

# General Instructions for the Guardianship Annual Report

**Court employees can't help you fill out these forms.**

**Don't include these instructions when you serve or file the completed forms.**

Guardians and conservators must report on the status of their ward and update the North Dakota State District Court with a summary of the "exercise of powers" for the past year.

The exercise of powers means all of the ways in which a guardian or conservator has handled decision making on behalf of the ward. This includes all of the areas of authority that the Court appointed to a guardian or conservator.

Generally, the annual report is due to the Court each year on the anniversary of the Letters of Guardianship. For your due date, review the order of the court appointing you the guardian of the ward.

Unless directed by the Court to report more often, the report should detail the events of the previous year. The annual report is required by law in North Dakota Century Code [§30.1-28-12\(8\)](#).

North Dakota State District Courts are required to provide oversight of the wards, and these annual summaries give the Court a snapshot of the ward's health, financial wellbeing, and significant changes in care or living arrangements. These summaries also assure the Court that the ward is living in the least restrictive environment.

Fillable forms are available on the North Dakota Supreme Court's website of [ndcourts.gov/legal-self-help](http://ndcourts.gov/legal-self-help) in the Guardianships and Conservatorships section.

Please add additional pages as necessary to submit a report to the Court that contains all relevant information on the ward's wellbeing and activities, and financial accounting for the past year.

The following instructions apply to all four parts of the annual report, and the website has further instructions for each individual component.

## **Guardianship Annual Report:**

- **Purpose of Notice of Guardianship Annual Report**
  1. The notice provides the guardian or conservator with a reminder that the annual report is due.
  2. You may or may not receive a notice from your district court.

- **Annual Report Composition**

1. The complete annual report submission includes four separate documents:
  - a. The Annual Wellbeing Report
  - b. The Annual Financial Accounting
  - c. The Confidential Information Form
  - d. The Contact Information Form

- **Top of Each Form, also called the Caption**

1. If the Court hasn't filled in the top of the forms, or Caption, for you, please:
  - a. Enter the county and district court names.
  - b. Fill in legal name of the ward.
  - c. Enter the case number from the Letters of Guardianship.

- **Confidentiality of the Ward**

1. The case records filed in a guardianship case are generally available to the public. Anyone can request to see the records in a guardianship case. However, certain information is protected and required to remain confidential, even when the protected information is part of a public case record, like the annual report.
2. The Court still needs to have access to the full protected information referenced in the annual report forms. The Confidential Information Form is where you list the full protected information. **Don't distribute the Confidential Information Form to anyone other than the Court.** This form is filed as a confidential document. You shouldn't keep your copy in a publically accessible file.
3. Under [Rule 3.4 of the North Dakota Rules of Court](#), the Annual Wellbeing Report and the Annual Financial Accounting **can't** contain the following protected information:
  - a. Social security numbers;
  - b. Taxpayer identification numbers;
  - c. Birthdates;
  - d. Financial account numbers; or
  - e. Names of individuals known to be a minor (under 18 years old).

4. The following examples are acceptable substitutions:
    - a. The last four digits of the social security number or taxpayer ID number;
    - b. The year of an individual's birth;
    - c. A minor's initials; and
    - d. The last four digits of a financial account number.
  5. The Annual Wellbeing Report contains confidential health-related information. This form is filed in the guardianship case as a confidential document. You shouldn't keep your copy in a publically accessible file.
- **Ward and Guardian Information (The Annual Wellbeing Report and The Annual Financial Accounting)**
    1. Complete the current address of the ward, their age and their telephone number(s).
    2. Fill in the information for guardians, co-guardians, and conservator(s). Complete the contact information including addresses, phone numbers, and emails for each guardian and conservator.
  - **Notice to the Ward (The Annual Wellbeing Report and The Annual Financial Accounting)**
    1. You, the guardian, must present and explain your annual report to the ward.
    2. The Annual Wellbeing Report and the Annual Financial Accounting contain language specifically addressed to the ward to tell them they may petition the court to make changes in their guardianship.
  - **Notice to the Guardian or Conservator**
    1. All four documents must be completed annually and submitted to the clerk of district court.
  - **Forms Certification**
    1. The Annual Wellbeing Report and the Annual Financial Accounting must be signed by the Guardian(s).
    2. Please do the following:
      - a. Print your name;
      - b. Sign;
      - c. Date; and
      - d. Write in the county, state and country where you signed the document.

## Declaration of Service Form

### Serve Copies of Completed, Dated and Signed Annual Wellbeing Report, Annual Financial Accounting, and Contact Information (Don't Serve the Confidential Information Form)

- The ward and all interested persons designated in the order appointing the guardian(s) must each receive a copy of the completed, dated and signed Annual Wellbeing Report, Annual Financial Accounting, Contact Information, and any supporting documents that will be filed with the forms.
  - **Don't** serve copies of the Confidential Information Form
- Copies must be mailed by first class mail, postage prepaid.
- A declaration of service gives the court proof that copies were mailed.
- A Declaration of Service by Mail form is included with this annual report forms packet.
- The individual who mails the envelopes by United States first-class postage must be at least 18 years old. The individual who mails the envelopes completes the Declaration of Service by Mail form.

## Forms Submission After Service is Completed

- **If you're not represented by a lawyer and paper-file your Guardianship Annual Report:**
  1. Submit the following to your clerk of district court:
    - a. The original, signed Annual Wellbeing Report;
    - b. The original, signed Annual Financial Accounting;
    - c. The original, signed Confidential Information Form;
    - d. The original, signed Contact Information; and
    - e. The originals of all declarations of service showing copies of the Annual Wellbeing Report and Annual Financial Accounting were mailed to the ward and all interested persons listed in the order appointing the guardian.

- **If you e-file your Guardianship Annual Report using the Court’s e-filing system, e-file each component report as follows:**
  1. Annual Wellbeing Report
    - a. **Filing Code:** Select “GAR - Guardian and/or Conservatorship Annual Report”
    - b. **Filing Description:** Type “Annual Wellbeing Report”
    - c. **Security:** Confidential
  2. Annual Financial Accounting
    - a. **Filing Code:** Select “GAR - Guardian and/or Conservatorship Annual Report”
    - b. **Filing Description:** Type “Annual Financial Accounting”
    - c. **Security:** Public
  3. Confidential Information Form
    - a. **Filing Code:** Select “CIP – Confidential Information Form”
    - b. **Filing Description:** Type “Guardianship Annual Report”
    - c. **Security:** Confidential
  4. Contact Information
    - a. **Filing Code:** Select “GAR - Guardian and/or Conservatorship Annual Report”
    - b. **Filing Description:** Type “Contact Information”
    - c. **Security:** Public
  5. Declaration of Service forms
    - a. **Filing Code:** Select “SER – Service Document”
    - b. **Filing Description:** Type the name(s) of the person(s) served
    - c. **Security:** Public
- **If you’re unable to submit your annual report within 30 days of the due date,** contact the district court. An Order to Show Cause hearing will be scheduled for the protection of the ward’s wellbeing if annual reports aren’t filed on their behalf.
- **Instructions for Individual Forms** are available on the Self Help webpage.

## Instructions for Guardianship Annual Report

### Annual Wellbeing Report

**Court employees can't help you fill out these forms.**

**Don't include these instructions when you serve or file the completed forms.**

#### Purpose of the Annual Wellbeing Report

This report is the Annual Wellbeing Report component of the Guardianship Annual Report.

The Annual Wellbeing Report gives the North Dakota State District Court a summary of the ward's health, activities, and significant changes in care or living arrangements.

This report should inform the Court and interested persons of the ward's condition, improvements or needs, and assure the Court that the ward is living in the least restrictive environment.

This report must be completed annually and submitted to the clerk of district court. You may or may not receive a notice from the court as a reminder.

The report template has some space for you to add comments and to include additional information that doesn't fit in one of the preset questions.

Please add additional pages as necessary to submit a report to the court that contains all relevant information on the ward's wellbeing and activities for the past year. If you include additional pages, type or write **only** on one side of the page.

Review the full instructions for completing the Guardianship Annual Report; the instructions below are specific to the Annual Wellbeing Report.

- **Fillable Forms**

1. Fillable forms are available on the North Dakota State Court's website: [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help) in the Guardianships and Conservatorships section. (*The Annual Financial Accounting, Interested Persons Contact Information, and Confidential Information Form must also be filed as part of the annual report.*)

- **Notice to the Ward**

1. You, the guardian, must present and explain your report to the ward.
2. Each year the ward must be advised that they may petition the court to make changes in their guardianship.

- **Annual Wellbeing Report**

1. Enter the report period.

For the first annual report, the beginning date is the date of appointment of guardianship. The end date is the end of the month, 12 months later (unless otherwise directed by the court).

The following year's reports will have a beginning period date of the first of the month following the month-end of last year's report. The reporting period may be adjusted by the court to meet the unique needs of the wards and guardians.

***Annual report period example:*** if the Letters of Guardianship are dated April 16, 2019, that is the beginning date of the first annual report. The end date is March 31, 2020 (unless otherwise directed by the court.) The due date of the first report is April 30, 2020. The beginning date of the second annual report is April 1, 2020 and the end date is March 31, 2021.

2. Answer the questions listed in the form.

**If a question doesn't apply to you or your ward, enter n/a for "not applicable."**

The following explanations are provided for specific questions on the form:

- **#2:** Refer to your Letters of Guardianship and check the areas where you were granted authority for decision making.
- **#3:** some wards may have more than one person assisting them with their financial transactions. For example, a ward may have a representative payee managing some of their money, and a guardian or conservator managing other assets. These people need to provide input into your annual reports.
- **#6:** the person with care or custody of the ward is usually where the ward is currently residing.
- **#7:** describe the changes in residences and care, and the reasons for these decisions.
- **#10:** the services provided to the ward include services that the guardians provided as well as care that the ward is receiving. Examples include assisting the ward with moving into a new apartment, or securing home delivered meals.

- **#14:** wards should be living in the least restrictive environment and able to take advantage of community events and activities. Not all wards are capable of participating in all activities. To give the court a broad picture of the ward’s environment, provide general examples of activities the ward participated in.
- **#17:** use this space to expand on details or to inform the Court of other matters important to the ward’s care, health, and happiness, as well as important events in the past year. Attach additional pages if necessary.
- **A Note About E-filing the Annual Wellbeing Report**
  1. If you e-file the Guardianship Annual Report, e-file the Annual Wellbeing Report component as follows:

**Filing Code:** Select “GAR - Guardian and/or Conservatorship Annual Report”

**Filing Description:** Type “Annual Wellbeing Report”

**Security:** Confidential

## Instructions for Guardianship Annual Report

### Annual Financial Accounting

**Court employees can't help you fill out these forms.  
Don't include these instructions when you serve or file the completed forms.**

#### **Purpose of the Annual Financial Accounting**

This report is the Annual Financial Accounting part of the Guardianship Annual Report.

The Annual Financial Accounting gives the North Dakota State District Court a summary of the expenditures made from the ward's estate, as well as a picture of the ward's financial wellbeing.

It should provide details on how the ward's estate was managed during the year.

Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Annual Financial Accounting.

Fillable forms are available on the North Dakota State Court's website at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship).

- **Fillable Forms**

1. Fillable forms are available on the North Dakota State Court's website at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help) in the Guardianships and Conservatorships section. (*The Annual Wellbeing Report, the Confidential Information Form, and the Interested Persons Contact Information must also be filed as part of the annual report.*)

- **Notice to the Ward**

1. You, the guardian, must present and explain your report to the ward.
2. Each year the ward must be advised that they are able to petition the court to make changes in their guardianship.

- **Annual Accounting of the Estate**

1. Financial authority may be shared with others; work with co-guardians and conservators to complete this report.
2. If the ward has federally appointed representatives managing their Social Security, Veteran's or other benefits, please attach reports provided by those fiduciary representatives.

3. Complete the Annual Financial Accounting for the assets that you, co-guardians, or conservators manage. If there are no other assets or income to report besides the fiduciary's reports, please make a note of this in the comments **(#8)**.
4. Enter the report period.

For the first annual report, the beginning date is the date of appointment of guardianship. The end date is the end of the month, 12 months later (unless otherwise directed by the court).

The following year's reports will have a beginning period date of the first of the month following the month-end of last year's report. The reporting period may be adjusted by the court to meet the unique needs of the wards and guardians.

**Annual report period example:** if the Letters of Guardianship are dated April 16, 2019, that is the beginning date of the first annual report. The end date is March 31, 2020 (unless otherwise directed by the court.) The due date of the first report is April 30, 2020. The beginning date of the second annual report is April 1, 2020 and the end date is March 31, 2021.

5. Fill in the blanks for the income and expenditures of the ward's estate.

**If a blank doesn't apply to you or your ward, enter \$0.00 or n/a for "not applicable".**

The following explanations are provided for specific questions listed on the form:

- **#1: beginning balance:** if this is the first annual report for the ward, the beginning balance is the total of the "Cash, checking accounts" section of the Beginning Inventory report. These are the accounts that you or other authorized people use to pay expenses for the ward's care. If this isn't the first annual report for the ward, the beginning account balance is the ending balance from the prior year's annual report.
- **#2: income and deposits** include all income as well as transfers into the checking account(s) from other accounts such as savings or trusts. Total all of the income and deposits on the line at the bottom of this section.
- **#3: the expenses and withdrawals** section is where you list all of the payments made this year on behalf of the ward, and any transfers out to other accounts.

The “Personal needs” category includes clothing, hygiene and beauty products, first aid, and similar products and services. Describe any large or unusual expenses in the comments (#8). Total all expenditures on the line at the bottom of this section.

- **#4:** the **ending balance** is the sum of the beginning balance plus the total of all deposits, and the subtraction of all the expenditures. The ending balance amount is the beginning balance for next year’s report. This balance should match the ward’s total checking and spending account balances on the end date of this financial accounting report.
- **#5:** the current asset listing is similar to an inventory report. All of the ward’s assets and current values should be listed here. Attach additional sheets if more space is required. Explain new assets acquired in the comments (#8).

For personal property combine all general personal property such as clothing appliances, furniture, and housewares and provide an estimated total. List items of high value such as jewelry, art or antiques separately.

- **#6:** list all assets that have been sold or disposed of since the last report to the Court. Include the purpose for the disposal, the person or company that received the asset, and where the income was deposited. This information is helpful for the Court to monitor reductions in the ward’s estate.
- **#7:** list all of the ward’s debt. Explain any significant new debt in the comments (#8).
- **#8:** use this space to explain large or unusual expenditures and asset disposals. You may also wish to discuss debt arrangements, loss of income, plans for future asset management, or other information of interest to the Court. Attach additional pages if needed.

- **A Note About E-filing the Annual Financial Accounting**

1. If you e-file the Guardianship Annual Report, e-file the Annual Financial Accounting component as follows:

**Filing Code:** Select “GAR - Guardian and/or Conservatorship Annual Report”

**Filing Description:** Type “Annual Financial Accounting”

**Security:** Public

## Instructions for Guardianship Annual Report Confidential Information Form

Court employees can't help you fill out these forms.  
Don't include these instructions when you serve or file the completed forms.

**Don't give a copy of the Confidential Information Form to any other party unless you're told by the Court to do so! Only file this form with the Clerk of Court.**

### Purpose of the Confidential Information Form

This is the Confidential Information Form part of the Guardianship Annual Report.

The case records in guardianships and conservatorships of adults are generally available to the public, and anyone can request to look in almost any court file.

The Court still needs to have access to the full protected information referenced in the annual report forms. The Confidential Information Form is where you list the full protected information.

Under [Rule 3.4 of the North Dakota Rules of Court](#), the Annual Wellbeing Report and the Annual Financial Accounting **can't** contain the following protected information:

- Social security numbers;
- Taxpayer identification numbers;
- Birthdates;
- Financial account numbers; or
- Names of individuals known to be a minor (under 18 years old).

The following examples are acceptable substitutions:

- The last four digits of the social security number or taxpayer identification number;
- The year of an individual's birth;
- A minor's initials; and
- The last four digits of a financial account number.

Fillable forms are available on the North Dakota State Court's website at [ndcourts.gov/legal-self-help](https://ndcourts.gov/legal-self-help) in the Guardianships and Conservatorships section. (*The Annual Wellness Report and the Annual Financial Accounting must also be filed as part of the annual report.*)

Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Confidential Information Form.

Note: birthdates and Social Security numbers are required for the identification of the ward and the guardians or conservators.

However, if a guardian or conservator is a professional organization, enter the organization's name and business address, phone number, and tax identification number.

- **Confidential Information**

1. Enter the name, birthdate, current address, phone number, and social security number of the ward.
2. Enter the name, birthdate, and social security number of the guardian(s) and conservator(s). If a guardian or conservator is a professional organization rather than an individual, the birthdate and social security numbers aren't required. Instead, enter the organization's name and tax identification number.
3. **Don't give copies of the Confidential Information Form to any other party unless directed by the court.**

- **E-filing the Confidential Information Form**

1. If you e-file the Guardianship Annual Report, e-file the Confidential Information Form as follows:
  - a. **Filing Code:** Select "CIP – Confidential Information Form"
  - b. **Filing Description:** Type "Guardianship Annual Report"
  - c. **Security:** Confidential

# Instructions for Guardianship Annual Report

## Contact Information Form

**Court employees can't help you fill out these forms.**

**Don't include these instructions when you serve or file the completed forms.**

### Purpose of the Contact Information Form

The guardian is required to mail copies of the annual report to the conservator, if any, the ward, and all interested persons listed in the court order appointing the guardian.

The Contact Information form gives the North Dakota State District Court the current contact information for the ward, guardians, conservators, and each interested person listed in the court's order.

This form ensures that the guardian mails copies of the annual report to the current address of each person. This form also allows the court to update the guardianship case file with updated contact information for each person.

Review the full instructions for completing the Guardianship Annual Report; the information below is specific to the Contact Information form.

- **Fillable Forms**

1. Fillable forms are available on the North Dakota State Court website at [ndcourts.gov/legal-self-help/adult-guardianship](https://ndcourts.gov/legal-self-help/adult-guardianship). (*The Annual Wellbeing Report, the Annual Financial Accounting, and the Confidential Information Form must also be filed as part of the annual report.*)

- **E-filing the Contact Information form**

1. If you e-file the Guardianship Annual Report, e-file the Contact Information form as follows:
  - a. **Filing Code:** Select "GAR - Guardian and/or Conservatorship Annual Report"
  - b. **Filing Description:** Type "Contact Information"
  - c. **Security:** Public