

## FREQUENTLY ASKED QUESTIONS ABOUT JUVENILE COURT GUARDIANSHIP REVIEW HEARINGS

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### What is a Guardianship Review Hearing?

When a Juvenile Court judge or judicial referee appoints a guardian for a child, the guardianship must be periodically reviewed by the judge or judicial referee to decide if the guardianship should:

1. Continue with the current guardian(s);
2. Continue with a different guardian or guardians; or
3. End (terminate).

### The Guardian was Appointed in District Court, Will a Review Hearing be Held?

Yes. Guardians for children who were appointed as part of a North Dakota state district court case are transferred to Juvenile Court for all further proceedings, including review hearings.

You'll receive a notice in the mail with the new Juvenile Court case number.

### How Often is a Guardianship Review Hearing Held?

A review hearing must be held before the order appointing the guardian or guardians expires, usually within 1 year of the order, but can be up to 3 years.

A judge or judicial referee can appoint a guardian for a child for up to one year.

Judges and judicial referees have the option to appoint a guardian for a child for up to 3 years, but only if the judge or judicial referee decides there are good reasons.

### How Will I Know When the Guardianship Review Hearing Will be Held?

At least 60 days before the order appointing the guardian or guardians expires, the Juvenile Court will mail notice of the review hearing with the date, time and location.

If you're the guardian, you'll also receive an "Information Related to Continuation of Guardianship" form you need to fill out and return to the court as soon as possible. The notice of the review hearing should have the deadline.

### **Can I Apply for a Court Appointed Attorney for the Review Hearing?**

If you're the biological parent or adoptive parent of the child, you may apply for a court appointed attorney. The Juvenile Court judge or judicial referee will appoint an attorney for you if the judge or judicial referee determines you're unable to pay for an attorney.

### **Can I Apply for a Court Appointed Attorney for the Child?**

Yes. The Juvenile Court judge or judicial referee **may** appoint an attorney to represent the child **only if** the judge or judicial referee determines the interests of the child are or may be inadequately represented at the review hearing.

### **How do I Apply for a Court Appointed Attorney?**

The application is available on the [Juvenile Court](#) website and from the Clerk of Court.

### **What Happens at the Guardianship Review Hearing?**

The guardian(s), parents (if any), child (if 14 years or older), and other interested people tell the Juvenile Court judge or judicial referee why they believe the guardianship should or should not continue.

If you have any documents you want the judge or judicial referee to consider that you didn't write, you must have the person who wrote the document at the hearing.

If you want the judge or judicial referee to hear what someone else has to say about your case, that person must be at the hearing. You can't tell the judge or the judicial referee what that person said or has to say.

After the hearing, the judge or judicial referee will decide if the guardianship should 1) continue with the current guardian(s); 2) continue with a different guardian or guardians; or 3) end (terminate).

### **Is the Guardian Still Required to File and Serve an Annual Report?**

Yes. The annual report requirement is separate from the review hearing requirements. Each guardian is required to prepare, serve and file an annual report by the due date in the order appointing the guardian.