



North Dakota Guardianship

Guardianship is the legal process when a person can no longer make or communicate safe or sound decisions about themselves.

The Appointment of a Guardian is done by a Court Order after a hearing. The hearing is to determine whether the individual lacks the ability to make responsible decisions concerning legal affairs, medical treatments, financial affairs, housing, and/or also concerning their safety or health. Courts will always look at the least restrictive for that individual.

Process

- Retain an attorney (early, as process can be over several months).
- Collect and Process information on proposed Petitioner and proposed Ward
- Name of Guardian ad Litem, Visitor and Expert Examiner and anyone who is to receive notice of petition.
- Prepare Petition for Appointment of Guardian and Confidentiality forms
- Prepare Orders to Appoint Guardian as Litem, Visitor and Expert Examiner
- File Petition and receive a Hearing Date
- Prepare the Notice of Hearing and Statement Rights
- Serve the Notice of Hearing and Statement Rights, Petition, and signed Orders to Appoint
- File the proof of all Affidavits
- Complete Guardianship Training and present Certificate
- Attend Hearing

North Dakota Guardian Establishment Program

This is a state-funded program that can provide financial assistance to people who are petitioning for guardianship of an incapacitated adult. This program has an income limit of 100%fpl. The consumer must not be eligible for DD Program Management.

North Dakota Guardianship Links

www.ndcourts.gov/legal-self-help/adult-guardianship

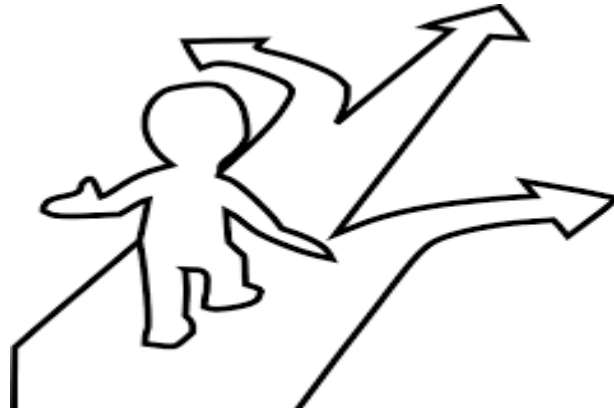
www.ndcourts.gov/legal-self-help/minor-guardianship

Guardianship Training

www.guardianship.ndcourts.gov



North Dakota Guardianship Alternatives



- **Supported Decision Making:** These are a resource and alternative for guardianship. Instead of naming a guardian or POA, individuals will create a supportive community that names specific individuals in their life that can help them make decision.
- **Power of Attorney:** A POA empowers someone to make financial or medical decisions, as well as decisions about services. POA legally authorizes another person (agent) to make decisions on behalf of another individual (principal). Allows for more flexibility.
- **Representative Payee:** representative payee is a person or an organization. We appoint a payee to receive the Social Security or SSI benefits for anyone who can't manage or direct the management of his or her benefits.
- **Conservatorship:** A conservatorship is when the court assigns someone the right to make those decisions for you. While you can rescind power of attorney at any time, only a court order can rescind a conservatorship.
- **Advanced Medical Directives/ Living Wills:** Legal documents that specify courses of action to take regarding medical decisions and choices if an individual is incapacitated and can no longer make decision.

The question of guardianship with your family, your support team and anyone else you choose to involve. The decision should be based on what is important to you. Your goals, wants and needs are at the centre of the decision. When choosing how you want to make decisions about your life, there is no one size that fits all approach. It is the intent of the legislature to protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person. It is the intent of the legislature to protect the liberty and autonomy of all people of this state, and to enable them to exercise their rights under the law to the maximum extent, consistent with the capacity of each person.