

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP OF

AN INCAPACITATED INDIVIDUAL

Case No. _____

ORDER – EMERGENCY GUARDIANSHIP – EX PARTE APPOINTMENT

1. This matter came before the Court pursuant to North Dakota Century Code Section 30.1-28-10.1 and to consider a Petition for Ex-Parte Appointment of an Emergency Guardian – Pending Hearing brought by the petitioner, _____, _____, North Dakota.

2. Based upon the petition and supporting information presented to the court for emergency guardianship:

- a. (i) the Court finds that the alleged incapacitated individual has no current guardian, (ii) that an emergency exists, and (iii) that substantial harm to the alleged incapacitated individual’s health, safety, or welfare will likely occur before a hearing on the appointment can be held.

Therefore, the Court (i) appoints _____ as emergency guardian, (ii) the Court appoints _____ as guardian ad litem to advocate for the best interests of the alleged incapacitated individual, (iii) the alleged incapacitated individual and the individual’s spouse, if any, must be notified within 48 hours, and (iv) a hearing shall be held within ten (10) days.

The emergency guardian has the following authority and responsibilities:

<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"/>	Education and/or training
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal matters
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vocation
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Financial matters
<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.

If the emergency guardian has authority for financial decisionmaking under this Order and a conservator for the alleged incapacitated individual has not been appointed, the emergency guardian must safeguard any assets held by the alleged incapacitated individual and during the period of appointment and subject to any further Order of this Court may only expend the individual's assets for the necessary support and care of the individual.

Letters of Emergency Guardianship shall be issued in accordance with this Order.

OR

- b. (i) the Court finds that the alleged incapacitated individual has no current guardian, (ii) alleged incapacitated individual will not be substantially harmed before a hearing on the appointment can be held.

Therefore, the Court (i) appoints _____ as guardian ad litem to advocate for the best interests of the alleged incapacitated

individual, (ii) a hearing shall be scheduled within a reasonable time to determine whether an emergency guardian should be appointed, and (iii) notice of the time and place of hearing shall be prepared by Petitioner or Petitioner’s counsel.

3. YOU ARE HEREBY GIVEN NOTICE OF YOUR RIGHT TO A 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.

Dated _____.

BY THE COURT:

Judge of the District Court
Judicial Referee of the District Court