

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

**ORDER OF ADOPTION**

Supreme Court No. 20210173

**Proposed Adoption of a North Dakota Rule of Court Regarding  
Limited Professional Guardian Practice**

[¶1] On May 28, 2021, the Guardianship Standards Workgroup submitted a proposal to adopt a new Rule of Court regarding limited professional guardian practice. The proposal is available at <https://www.ndcourts.gov/supreme-court/dockets/20210173>. 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 comments on the proposal. The Court considered the matter, and

[¶2] IT IS HEREBY ORDERED, that the proposed rule is ADOPTED as North Dakota Rule of Court 11.8 effective immediately.

[¶3] The Supreme Court of the State of North Dakota convened this 11th day of August, 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

1 PROPOSED RULE OF COURT

2 RULE \_\_ LIMITED PROFESSIONAL GUARDIAN PRACTICE

3 (a) **Purpose.** The purpose of this rule is to authorize professional guardians of  
4 incapacitated adults acting as nonlawyer agents of a professional guardianship entity to  
5 prepare and file legal documents in specified uncontested legal proceedings. A  
6 professional guardian is defined by N.D. Sup. Ct. Admin. R. 59.

7 (b) **Scope of practice authorized.** A nonlawyer agent of a professional guardian legal entity  
8 who prepares and files legal documents or appears on behalf of the professional  
9 guardian legal entity in the following legal proceedings is not engaged in the  
10 unauthorized practice of law:

- 11 (1) Submission of beginning inventory reports, annual reports, final reports, and other  
12 routine reports required by statute or rule;
- 13 (2) Request for a change of venue to another state district court in North Dakota;
- 14 (3) Termination of guardianship due to death of Ward; or
- 15 (4) Discharge of guardian and appointment of a successor professional guardian  
16 legal entity.

17 A nonlawyer agent of a professional guardian legal entity may only prepare and file legal  
18 documents for cases in which the professional guardian legal entity has been appointed.

19 (c) **Contested proceedings.** If a proceeding identified in subdivision (b) becomes contested,  
20 the nonlawyer agent of a professional guardian legal entity must engage an attorney to  
21 file any further documents and no longer may appear on behalf of the professional  
22 guardian legal entity.

**EXPLANATORY NOTE**

This rule was adopted effective \_\_\_\_\_.

Sources: Guardianship Standards Workgroup Minutes of November 2, 2020, December 7, 2020, January 4, 2021, and February 9, 2021.