

State of South Dakota

IN CIRCUIT COURT

COUNTY OF \_\_\_\_\_

ss.

\_\_\_\_\_ JUDICIAL CIRCUIT

GUARDIANSHIP OF

\_\_\_\_\_,  
A PROTECTED PERSON.

GDN No. \_\_\_\_\_

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**NOTICE OF ENTRY OF ORDER  
and NOTICE OF RIGHTS**

An Order Appointing Guardian was entered by the Court on <DATE>, appointing <GUARDIAN> guardian of <APP>, a copy of which is attached and served upon you.

You have the right to appeal from the Order within 60 days of this notice. This is done by filing a Notice of Appeal with the clerk of courts.

You have the right to ask the Court to modify the terms of the guardianship, terminate or discharge the guardian. The termination, revocation or modification may be ordered if:

1. The protected person is no longer in need of the assistance or protection of a guardian;
2. The extent of protection, management, or assistance previously granted is either excess or insufficient considering the current need therefore;
3. The protected person's understanding or capacity to manage [his/her] personal affairs in the areas of health, care, safety has so changed as to warrant such action;  
or
4. No suitable guardian can be secured who is willing to exercise the assigned duties.

Upon the filing of a Petition to terminate, revoke or modify the guardianship, the court may appoint an attorney for the protected person if the court determines that an appointment is necessary.

The court will set a hearing on the petition to terminate, revoke or modify and the guardian and the protected person shall attend the hearing except for good cause shown.

If a petition to terminate, revoke or modification is filed, the protected person has the same rights as existed with the filing of the original petition.

*[ A petition for removal or modification may be granted if the Guardian:*

1. *Is acting under letters secured by material misrepresentation or mistake, whether fraudulent or innocent;*
2. *Has an incapacity or illness, including substance abuse, which affects fitness of office, or is adjudged to be a protected person in this or any other jurisdiction;*
3. *Is convicted of a crime which reflects on fitness for office;*
4. *Neglects the care and custody of the minor, the protected person or legal dependents;*
5. *Has an interest adverse to the faithful performance of duties such that there is a*

- substantial risk that the Guardian will fail to properly perform those duties;*
6. *Fails to file reports when required, or fails to comply with any order of court;*
  7. *Acts in a manner that threatens the personal security of a Co-Guardian;*
  8. *Avoids service of process or notice;*
  9. *Becomes incapable of or unsuitable for the discharge of duties; or*
  10. *Is not acting in the best interest of the protected person even though without fault.]*

Dated \_\_\_\_\_.

\_\_\_\_\_  
<ATTORNEY>  
<ATTORNEY'S ADDRESS>  
<ATTORNEY'S PHONE NUMBER>