

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2030

Introduced by

Legislative Council

(Criminal Justice Committee)

1 A BILL for an Act to amend and reenact subsection 4 of section 30.1-27-09, subsection 8 of
2 section 30.1-28-12, and sections 30.1-28-12.1 and 30.1-29-19 of the North Dakota Century
3 Code, relating to the filing of annual reports by guardians and conservators.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 4 of section 30.1-27-09 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 4. A guardian ~~must report the condition of the ward and of the ward's estate which~~
8 ~~has been subject to the guardian's possession or control, as ordered by court on~~
9 ~~petition of any person interested in the minor's welfare or as required by court rule~~
10 shall file an annual report with the court informing the court of the status or
11 condition of the ward and provide a copy of the report to the ward. The report
12 must include changes that have occurred since the previous reporting period and
13 an accounting of the ward's estate. The guardian shall report whether the ward
14 has resided in an institution, whether the ward continues to require guardianship,
15 and whether any powers of the guardian should be increased or limited. The filing
16 of a report and its acceptance by the court or clerk of district court does not
17 constitute an adjudication or a determination of the merits of the report nor does
18 the filing of the report constitute the court's approval of the report. The court may
19 approve a report and allow and settle an accounting only upon notice to the ward's
20 guardian ad litem and other interested persons who have made an appearance or
21 requested notice of proceedings. The office of state court administrator shall
22 provide printed forms that may be used to fulfill reporting requirements. Any report
23 must be similar in substance to the state court administrator's form. The forms

1 must be available in the office of clerk of district court or obtainable through the
2 supreme court's internet web site.

3 **SECTION 2. AMENDMENT.** Subsection 8 of section 30.1-28-12 of the North Dakota
4 Century Code is amended and reenacted as follows:

5 8. A guardian shall ~~make written reports to~~ file an annual report with the court ~~at such~~
6 ~~times as the court shall require concerning the condition and affairs of the ward.~~

7 ~~The report must include:~~

8 ~~a. The name, address, and telephone number of the ward;~~

9 ~~b. The name, address, and telephone number of the guardian;~~

10 ~~c. A brief written description of the condition of the ward;~~

11 ~~d. The name and address of any person or institution having care or custody of~~
12 ~~the ward;~~

13 ~~e. If the guardian has authority to make residential decisions for the ward, a~~
14 ~~statement of the nature of the ward's care and of any changes or proposals~~
15 ~~for changes in the living situation of the ward;~~

16 ~~f. If the guardian has authority to make medical decisions, a summary of the~~
17 ~~medical treatment authorized by the guardian since the date of the last report;~~

18 ~~g. The guardian's plans for maintaining the well being of the ward and facts~~
19 ~~indicating the need for continuation or cessation of the guardianship or for any~~
20 ~~increase or limitation of the powers of the guardian;~~

21 ~~h. A complete accounting of the financial transactions of the guardian~~
22 ~~undertaken on behalf of the ward or in connection with the guardianship; and~~

23 ~~i. Any other information the court may require~~ informing the court of the status
24 or condition of the ward. The report must include changes that have occurred
25 since the previous reporting period and an accounting of the ward's estate.

26 The guardian shall report whether the ward has resided in an institution,

27 whether the ward continues to require guardianship, and whether any powers
28 of the guardian should be increased or limited. The filing of a report and its

29 acceptance by the court or clerk of district court does not constitute an

30 adjudication or a determination of the merits of the report nor does the filing of

31 the report constitute the court's approval of the report. The court may

1 approve a report and allow and settle an accounting only upon notice to the
2 ward's guardian ad litem and other interested persons who have made an
3 appearance or requested notice of proceedings. The office of the state court
4 administrator shall provide printed forms that may be used to fulfill reporting
5 requirements. Any report must be similar in substance to the state court
6 administrator's form. The forms must be available in the office of clerk of
7 district court or obtainable through the supreme court's internet web site.

8 **SECTION 3. AMENDMENT.** Section 30.1-28-12.1 of the North Dakota Century Code
9 is amended and reenacted as follows:

10 **30.1-28-12.1. ~~Reports~~ Annual reports and accounts - Failure of guardian to file.**

- 11 4- If a guardian fails to ~~render any~~ file an annual report ~~or account within the time~~
12 ~~provided by law or the order of the court~~ as required by section 30.1-28-12, fails to
13 file a report at other times as the court may direct, or fails to settle the provide an
14 accounting of an estate ~~according to the order of the court~~, the court ~~may~~, upon its
15 own motion; or upon petition of any interested party, may issue an order
16 compelling the guardian to show cause why the guardian should not immediately
17 make and file the report or account, or be found in contempt for failure to comply.
- 18 2- ~~If a guardian fails, neglects, or refuses to file a report or accounting after having~~
19 ~~been cited by the court to do so, the court may, upon its own motion or upon the~~
20 ~~motion of any interested party, issue an order to show cause that the guardian be~~
21 ~~brought before the court and show why the guardian should not be held in~~
22 ~~contempt.~~

23 **SECTION 4. AMENDMENT.** Section 30.1-29-19 of the North Dakota Century Code is
24 amended and reenacted as follows:

25 **30.1-29-19. (5-419) ~~Accounts~~ Annual reports and accounts.** ~~Every~~ At least once
26 annually and at other times as the court may direct, a conservator must file a report and
27 account to ~~with~~ the court ~~for administration of the trust not less than annually unless the court~~
28 ~~directs otherwise, upon resignation or removal, and at other times as the court may direct. On~~
29 ~~termination of the protected person's minority or disability, a conservator may account to the~~
30 ~~court or to the former protected person or the protected person's personal representative shall~~
31 file a final report and accounting and provide a copy of the report or accounting to the protected

1 person. The filing of the report or accounting and the acceptance by the court or clerk of district
2 court of the report or accounting does not constitute the court's approval of the report or
3 accounting. The court may approve a report and settle and allow an accounting only upon
4 notice to the protected person and other interested persons who have made an appearance or
5 requested notice of proceedings. Subject to appeal or vacation within the time permitted, an
6 order, made upon notice and hearing, allowing an intermediate account of a conservator,
7 adjudicates as to liabilities concerning the matters considered in connection therewith. An
8 order, made upon notice and hearing, allowing a final account adjudicates as to all previously
9 unsettled liabilities of the conservator to the protected person or the protected person's
10 successors relating to the conservatorship. In connection with any account, the court may
11 require a conservator to submit to a physical check of the estate in the conservator's control, to
12 be made in any manner the court may specify. The office of the state court administrator shall
13 provide printed forms that may be used to fulfill reporting requirements. Any report must be
14 similar in substance to the state court administrator's form. The forms must be available in the
15 office of clerk of district court or obtainable through the supreme court's internet web site.