

How to Request a Guardian Ad Litem in a Guardianship Action

FIRST, ANSWER THESE QUESTIONS:

- 1. Did a North Dakota court appoint a guardian for you?**
- 2. Did your guardian ask the court in writing to transfer the North Dakota guardianship to a different state?**
- 3. Do you want a Guardian Ad Litem (lawyer) to be appointed by the court who will support your best interests?**

If you said YES to these questions, this information will help you understand how to ask the North Dakota district court to appoint a Guardian Ad Litem for you.

STEPS FOR REQUESTING A GUARDIAN AD LITEM

Since a North Dakota state district court appointed your guardian, only the North Dakota state district court can make changes to your guardianship.

There has been a written request by your guardian to transfer the guardianship case from North Dakota to another state. The written request is called a petition.

You have the right to ask the North Dakota State District Court to appoint a Guardian Ad Litem to recommend to the court what is best for you.

A Guardian Ad Litem is a lawyer appointed by a North Dakota District Court to recommend (suggest) to the Court what is best for you. What you want and what is best for you may not be the same thing. The Guardian Ad Litem can only recommend what is best for you.

If a Guardian Ad Litem is appointed for you by the court, the Guardian Ad Litem will meet with you, listen to your wishes and concerns, talk to other people in your case, and make a recommendation (suggestion) to the court about what is best for you.

Once you receive the request in writing asking to transfer the guardianship from North Dakota to another state and you feel you need someone to represent your best interests, you should send the written request to appoint a Guardian Ad Litem to the North Dakota State District Court. **You only have 14 days from the time you received the written request to do this!**

The Court will decide if a Guardian Ad Litem should be appointed for you before a decision can be made on the motion to transfer the case out of North Dakota.

Step One – Write Your Request for Appointment of a Guardian Ad Litem

When your guardian makes a written request to the North Dakota State District Court to transfer your guardianship to a different state, you may request the court appoint a Guardian Ad Litem to recommend (suggest) to the court what is best for you.

Write your request for a Guardian Ad Litem soon!

You only have 14 days from the day you got copies of your guardian’s request!

If you don’t know which North Dakota state district court is in charge of your guardianship, look on the first page of the request documents your guardian gave you.

The name of the district court and your case number are on the top of the first page.

You can hand-write or type your answer.

If you hand-write your answer, make sure you write your words neatly, so your words are easy to read.

Use a pen that has blue or black ink. Do not use a pencil.

You may use the form at the end of these instructions to write your request.

- **Caption:** Fill in the top part (caption). (You can get this information by looking at the top of the guardian's request documents):
 - Type or write the county;
 - Type or write the judicial district;
 - Type or write your name as it is on the guardian's request papers;
 - Type or write the case number.
- **Paragraph number 1:** Type or write your first and last name.
- **Paragraph number 4:** Type or write the reasons why you feel the district court should appoint a Guardian Ad Litem for you.
 - Explain any concerns you have or why you feel you need a Guardian Ad Litem to talk to you and recommend what is in your best interests.
 - If you do not have enough room, add another sheet of paper.
- **Type or write the date you sign your request.**
- **Signature block:**
 - Sign your full name;
 - Type or write your full name;
 - Type or write your address;
 - Type or write the city, state, and zip code;
 - Type or write your phone number. (If you do not have a phone number, leave the line blank);
 - Type or print your email address. (If you do not have an email address, leave the line blank.)

Step Two – Make a Copy of Your Request; Keep for Your Records

Make a copy of your request, or have someone you trust make a copy for you.

Step Three – Take or Mail Your Request to the North Dakota District Court

You may take your request in-person to the North Dakota State District Court that is in charge of your guardianship.

Or, you may have someone you trust take your request in-person.

If you or someone you trust can't get to the court in-person, you may mail your request.

Here are some ways to find the phone number and address for a North Dakota state district court:

- Go to www.ndcourts.gov/court-locations and click on the name of the County.
- Look for the name of the County in the phone book.
- Go to a public library near you and ask how to find the phone number and address.

Step Four – Follow the Instructions from the North Dakota District Court

Wait one week, if you don't get something in the mail from the North Dakota State District Court, call and ask about your request.

After you send your request to the North Dakota State District Court, you will get information in the mail about your request.

The information you get in the mail from the North Dakota State District Court will tell you if you need to do anything else.

If the North Dakota State District Court decides to appoint a Guardian Ad Litem for you, the information you get in the mail will tell you who was appointed your Guardian Ad Litem and how to contact them.

If the North Dakota State District Court doesn't appoint a Guardian Ad Litem for you, you'll be notified in the mail. If the North Dakota State District Court doesn't appoint a guardian ad litem for you, you can choose to hire a lawyer to represent your wishes. Please know that you do NOT need an attorney.

HOW TO FIND A LAWYER

You don't have to hire a lawyer, but you can choose to hire a lawyer to represent you.

Here are some ways to look for a lawyer:

Legal Services of North Dakota may be able to be your lawyer for free.

- First, you will need to fill out their application to see if you qualify.
- The phone number is (800) 634-5263 and the website is www.legalassist.org.

The State Bar Association provides a lawyer referral service.

- The lawyer referral service matches paying clients with lawyers.
- The phone number is (866) 450-9579 and the website is www.sband.org.

The North Dakota Supreme Court website has a list of lawyers in North Dakota.

- Go to www.ndcourts.gov/Lawyers.

THE NORTH DAKOTA LEGAL SELF HELP CENTER

The North Dakota Legal Self Help Center can give information about the North Dakota state court system to people who don't have lawyers.

The North Dakota Legal Self Help Center can't be your lawyer or give you any advice.

- The phone number is (701) 328-1852 and the website is www.ndcourts.gov/legal-self-help.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

IN THE MATTER OF THE GUARDIANSHIP/CONSERVATORSHIP OF

_____,
AN INCAPACITATED INDIVIDUAL/PROTECTED PERSON

Case No. _____

REQUEST FOR APPOINTMENT OF GUARDIAN AD LITEM BY WARD OR PROTECTED PERSON

1. My name is _____ and I am the ward/protected person.
2. My guardian/conservator petitioned the court to transfer the guardianship/conservatorship to another state.
3. I ask this court to appoint a Guardian ad Litem to advocate for my best interests.
4. The court should appoint a Guardian ad Litem for me because:

(If you need more room to explain, attach additional sheets of paper.)

Dated _____, 20_____.

Signature of Ward/Protected Person

Printed Name of Ward/Protected Person

Address

City, State, Zip Code

Telephone Number

Email Address