

**HOUSE BILL NO. 1299**

Introduced by

Representatives S. Kelsh, Jensen, Fairfield

Senators Fischer, T. Mathern, Lee

1 A BILL for an Act to amend and reenact subsection 1 of section 30.1-28-03 of the North Dakota  
2 Century Code, relating to the court appointment of a guardian of an incapacitated person.

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

4 **SECTION 1. AMENDMENT.** Subsection 1 of section 30.1-28-03 of the North Dakota  
5 Century Code is amended and reenacted as follows:

6 1. Any person interested in the welfare of an allegedly incapacitated person may  
7 petition for the appointment of a guardian. If the allegedly incapacitated person has  
8 been identified by a regional human service center or county social service agency  
9 as an indigent individual in need of an appointed guardian, the state's attorney of  
10 the county in which the person resides, if requested to do so, shall prepare and file  
11 the petition for the appointment of a guardian. No filing fee under this or any other  
12 section may be required when a petition for guardianship of an incapacitated  
13 person is filed by a member of the individual treatment plan team for the alleged  
14 incapacitated person or by any state employee in the performance of official duties.