

STATE OF NORTH DAKOTA  
COUNTY OF \_\_\_\_\_

IN DISTRICT COURT  
\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_  
**AN INCAPACITATED INDIVIDUAL**

Case No. \_\_\_\_\_

**FINDINGS OF FACT AND ORDER ACCEPTING GUARDIAN'S RESIGNATION AND APPOINTING  
SUCCESSOR GUARDIAN**

Name of Ward: \_\_\_\_\_ Age: \_\_\_\_\_

Ward's Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

1. \_\_\_\_\_, the current guardian of the above-named Ward, filed a motion requesting that the Court terminate their appointment as Guardian and appoint \_\_\_\_\_ as Successor Guardian.

2. Following the hearing, the Court makes the following findings of fact:

**FINDINGS OF FACT**

3. Notice has been provided as required by law.

4. The above-named Ward is still in need of a guardian.

5. The current Guardian, \_\_\_\_\_, is unable to continue to serve as guardian.

6. Appointment of a Successor Guardian is necessary and desirable as the best means of providing care, supervision, and habilitation of the Ward.

7. \_\_\_\_\_ has been nominated to serve as Successor Guardian and is willing, able, and qualified to serve as guardian.

8. No objection has been filed to the nominated successor Guardian's Appointment.

**ORDER**

**IT IS ORDERED, ADJUDGED AND DECREED** that:

9. \_\_\_\_\_ is hereby appointed as Successor Guardian for the person and estate of \_\_\_\_\_, an incapacitated person. Letters of Guardianship shall issue to the Successor Guardian. **The Letters are effective immediately and expire** \_\_\_\_\_.

10. The appointment of \_\_\_\_\_ as a Guardian is hereby terminated, and they are discharged from their duties and responsibilities.

11. \_\_\_\_\_ shall provide a final report and inventory within 60 days of entry of this Order, and upon approval of the final accounting, they are released from the bond they were required to furnish.

12. The powers and duties conferred upon the Successor Guardian are appropriate as the least restrictive form of intervention consistent with the ability of the Ward for self-care are as follows:

<u>Full</u>	<u>Limited</u>	<u>None</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Place of residence
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Education and training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Medical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Access to and control and disposition of safety deposit box and contents

**This degree of authority granted and limited above is as follows:**

- No limitations beyond those listed in Chapter 30.1-28 of the North Dakota Century Code.
- Other limitations (*if "Limited" is selected above, specify the area and limitations.*):

13. The Successor Guardian shall involve the Ward to the fullest degree possible.

14. The Successor Guardian shall not place the Ward in a mental health facility or state institution for more than forty-five days.

15. The Ward retains the legal right to:

- Vote
- Seek to change marital status
- Obtain or retain a motor vehicle operator's license
- Use, own, control, or possess a firearm

16. The Successor Guardian shall involve the Ward as much as possible, when making decisions about living arrangements, healthcare, and all other care.

17. The Successor Guardian shall allow the Ward as much freedom as possible using the least intervention possible and by intervening only when necessary for the safety of the Ward or of other people.

18. The Successor Guardian may receive reasonable compensation from the ward's estate if the compensation will not unreasonably jeopardize the ward's well-being. The Court must approve compensation and reimbursement before payment to the Successor Guardian is made.

19. The Successor Guardian may not use funds from the Ward's estate for room and board which the guardian/co-guardian or the guardian's/co-guardian's spouse, parent, or child have furnished the Ward unless a charge for the service is approved by order of the court made upon notice to at least one of the next of kin of the Ward, if notice is possible.

20. The Successor Guardian shall provide a beginning inventory of all assets owned by the Ward or in which the Ward has an interest within 90 days of entry of this Order appointing the Successor Guardian. A copy of the beginning inventory must be provided to the Ward, any interested persons designated in the Order appointing the original guardian, and any other persons interested in this guardianship.

21. The Successor Guardian shall provide to the Court an annual report describing the status and condition of the Ward. Such reports shall be written and shall contain a summary of any changes within the past year. A copy of the annual report must be provided to the Ward, any interested persons designated in the Order appointing the current Guardian, and any other persons interested in this guardianship. The Ward's copy must be accompanied by a statement, not less than double-spaced twelve-point type, of the Ward's right to seek alteration, limitation, or termination of the guardianship at any time. **The annual report shall commence on \_\_\_\_\_ and continue on a yearly basis thereafter.**

22. **This Order takes effect immediately and expires \_\_\_\_\_.**

23. The following interested persons shall receive information regarding this guardianship, including copies of annual reports and other notices or information required by Chapter 30.1-28 of the North Dakota Century Code to be given to interested persons:

24. Unless the Ward is represented by counsel, the Successor Guardian must meet with the Ward and explain to the fullest extent possible the contents of this Order and the extent of the Successor Guardian's authority.

25. The Ward  has been  has not been adjudicated as a mental defective and the federal firearms restrictions under 18 U.S.C. §922(d)(4)(g)(4)  do  do not apply.

**IF THE FEDERAL FIREARMS RESTRICTIONS APPLY, the Ward is given NOTICE that the Ward is prohibited by federal law [18 U.S.C. §922(d)(4) and (g)(4)] from possessing or receiving any firearm or ammunition or selling or disposing of any firearm or ammunition to a person the Ward knows or has reasonable cause to know the person had been found to be a mental defective or has been committed to a mental institution. The Ward is prohibited by North Dakota law [N.D.C.C. §62.1-02-01(1)(c)] from purchasing a firearm or having a firearm in possession or under control.**

If co-guardians, add this:

26. The signature of one co-guardian/co-conservator  is  is not sufficient to authorize any matter.

**NOTICE TO WARD:**

**YOU ARE HEREBY GIVEN NOTICE OF YOUR RIGHT TO REVIEW OF A JUDICIAL REFEREE'S FINDINGS AND ORDER BY A DISTRICT COURT JUDGE. TO REQUEST A REVIEW, YOU MUST FILE A WRITTEN REQUEST STATING THE REASONS FOR THE REVIEW WITHIN SEVEN (7) DAYS AFTER SERVICE OF THIS NOTICE.**

**YOU ARE HEREBY GIVEN NOTICE OF YOUR RIGHT TO APPEAL THIS ORDER APPOINTING A GUARDIAN OR LIMITED GUARDIAN FOR YOUR PERSON TO THE NORTH DAKOTA SUPREME COURT, WITHIN 60 DAYS FROM THE DATE OF SERVICE OF THIS ORDER UPON YOU AND YOUR GUARDIAN AD LITEM AND OF YOUR RIGHT TO SEEK ALTERATION OR TERMINATION OF THIS GUARDIANSHIP AT ANY TIME.**

BY THE COURT:

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Judge of the District Court  
Judicial Referee of the District Court