

INSTRUCTIONS FOR NOTICE OF HEARING ON PETITION TO TRANSFER GUARDIANSHIP/CONSERVATORSHIP TO ANOTHER STATE

ND Legal Self Help Center Staff and Court employees cannot help you fill out forms. If you are unsure how to proceed, consult a lawyer.

There is no guarantee that all judges and courts will accept forms available through the ND Legal Self Help Center.

Do not include these instruction sheets when you serve or file the completed form.

When a guardian or conservator wants to transfer a guardianship or conservatorship established by a North Dakota district court to another state's court, the guardian or conservator must petition the North Dakota district court for permission to transfer jurisdictions. (References to guardian or conservator also include co-guardians and co-conservators.)

The Guardian/Conservator Makes the Request by Serving a Petition and Notice of the Petition:

The guardian/conservator must serve a petition and notice of petition on all parties who are required to receive notice. Generally, this is the Ward/Protected Person, spouse of the Ward/Protected Person, and anyone listed in the District Court order appointing the guardian/conservator.

For more information about the requirements, see the instructions for the forms packet to petition to transfer a guardianship/conservatorship to another state (www.ndcourts.gov/legal-self-help/conservatorship/transfer).

The Guardian/Conservator May Request a Hearing on a Petition:

If the guardian/conservator did not initially request a hearing in their Notice of Petition, the guardian/conservator may use this form to notify all other parties that they requested a hearing on their petition.

Any Party Served a Copy of the Petition and Notice of the Petition May Request a Hearing on a Petition:

If the guardian/conservator did not initially request a hearing in their Notice of Petition, and the a party served and filed their answer to the petition within the deadline, that party may use this form to notify all other parties that they requested a hearing on the guardian/conservator's petition.

Deadlines for Requesting a Hearing on a Petition:

Requests for oral argument or the taking of evidence must be made not later than seven days after expiration of the time for filing the answer brief to the petition.

If the party requesting oral argument fails within 14 days of the request to secure a time for the argument, the request is waived and the matter is considered submitted for decision on the briefs.

If an evidentiary hearing is requested in a civil action, notice must be served at least 21 days before the time specified for the hearing.

The party making a request for a hearing on guardian/conservator's petition must serve a notice of the hearing on all other parties. [Rule 3.2 of the North Dakota Rules of Court](#) describes how to make a timely request for a hearing.

Top of Form:

- Complete the top of the Notice of Hearing on Petition to Transfer Guardianship/Conservatorship exactly as it appears in the guardian/conservator's petition.
- Fill in the case number.

Hearing Information:

The party requesting a hearing on the petition must schedule a time for the hearing by contacting the clerk of court where the guardianship/conservatorship case is filed.

- Fill in the hearing information.

Sign and Date the Notice of Hearing

- The party requesting the hearing must sign and date the Notice of Hearing on Petition to Transfer Guardianship/Conservatorship.

Serve and File the Notice of Hearing:

- A copy of the Notice of Hearing on Petition to Transfer Guardianship/Conservatorship must be served on all other parties. The Notice of Hearing on Motion can be served with answer to motion documents, or served separately.

Generally, the Ward/Protected Person, spouse of the Ward/Protected Person, and anyone listed in the District Court order appointing the guardian/conservator must all be served.

- ❑ The original Notice of Hearing on Petition to Transfer Guardianship/Conservatorship and proof of service must be filed with the clerk of court where the existing case is filed. The Notice of Hearing can be filed with answer to motion documents, or filed separately.

Do not include these instruction sheets when you serve or file the completed form.

****The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts. The information provided by the Center is not intended for legal advice but only a general guide to the civil court process. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state.*

*Use at your own risk.****

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. _____

**RULE 3.2 NOTICE OF HEARING ON PETITION TO TRANSFER GUARDIANSHIP/
CONSERVATORSHIP TO ANOTHER STATE**

YOU ARE HEREBY GIVEN NOTICE that a hearing on the Petition to Transfer

Guardianship Conservatorship from North Dakota to Another State will be heard before the

District Court pursuant to Rule 3.2 of the North Dakota Rules of Court, the Honorable

_____ presiding, on the _____ day of _____,

20____ at _____ am/pm or as soon thereafter as the matter may be heard.

Dated this _____ day of _____, 20____.

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number

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. _____

AFFIDAVIT 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 swears:

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

2. **List of Court Documents Served** *(check all that apply):*
(Check only the documents that were served. Use "Other" to write the title of each document served that is not already listed.)

Notice of Hearing on Petition to Transfer Guardianship/Conservatorship to Another State

Answer Brief to Petition to Transfer Guardianship/Conservatorship to Another State

Affidavit in Support of Answer Brief to Petition to Transfer Guardianship/Conservatorship to Another State

Other: _____

Other: _____

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 and Post Office Location of Service by Mail:**

Date Court Documents Were Served by Mail: _____

United States Post Office Location:

(city) (county) (state)

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 swear under penalty of perjury under the law of North Dakota that everything I stated in this Affidavit of Service by Mail is true and correct.

Signed on the _____ day of _____, 20____ at

_____ (city), _____ County, _____

(state), _____ (country).

Signature

Printed Name

Address City, State, Zip Code

Telephone Number

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. _____

AFFIDAVIT OF SERVICE BY HAND DELIVERY

(A separate affidavit is required for each person served.)

The person serving court documents by hand delivery swears:

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** (check all that apply):
(Check only the documents that were served. Use "Other" to write the title of each document served that is not already listed.)

Notice of Hearing on Petition to Transfer Guardianship/Conservatorship to Another State

Answer Brief to Petition to Transfer Guardianship/Conservatorship to Another State

Affidavit in Support of Answer Brief to Petition to Transfer Guardianship/Conservatorship to Another State

Other: _____

Other: _____

5. I swear under penalty of perjury under the law of North Dakota that everything I stated in this Affidavit of Personal Service is true and correct.

Signed on the _____ day of _____, 20____ at

(city), _____ County, _____
(state), _____ (country).

Signature

Printed Name

Address

City, State, Zip Code

Telephone Number: _____