

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**ORDER OF ADOPTION**

Supreme Court No. 20210020

**Proposed Adoption of North Dakota Supreme Court Administrative Order 34 Regarding Review of Guardianships of Children**

[¶1] On January 5, 2021, the Guardianship Standards Workgroup submitted proposed North Dakota Supreme Court Administrative Order 34 regarding review of guardianships of children. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210020>. Individuals who do not have internet access may contact the Office of the Clerk of the Supreme Court to obtain a copy of the proposal. The Court allowed comment on the proposal. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that North Dakota Supreme Court Administrative Order 34 is ADOPTED effective April 1, 2021.

[¶3] The Supreme Court of the State of North Dakota convened this 24th day of February, 2021, with the Honorable Jon J. Jensen, Chief Justice, and the Honorable Gerald W. VandeWalle, the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, Justices, directing the Clerk of the Supreme Court to enter the above order.

/s/ Petra H. Mandigo Hulm  
Clerk  
North Dakota Supreme Court

## **ORDER 34. REVIEW OF GUARDIANSHIPS OF CHILDREN - PROCESS**

### **Section 1. Purpose.**

This order implements N.D.C.C. § 27-20.1-17(3), which requires the Supreme Court to provide by rule or order for the regular review of minor guardianships in existence on August 1, 2019. Prior to the enactment of chapter 27-20.1, all minor guardianships were established under either chapter 27-20 or chapter 30.1-27. The review is the antecedent corollary of the prospective regular review of minor guardianships established under chapter 27-20.1 on or after August 1, 2019, for purposes of ensuring that the best interests of the minor child are adequately served by guardianships established by the courts.

### **Section 2. Identification of Guardianship of Minor Cases.**

The State Court Administrator, in coordination with the Director of the Information Technology Department, shall identify active guardianships of minors established under chapters 27-20 and 30.1-27 in existence on August 1, 2019, in each judicial district. The State Court Administrator shall notify each unit trial court administrator of guardianships established in the respective judicial districts.

### **Section 3. Implementation of Review.**

Each unit trial court administrator, in consultation with the presiding judge of each judicial district in the administrative unit, shall establish a process of case assignment and review of guardianships established under chapters 27-20 and 30.1-27 in existence on August 1, 2019, in each judicial district. The process must consider judicial workload,

20 availability of judges, hearing schedules, the age of the minor guardianship cases, and other  
21 relevant factors to ensure the orderly review of existing minor guardianships. The  
22 following elements must be included in the review process:

23 A. Reviews of minor guardianships established under chapters 27-20 and 30.1-27 in  
24 existence on August 1, 2019, must be completed in three years.

25 B. At least one-third of existing guardianships must be reviewed each year.

26 C. Reviews must begin with the earliest established guardianships and proceed to review  
27 of later established guardianships.

28 **Section 4. Review Result.**

29 Following review of each guardianship, the court shall determine whether the existing  
30 guardianship shall be continued, a new guardian appointed, or the guardianship terminated.

31 An expiration date will be included in each guardianship reviewed.

32 **Section 5. Effective Date.**

33 This order is effective \_\_\_\_\_.

34 **COMMENT**

35 Under this order, the review process remains in effect until August 1, 2022.

36 The State Court Administrator shall annually provide a summary of the disposition of cases  
37 reviewed under this process.

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39 **EXPLANATORY NOTE**

40 Order 34 was adopted, effective \_\_\_\_\_.

41 Sources: Guardianship Standards Workgroup Minutes of November 2, 2020.

42 STATUTES AFFECTED:

43 CONSIDERED: N.D.C.C. § 27-20.1-17.

44 CROSS REFERENCE:

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