

## Instructions for Motion to Add a Co-Guardian

### Important! Read Before Using These Forms and Instructions!

ND Legal Self Help Center staff and court employees **can't** help you fill out forms. If you're unsure if these forms and instructions suit your circumstances, consult a lawyer.

ND Legal Self Help Center forms **aren't** official court forms and judges and courts **aren't** required to accept them. There's no guarantee Center forms will be accepted.

If you need legal advice or legal representation, consult a lawyer licensed to practice in North Dakota. Go to [ndcourts.gov/legal-self-help/finding-a-lawyer](https://ndcourts.gov/legal-self-help/finding-a-lawyer) for information about finding a lawyer to represent you.

When you represent yourself, you're expected to know and follow the law, including:

- State or federal laws that apply to your case;
- Case law, also called court opinions, that applies to your case; and
- Court rules that apply to your case, which may include:
  - North Dakota Rules of Civil Procedure;
  - North Dakota Rules of Court;
  - North Dakota Rules of Evidence;
  - North Dakota Administrative Rules and Orders; and
  - Any local court rules.

Links to the state laws, case law, and court rules can be found at [ndcourts.gov](https://ndcourts.gov).

A glossary of definitions of legal terms is available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help).

When you represent yourself, you're held to the same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

*These instructions and forms **aren't** a complete statement of the law. They cover the basic procedure for asking a North Dakota state district court to add a Co-Guardian to an existing guardianship of an adult. There's no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center. The Center isn't responsible for any consequences that may result from the forms or information provided.*

***Use at your own risk.***

## Purpose

These forms may be used by a current Guardian to ask the North Dakota State District Court to add a Co-Guardian to the existing guardianship of an adult.

If the District Court approves the request, the current Guardian and the new Co-Guardian both act as guardian for the Ward.

[North Dakota Century Code Chapter 30.1-28](#) gives the requirements and procedures related to District Court proceedings for guardianship of an adult.

If you're a Guardian representing yourself, you complete and sign the forms. If you're unsure how to proceed or unsure if these forms are suitable for your situation, consult an attorney.

## The Nominated Co-Guardian MUST Complete the Guardian Qualification and Training Requirements

**Before** completing the forms packet, the person nominated to be appointed Co-Guardian MUST complete the [Rule 59 of the North Dakota Supreme Court Administrative Rules](#) guardian qualification and training requirements.

The person nominated to be appointed Co-Guardian should review Rule 59 carefully!

The North Dakota Guardianship Training Course and affidavit forms for the nominated Co-Guardian are available at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help). Scroll to the "Guardians and Conservators" section and click on the "Guardianships of Adults" section.

The affidavit forms and the training course is in the "Guardian Responsibilities, Qualifications and Training Requirements, and Payment Information" section.

For the cost and process of obtaining a North Dakota criminal history record report, contact the Bureau of Criminal Investigation Division of the North Dakota Attorney General.

[attorneygeneral.nd.gov/public-safety/criminal-history-records](https://attorneygeneral.nd.gov/public-safety/criminal-history-records))

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## Forms

The forms in the Motion for Appointment of Co-Guardian packet are:

- Form 1. Notice of Motion for Appointment of Co-Guardian;
- Form 2. Motion for Appointment of Co-Guardian;
- Form 3. Brief in Support of Motion for Appointment of Co-Guardian;
- Form 4. Declaration in Support of Motion for Appointment of Co-Guardian;
- Form 5. Nominee Statement;
- Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed);
- Form 7. Letters of Guardianship (Proposed);
- Form 8. Declaration of Service by Mail; and
- Form 9. Declaration of Service by Hand Delivery.

### Form 1: Notice of Motion for Appointment of Co-Guardian

- **Top of Form (Caption)**
  - Enter the county and district court names.
  - Fill in legal name of the ward.
  - Enter the case number from your Letters of Guardianship.
- **Date and Signature**
  - Date and sign the form.
  - Complete the lines following the signature line.

### Form 2: Motion for Appointment of Co-Guardian

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for Form 1: Notice of Motion.
- **Complete Paragraphs 1 through 3 of the Form**
- **Date and Signature**
  - Date and sign the form.
  - Complete the lines following the signature line.

### **Form 3. Brief in Support of Motion for Appointment of Co-Guardian**

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for Form 1: Notice of Motion.
- **Complete Paragraphs 1 through 10 of the Form**
- **Date and Signature**
  - Date and sign the form.
  - Complete the lines following the signature line.

### **Form 4. Declaration in Support of Motion for Appointment of Co-Guardian**

- **Top of Form (Caption)**
  - Fill in the Caption exactly as you filled in the Caption for Form 1: Notice of Motion.
- **Complete Paragraphs 1 through 10 of the Form**
- **Date and sign the Declaration**
  - **By signing this Declaration, you are declaring everything you stated in this Declaration is true and correct.**
  - Indicate the county, state, and country where you signed the declaration.
  - Print the date you signed the declaration;
  - Sign the declaration;
  - Print your name, address, telephone number, and email address.

### **Form 5. Nominee Statement – Completed by the Person Nominated as Co-Guardian**

- **Top of Form (Caption)**
  - The nominated Co-Guardian fills in the Caption exactly as the Caption for Form 1: Notice of Motion is filled in.
- **The Nominated Co-Guardian Completes Paragraphs 1 through 10 of the Form**
- **The Nominated Co-Guardian Dates and Sign this form.**

- **By signing this Statement, the Nominated Co-Guardian is declaring everything they stated in this Statement is true and correct.**
- The Nominated Co-Guardian:
  - Indicates the county, state, and country where they signed the Statement.
  - Prints the date they signed the Statement;
  - Signs the Statement;
  - Prints their name, address, telephone number, and email address

#### **Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed)**

- **Top of Form (Caption)**
  - Fills in the Caption exactly as the Caption for Form 1: Notice of Motion is filled in.
- **Ward Information – Before Paragraph 1**
  - Fill in the Ward’s name, age and address.
- **Leave the Rest of the Form Blank**
  - If the judicial officer appoints the Co-Guardian and uses this form as the judicial officer’s Findings of Fact and Order, the judicial officer will complete and sign the form.

#### **Form 7. Letters of Guardianship (Proposed)**

- **Top of Form (Caption)**
  - Fills in the Caption exactly as the Caption for Form 1: Notice of Motion is filled in.
- **Ward Information – Before the Co-Guardians’ Signatures**
  - Fill in the Ward’s name and address.
- **Leave the Rest of the Form Blank**
  - If the judicial officer appoints the Co-Guardian and uses this form as the judicial officer’s Letters of Guardianship, the judicial officer will complete and sign the form.

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## Arrange to Serve the Completed Motion for Appointment of Co-Guardian Forms

The ward and all interested persons designated in the order appointing you as Guardian must receive a copy of each of the following completed forms and any supporting documents you plan to file:

- Form 1. Notice of Motion for Appointment of Co-Guardian;
- Form 2. Motion for Appointment of Co-Guardian;
- Form 3. Brief in Support of Motion for Appointment of Co-Guardian;
- Form 4. Declaration in Support of Motion for Appointment of Co-Guardian;
- Form 5. Nominee Statement;
- Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed); and
- Form 7. Letters of Guardianship (Proposed).

Copies may be mailed by first class, postage prepaid, **or** hand-delivered.

Before the court can act on your motion for appointment of Co-Guardian, you must provide proof that copies of the completed documents were mailed or hand-delivered to the ward and all interested persons.

A declaration of service gives the court proof that copies were provided.

Two declaration of service forms are included in this forms packet.

Form 8: Declaration of Service by Mail; and

Form 9: Declaration of Personal Service.

If you arrange to have the copies served by mail, the individual who takes the envelopes to the United States Post Office and pays the first-class postage completes **Form 8: Declaration of Service by Mail**.

If you arrange to have the copies served hand-delivered, the individual who hand-delivers the copies completes **Form 9: Declaration of Personal Service**.

For more information about service of documents and blank affidavit of service forms, go to [ndcourts.gov/legal-self-help/service-in-a-civil-action](https://ndcourts.gov/legal-self-help/service-in-a-civil-action). Review the information and forms in the “Service After a Civil Action Has Started” section.

## File the Original, Completed Forms with the Clerk of Court that Currently has Jurisdiction of the Guardianship

File the original, completed motion for appointment of Co-Guardian forms, any supporting documentation, and the declaration(s) of service with the clerk of court of the North Dakota State District Court that currently has jurisdiction of the guardianship.

- Form 1. Notice of Motion for Appointment of Co-Guardian;
- Form 2. Motion for Appointment of Co-Guardian;
- Form 3. Brief in Support of Motion for Appointment of Co-Guardian;
- Form 4. Declaration in Support of Motion for Appointment of Co-Guardian;
- Form 5. Nominee Statement;
- Form 6. Findings of Fact and Order Appointing Co-Guardian (Proposed);
- Form 7. Letters of Guardianship (Proposed);
- Form 8: Declaration of Service by Mail (*if you arranged for service by mail*);
- Form 9: Declaration of Personal Service (*if you arranged for hand-delivery*).

**You may be required to pay a filing fee of \$30.00.** Contact the Clerk of Court for the amount, if any.

### After the Original, Completed Forms are Filed

The people who received copies of the completed forms have 14 days to serve and file a response or objection to your request to appoint a Co-Guardian.

You'll be notified if a hearing on your request is scheduled, or if the court requires you to do something before the court will make a decision.

## Requirements After the Court Appointment of a Co-Guardian

### Letters of Guardianship:

If the judge or judicial referee appoints a co-guardian, they issue findings of fact and an order and letters of guardianship. To accept the duties of co-guardian, both co-guardian must sign the letters of guardianship.

You, the petitioner, may be required to serve a copy of the order to all persons given notice under [N.D.C.C. § 30.1-28-09](#).

You, the petitioner, must mail copies of the signed letters of guardianship to the ward and the ward's attorney, if any.

See Step 6 for service and proof of service.

### **Co-Guardians' Annual Report:**

The co-guardians must file an annual report with the court. The requirements of the report are found in [N.D.C.C. § 30.1-28-12](#).

The co-guardians must provide a copy of the report to the ward and any interested persons designated by the judge or judicial referee in the order appointing the guardian. The copy of the report provided to the ward must include a statement of the ward's right to seek alteration, limitation, or termination of the guardianship at any time.

A form set for the annual report is available at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship). Scroll to the "After Adult Guardianships are Established" section.

### **Payment of Room and Board from Ward's Funds Not Allowed in Certain Circumstances:**

Funds from the ward's estate can't be used to pay for the ward's room and board when room and board is being furnished by the guardian/co-guardian, or the guardian's/co-guardian's spouse, parent or child.

A court order is required to allow funds from the ward's estate to be used for room and board in these instances. (See [N.D.C.C. § 30.1-28-12\(7\)](#).)

Forms to make a request to the North Dakota State District Court to allow payment of room and board from the ward's funds are available on the webpage under "After Adult Guardianships are Established". Click on the following link: [Notice and Motion to Allow Payment of Room and Board](#).

### **[Payment for Guardianship Services](#)**

Funds from the ward's estate may be used to pay guardian's/co-guardian's fees.

A court order is required to allow funds from the ward's estate to be used for payment of guardian's/co-guardian's fees. (See [N.D.C.C. 30.1-28-03\(14\)](#)). The judge or judicial referee assigned to the guardianship case decides what is a guardian service, and if your fee approval request won't unreasonably jeopardize the Ward's well-being and estate.



Forms are available on the webpage under “After Adult Guardianships are Established”. Click on the following link: [Notice and Motion to Approve Payment of Guardian’s Fees](#).

**The responsibilities of the Guardian terminate upon the death of the Ward or upon order of the court. The court may terminate the Guardianship if the Ward no longer meets the standard for establishing the Guardianship.**

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**NOTICE OF MOTION FOR APPOINTMENT OF CO-GUARDIAN**

1. The following Motion for Appointment of Co-Guardian(s) is brought in accordance with Rule 3.2, North Dakota Rules of Court. The court will decide whether a Co-Guardian should be appointed for you based on the documents filed with the court.
2. You may request that a hearing be held to decide whether a Co-Guardian should be appointed for you. If it is in your best interests, the hearing may be held some place other than the courthouse.
3. A Motion, Brief in Support of Motion, Declaration in Support of Motion, and Nominee Statement are attached that explain why your Guardian is asking to have a Co-Guardian appointed for you.
4. You have 14 days after you are served this Motion within which to serve and file a written response or objection to the Court. You may request a hearing on the Motion in your written response or objection. Upon the filing of an answer, or upon expiration of the time for filing, the Motion is deemed submitted to the Court.
5. If a hearing is held, you **MUST** attend the hearing unless excused by the court.
6. You may hire an attorney to represent you and present your point of view about whether a Co-Guardian should be appointed for you.

7. Other people who are interested parties have a right to respond or object to the motion to appoint a Co-Guardian for you. Interested parties may hire an attorney to represent them at the hearing.
8. You, the Guardian who filed this motion, and others who are permitted to participate in the hearing have the right to present evidence and to call and ask questions of witnesses.
9. A Judicial Referee may decide whether you are in need of a Co-Guardian. You have the right to have your case decided by a Judge of the District Court, instead of a Judicial Referee. If you want a Judge of the District Court to decide whether you are in need of a Co-Guardian, you must file a written request with the Clerk of this Court within 7 days after receiving this Notice of Motion.
10. If the Court finds that you are in need of a Co-Guardian, the Court will consider whether the person proposed to be your Co-Guardian should be appointed. The Court will also consider whether some other qualified person should be appointed as your Co-Guardian. The Court will also determine whether there should be any limits on the powers and duties of the Co-Guardian.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Guardian Signature

\_\_\_\_\_  
Guardian Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**MOTION FOR APPOINTMENT OF CO-GUARDIAN**

1. \_\_\_\_\_ (*name of Guardian*),  
the Guardian of the above-named Ward, makes this motion for appointment of a Co-Guardian  
in accordance with Chapter 30.1-28 of the North Dakota Century Code and Rule 3.2 of the  
North Dakota Rules of Court.

2. The Guardian respectfully requests that the Court enter an order appointing  
\_\_\_\_\_ (*name of proposed Co-Guardian*)  
as Co-Guardian of the Ward to serve with the Guardian.

3. This motion is based on the brief, declaration, and nominee statement in support of this  
motion, which are served and filed with the motion.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Guardian Signature

\_\_\_\_\_  
Guardian Printed Name

\_\_\_\_\_  
Address City, State, Zip Code

\_\_\_\_\_  
Telephone Number Email Address

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**BRIEF IN SUPPORT OF MOTION FOR APPOINTMENT OF CO-GUARDIAN**

1. As required by Rule 3.2 of the North Dakota Rules of Court, \_\_\_\_\_  
\_\_\_\_\_ (*name of Guardian*), the Guardian of the above-named Ward,  
submits this Brief in Support of Motion for Appointment of Co-Guardian.

**FACTS**

2. The facts are stated in the Declaration in Support of Motion for Appointment of Co-Guardian and the Nominee Statement, which are filed with the Motion for Appointment of Co-Guardian and incorporated by reference.

**LAW AND ARGUMENT**

3. Chapter 30.1-28 of the North Dakota Century Code allows the District Court to appoint a guardian, or guardians, for an adult when Court finds the adult is incapacitated.

4. The North Dakota \_\_\_\_\_ County District Court found the  
Ward to be incapacitated and appointed \_\_\_\_\_  
(*name of Guardian*) on \_\_\_\_\_ (*date*).

5. The Guardian is requesting the Court appoint \_\_\_\_\_  
(*name of proposed Co-Guardian*) as Co-Guardian of the Ward to serve with the Guardian.

6. Section 30.1-28-11 of the North Dakota Century Code states that “any competent person or a designated person from a suitable institution, agency, or nonprofit group home may be appointed guardian of an incapacitated person.”

7. As stated in the Declaration in Support of Motion for Appointment of Co-Guardian and the Nominee Statement, the proposed Co-Guardian meets the requirements of Section 30.1-28-11 and is willing and able to serve as Co-Guardian.

8. The proposed Co-Guardian meets the requirements under Rule 59 of the North Dakota Supreme Court Administrative Rules and has submitted all required filings to the Court.

9. The Guardian requests the proposed Co-Guardian have the degree of authority indicated:

<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.

10. The Guardian respectfully requests that the Court enter an Order appointing \_\_\_\_\_ (*name of proposed Co-Guardian*) as Co-Guardian of the Ward to serve with the Guardian.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Guardian Signature

\_\_\_\_\_  
Guardian Printed Name

\_\_\_\_\_  
Address City, State, Zip Code

\_\_\_\_\_  
Telephone Number Email Address

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF \_\_\_\_\_.**

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

**DECLARATION IN SUPPORT OF MOTION FOR APPOINTMENT OF CO-GUARDIAN**

1. My name is \_\_\_\_\_.

2. My address is \_\_\_\_\_  
\_\_\_\_\_.

3. On \_\_\_\_\_ (date), I was appointed the Guardian for the Ward.

4. The Ward is \_\_\_\_\_ years old and their current address is \_\_\_\_\_  
\_\_\_\_\_.

5. The approximate value of the real and personal property and income of the Ward is listed in the most recent annual report I filed with the Court on \_\_\_\_\_  
(date of most recently filed guardianship annual report).

6. It is my desire to seek appointment of a Co-Guardian for the above-named ward.

7. I hereby nominate \_\_\_\_\_ (name  
of proposed Co-Guardian) to serve as Co-Guardian with me.

8. My relationship with the person nominated is \_\_\_\_\_  
\_\_\_\_\_.

9. As stated in the Nominee Statement, the person nominated is competent, willing and able to serve as Co-Guardian. The Nominee Statement of the person nominated to serve as Co-Guardian is filed with this motion and incorporated by reference.

10. I will continue to serve as Guardian for the above-named Ward. I request that the proposed Co-Guardian be appointed to serve as Guardian with me for the following reasons:

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11. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Affidavit is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ County, \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
Guardian Signature

\_\_\_\_\_  
Guardian Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_



STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_

JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**NOMINEE STATEMENT**

1. My name is \_\_\_\_\_.

2. My address is \_\_\_\_\_

\_\_\_\_\_.

3. I have been nominated to serve as Co-Guardian for the above-named Ward. I accept the nomination and I am willing and able to serve as Co-Guardian.

4. I am (*choose one*):

A person nominated by the Ward before the Court found the Ward to be incapacitated.

The spouse of the Ward.

An adult child of the Ward.

A parent of the Ward.

A relative of the Ward, specifically, the Ward's \_\_\_\_\_.

The Ward has lived with me for more than 6 months before this Motion was filed.

A relative or friend of the Ward, specifically, \_\_\_\_\_.

A designated person from \_\_\_\_\_, a volunteer agency.

A non-profit corporation established to provide guardianship services.

A government agency.

Other: \_\_\_\_\_.

5. My occupation is: \_\_\_\_\_  
\_\_\_\_\_.

6. My qualifications to serve as co-guardian are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

7. I would like the Court to consider the following additional information in making a decision: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

8. I understand and accept the powers and responsibilities designated in the Order appointing the original Guardian.

9. I have fulfilled the qualification and training requirements for appointment of a guardian under Rule 59 of the North Dakota Supreme Court Administrative Rules and submitted all required documents to the Court.

10. I understand that, along with the Guardian, I will be required to provide to the Court an annual report describing the status and condition of the ward and that a copy of the annual report must be provided to the Ward and to any interested persons designated in the Order appointing the original guardian.

11. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Nominee Statement is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ County, \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
Nominee Signature

\_\_\_\_\_  
Nominee Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**FINDINGS OF FACT AND ORDER APPOINTING CO-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 appointment of a Co-Guardian. The following individuals were present at the hearing:

\_\_\_\_\_, current Guardian of the above-named Ward

\_\_\_\_\_, proposed Co-Guardian of the Ward

\_\_\_\_\_, Ward

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 current Guardian, \_\_\_\_\_, is willing and able to continue serving as Guardian of the Ward.

5. The proposed Co-Guardian, \_\_\_\_\_, is willing, able, and qualified to serve as Co-Guardian of the Ward.

6. Appointment of a Co-Guardian to serve with the current Guardian is necessary and desirable as the best means of providing care, supervision, and habilitation of the Ward.

7. The proposed Co-Guardian is the proper and best qualified person to serve as Co-Guardian of the Ward.

**ORDER**

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

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

9. The appointment of \_\_\_\_\_, the current Guardian, shall continue. Updated Letters of Guardianship shall issue to them. **The Letters are effective immediately and expire** \_\_\_\_\_.

10. The powers and duties to be conferred upon the Co-Guardians 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"/>	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.

**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.*):

11. The Co-Guardians shall involve the Ward to the fullest degree possible.

12. The Co-Guardians shall not place the ward in a mental health facility or state institution for more than forty-five days.

13. 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

14. The Co-Guardians shall involve the Ward as much as possible, when making decisions about living arrangements, healthcare, and all other care.
15. The Co-Guardians 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.
16. The Co-Guardians 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 Co-Guardians is made.
17. The Co-Guardians may not use funds from the Ward's estate for room and board which the Co-Guardians or the Co-Guardians' spouses, parents, or children 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.
18. The Co-Guardians shall provide an annual report to the Court concerning the status of the guardianship and 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.**

19. 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:

20. This Order takes effect immediately and expires \_\_\_\_\_.

21. 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. Respondent 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.**

22. This signature of one Co-Guardian  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

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

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

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**LETTERS OF GUARDIANSHIP**

**Name of Ward:**

**Address:**

We accept the duties of Co-Guardians of the ward and will perform these duties according to law.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Co-Guardian Signature

\_\_\_\_\_  
Co-Guardian Signature

**Names of Co-Guardians:**

**Addresses:**

**Telephone Numbers:**

The district court appointed these Co-Guardians to be the Co-Guardians of the indicated Ward.

The Co-Guardians shall have the degree of authority indicated below to make decisions for the ward in the following areas:

<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 Co-Guardians' authority as specified above is limited, the limitations are as follows:

The signature of one Co-Guardian  is /  is not sufficient to authorize any matter.

**These Letters take effect immediately and expire \_\_\_\_\_.**

BY THE COURT:

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Judge of the District Court  
Judicial Referee of the District Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_.

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

**DECLARATION OF SERVICE BY MAIL**

*(May serve multiple persons ONLY IF envelopes are mailed same day from same Post Office.)*

**The person serving court documents by mail states:**

1. My name is \_\_\_\_\_ *(person who mailed documents)*. I am at least 18 years of age.

**2. List of Court Documents Served for Motion for Appointment of Co-Guardian:**

- Notice of Motion for Appointment of Co-Guardian;
- Motion for Appointment of Co-Guardian;
- Brief in Support of Motion for Appointment of Co-Guardian;
- Declaration in Support of Motion for Appointment of Co-Guardian;
- Nominee Statement;
- Findings of Fact and Order Appointing Co-Guardian (Proposed); and
- Letters of Guardianship (Proposed).

**3. Service by Mail:**

I served a true and correct copy of each of the court documents listed in Paragraph 2 by mailing them, enclosed in an envelope, by First-Class mail, postage prepaid, and by depositing them in the United States Mail, directed to each person listed in Paragraph 5.

**4. Date of Service by Mail:**

Date Court Documents Were Served by Mail: \_\_\_\_\_

5. **Person or Persons Served by Mail:**

1. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

2. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

3. Name of Person Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

6. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration of Service by Mail is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ County, \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF \_\_\_\_\_

\_\_\_\_\_

JUDICIAL DISTRICT

**IN THE MATTER OF THE GUARDIANSHIP OF**

\_\_\_\_\_

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

**DECLARATION OF SERVICE BY HAND DELIVERY**

*(A separate declaration is required for each person served.)*

**The person serving court documents by hand delivery states:**

1. My name is \_\_\_\_\_ *(person who served documents by hand delivery)*. I am at least 18 years of age. I am **not a party or** interested in the above named matter.

**2. Service by Hand Delivery:**

I served a true and correct copy of each of the court documents listed in Paragraph 4 to \_\_\_\_\_ *(name of person served)* by *(choose one)*:

Giving the court documents directly to him/her.

Leaving the court documents with: \_\_\_\_\_ *(name)*, a person of suitable age and discretion who lives at the same address.

I know the person I served is the person intended to be served because: *(explain how you identified the person)* \_\_\_\_\_

**3. Date, Time, and Address of Service by Hand Delivery:**

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m. *(or)*  p.m.

Address:

\_\_\_\_\_ *(street address)*

\_\_\_\_\_ *(city)*

\_\_\_\_\_ *(zip code)*

4. **List of Court Documents Served for Motion for Appointment of Co-Guardian:**

- Notice of Motion for Appointment of Co-Guardian;
- Motion for Appointment of Co-Guardian;
- Brief in Support of Motion for Appointment of Co-Guardian;
- Declaration in Support of Motion for Appointment of Co-Guardian;
- Nominee Statement;
- Findings of Fact and Order Appointing Co-Guardian (Proposed); and
- Letters of Guardianship (Proposed).

5. I declare, under penalty of perjury under the law of North Dakota, that everything I stated in this Declaration is true and correct.

Signed on \_\_\_\_\_ (date) in \_\_\_\_\_ (city),  
\_\_\_\_\_ County, \_\_\_\_\_ (state), \_\_\_\_\_ (country).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_