

## What Is A Conservatorship?

- ◆ A **conservatorship** is a court action which appoints someone to handle your money and property.
- ◆ A **conservator** is appointed when the court determines you cannot manage your own property and affairs for reasons such as a mental or physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, confinement, detention by a foreign power, or disappearance.
- ◆ Under North Dakota law the Conservator's powers must be limited to only those financial or business functions which you are no longer able to handle.

## What Is A Full Conservatorship?

- A **full conservatorship** gives the conservator appointed by the court control over all your money and property.
- It is ordered when a court has determined that you are not able to handle any of your financial affairs.

## What Is A Limited Conservatorship?

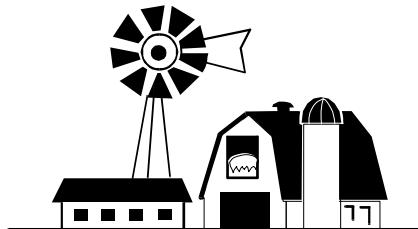
A **limited conservatorship** gives the conservator the power to handle a "limited" number of financial duties. The limited duties of the conservator are those which the court decides you are not able to handle.

## Who May Be A Conservator?

A relative, friend or corporation may be appointed conservator. A public administrator may be used in those counties having a public administrator.

## What Are The Conservator's Duties?

1. The conservator is responsible for managing your property and is accountable to the court for how the property is used.
2. The conservator must also give the court an amount of money, called a **bond**. This bond ensures the conservator faithfully discharges all duties in your best interest and in accordance with the law. The court may waive the bond requirement.
3. The conservator must prepare and file with the court a complete listing of your property.
4. If a court has decided that you cannot manage your own property, then only a conservator can change ownership on real property you own.



## Are There Alternatives?

In addition to a limited conservatorship, there are a number of alternatives that can be used.

- 1) Giving someone a power of attorney to handle your financial affairs.
  - ◆ Incapacitation invalidates a power of attorney.
  - ◆ A "**durable**" power of attorney can remain valid if you become incapacitated.
- 2) Co-Signers on Bank Accounts: the owner of the account is able to have a trusted individual/relative assist them with paying bills, and that trusted individual is not seen or treated as an equal owner of the asset/account.
- 3) Having someone appointed Representative Payee to handle your Social Security income; or
- 4) Creating a trust.

## How Will I Know If A Conservatorship is Being Sought For Me?

- ◆ You and your closest relatives must be given a notice.
- ◆ If you do not want this to happen, you have a right to challenge the procedure.
- ◆ You have the right to an attorney and to a hearing.

## Can A Conservatorship Be Removed?

A conservatorship can be removed in one of several ways:

- 1) If your property is used up, the conservatorship ends.
- 2) You, your personal representative, the conservator, or any interested party has the right to request the court to redetermine the need for the conservatorship.

The court will hold a new hearing and consider new evidence. If the court finds that you are capable of handling your financial affairs, the court can "limit" or "end" the conservatorship.

**DISCLAIMER:** This information is not legal advice. If you have a legal problem, you should talk to a lawyer and ask for advice about your options.

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## Who Do I Contact With Additional Questions?

**Seniors 60 and over**

**Call: 1-866-621-9886**

**Others Call: 1-800-634-5263**

### Legal Services of North Dakota

Minot Law Office  
720 Western Ave Suite 101  
Minot, ND 58701

Bismarck Law Office  
418 E Broadway #25  
Bismarck, ND 58501

Fargo Law Office  
112 N University #220, PO Box 1327  
Fargo, ND 58107-1327

Grand Forks Law Office  
215 N 3rd Street, Ste. 200  
Grand Forks, ND 58203

Belcourt Law Office  
BIA Road 7 Bldg 85, PO Box 1365  
Belcourt, ND 58316-1365

New Town Law Office  
345 Main St, PO Box 217  
New Town, ND 58763-0217

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