

Frequently Asked Questions About Guardianship Review Hearings

What is a Guardianship Review Hearing?

When a North Dakota state district court judge or judicial referee appoints a guardian for an adult, the guardianship must be periodically reviewed by the judge or judicial referee to decide if the guardianship should:

1. Continue with the current guardian(s);
2. Continue with a different guardian or guardians; or
3. End (terminate).

How Often is a Guardianship Review Hearing Held?

Guardianship orders can last no more than 5 years without a review hearing. Review hearings must be held no later than 5 years from the order appointing a guardian.

How Will I Know When the Guardianship Review Hearing Will be Held?

At least 90 days before the order appointing a guardian expires, the District Court mails the notice of the review hearing with the date, time and location.

If you're the guardian, you'll likely receive an "Information Related to Continuation of Guardianship" form to fill out and return to the court as soon as possible. The notice of the review hearing should have the deadline to return the form.

Contact the [Clerk of Court](#) if you don't know the deadline to return the form.

What if it's Difficult to Attend the Hearing In-Person at the Courthouse?

You can make a written request to ask for any of the following:

- To hold the hearing electronically, instead of in-person at the courthouse.
- To allow you, the adult subject to guardianship, or others to attend electronically.
- To hold the in-person hearing at a different location, instead of the courthouse.
- To allow the adult subject to guardianship to not attend the hearing at all.

Go to [Requests Related to Attending Guardianship Hearings](#) for request forms.

What Happens at the Guardianship Review Hearing?

The guardian(s), the adult subject to the guardianship, and other interested people tell the District Court judge or judicial referee why they believe the guardianship should or should not continue.

If you have any documents you didn't write that you want the judge or judicial referee to consider, you must have the person who wrote the document at the hearing.

If you want the judge or judicial referee to hear what someone else has to say about the guardianship, that person must be at the hearing. You can't tell the judge or the judicial referee what that person said or has to say.

After the hearing, the judge or judicial referee will decide if the guardianship should:

- 1) Continue with the current guardian(s);
- 2) Continue with different guardian(s); or
- 3) End (terminate).

Can I Ask for Modifications to the Guardianship at the Review Hearing?

Yes, the review hearing is also your chance to tell the judge or judicial referee about changes you believe would benefit the adult subject to the guardianship.

The judge or judicial referee may order modifications during the review hearing, or may require you to ask for modifications by making a formal, written motion.

If you're required to make a formal, written motion to ask for modifications, go to ndcourts.gov/legal-self-help/adult-guardianship. There may be a form set available.

If you don't find a form set for your request, [contact a lawyer](#) for help.

Is the Guardian Still Required to File and Serve an Annual Report?

Yes. The annual report requirement is separate from the review hearing requirements. Each guardian is required to prepare, serve and file an annual report by the due date in the most recent order appointing a guardian.

If a guardian isn't up to date on their annual report requirement, they should be prepared to explain why at the review hearing.