. You were served a Summons and Petition for Guardianship in Juvenile Court;
2. The Petition for Guardianship is based on the written consent of ALL parents, **OR** ALL parents are **either** deceased or their parental rights terminated by court order;
3. The Juvenile Court has waived the in-court hearing **AND** you want to object to the person(s) who want to be guardian of the child and demand an in-court hearing.

OVERVIEW OF THE PROCESS FOR OBJECTING TO THE PERSON WHO WANTS TO BE THE GUARDIAN OF A CHILD AND DEMAND A HEARING

Step One. Within 10 Days After Service of the Summons and Petition for Guardianship, File a Written Objection to the Guardian and a Demand for Hearing with the Juvenile Court.

Count 10 calendar days from the date you were handed the Summons and Petition, or the date you signed the Return Receipt, if served by mail.

Step Two. The Juvenile Court Schedules an In-Court Hearing.

The Juvenile Court will begin proceedings to determine who should be appointed guardian of the child. You will receive a notice of hearing by mail with the date, time and location of the in-court hearing.

You must attend the in-court hearing and be prepared to prove your case.

LAWS & RULES

The requirements for objecting to the appointment of the guardian of a child by a Juvenile Court found in **North Dakota Century Code (N.D.C.C.) [Chapter 27-20.1](#)**.

Refer to the Chapter when filling out the form.

FORM FOR OBJECTING TO THE PERSON WHO WANTS TO BE THE GUARDIAN OF A CHILD AND DEMAND A HEARING

Form Title	Purpose
Objection to Appointment of Guardian and Demand for Hearing <i>(Form: JCG FT 2)</i>	Completed by the individual who wants to object to the person who wants to be appointed guardian of the minor child, and demand that the Juvenile Court schedule an in-court hearing.

STEPS TO OBJECTING TO THE PERSON WHO WANTS TO BE THE GUARDIAN OF A CHILD AND DEMAND A HEARING

Step 1 – Within 10 Days After Service of the Summons and Petition for Guardianship, File a Written Objection to the Guardian and a Demand for Hearing with the Juvenile Court.

When a petition for guardianship is based on either:

1. The written consent of **ALL** living parents whose parental rights have not been terminated by court order;

OR

2. All of the child's parents are either:
 - a. Deceased; or
 - b. Their parental rights were terminated by court order,

The Juvenile Court may waive, or not hold, an in-court hearing **before** appointing a guardian, or guardians, for the child.

Any person, including the child, who is served the Summons and Petition for Guardianship may object in writing to the person who wants to become the child's guardian and demand an in-court hearing.

If you are served a copy of the Summons and Petition for Guardianship, **and** the Summons states that the in-court hearing is waived, you may file your written objection to the guardian and demand that the Juvenile Court schedule an in-court hearing before appointing a guardian.

You MUST file your written objection with the District Court WITHIN 10 DAYS after you are served a copy of the Summons and Petition for Guardianship.

To calculate 10 days after service:

- DO NOT include the date that triggers the period.
- Count every calendar day, including Saturdays, Sundays and legal holidays.
- If the last day is a Saturday, Sunday or legal holiday, move forward to the next day that is not a Saturday, Sunday or legal holiday.

First, the person objecting to the proposed guardian and demanding a hearing completes:

- Objection to Appointment of Guardian and Demand for Hearing (*Form: JCG FT 2*).

To complete Objection to Appointment of Guardian and Demand for Hearing (*Form: JCG FT 2*):

- The caption (top) of the form:
 - Complete exactly as the caption appears in the Summons you were served.
- Read each paragraph completely.
 - When you date and sign this form, you are swearing that all of the information on the form is accurate and true.
- Complete all paragraphs that require you to type or write information.
- Date and sign this form in the presence of a Notary Public or Clerk of Court. You will need to show a driver's license or photo identification card so the Notary Public or Clerk of Court can verify your identity.

Make a copy of the completed Objection to Appointment of Guardian and Demand for Hearing (*Form: JCG FT 2*) for your records.

Second, the person objecting to the proposed guardian and demanding a hearing files the following ORIGINAL completed form with the Juvenile Court where the guardianship case is filed:

- Objection to Appointment of Guardian and Demand for Hearing (*Form: JCG FT 2*) for your records.

The written objection MUST be filed WITHIN 10 DAYS after you are served a copy of the Summons and Petition for Guardianship.

Step 2 – The Juvenile Court Schedules an In-Court Hearing.

The Juvenile Court will begin proceedings to determine who should be appointed guardian of the child. You will receive a notice of hearing by mail with the date, time and location of the in-court hearing.

You must attend the in-court hearing and be prepared to prove your case.

Information about Juvenile Court guardianship proceedings is available at www.ndcourts.gov/legal-self-help/minor-guardianship.

