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| STATE OF SOUTH DAKOTA:  SS:  COUNTY OF Click or tap here to enter text. | IN CIRCUIT COURT  Choose an item. JUDICIAL CIRCUIT |
| IN THE MATTER OF THE GUARDIANSHIP OF  Click or tap here to enter text.,  Minor Child. | File No. Click or tap here to enter text.  **STATEMENT OF RIGHTS TO SEEK MODIFICATION OR TERMINATION OF GUARDIANSHIP** |

COMES NOW Click or tap here to enter text., as attorney for the Petitioners, and makes this Statement of Rights to Seek Modification or Termination of Guardianship to all interested parties:

1. Pursuant to SDCL 29A-5-501 and 503, the appointment of a guardian will terminate upon death of the protected person or the guardian, resignation or removal of the guardian, or upon termination by the Court of the guardianship. A guardian may petition the Court for termination, but the Court may not grant permission to allow the termination unless there is a suitable successor willing to act, unless there is a showing of good cause.
2. Pursuant to SDCL 29A-5-504, upon petition by an interested person or on the Court’s own motion, the Court may remove a guardian or order other appropriate relief is 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 for office, or is adjudged to be a protected person in this or in any other jurisdiction;
   3. Is convicted of a crime which reflects on fitness for office;
   4. Wastes or mismanages the estate, unreasonably withholds distributions, or makes distributions in a negligent or profligate manner, or otherwise abuses power or fails to discharge duties;
   5. Neglects the care and custody of the minor, the protected person, or legal dependents;
   6. Has an interest adverse to the faithful performance of duties, such that is a substantial risk that the guardian or conservator will fail to properly perform those duties;
   7. Fails to file reports or accountings when required, or fails to comply with any order of the Court.
   8. Acts in a manner that threatens the personal or financial security of a co-guardian or co-conservator, or endangers the surety on the bond;
   9. Fails to file sufficient bond after being ordered by the Court to do so;
   10. Avoids service of process or notice;
   11. Becomes incapable of or unsuitable for the discharge of duties;
   12. Is not acting in the best interests of the minor child, the protected person, or the estate, even though without fault; or
   13. Fails to complete or timely complete the training curricula required pursuant to SDCL 29A-5-119.
3. Pursuant to SDCL 29A-5-508, upon petition by the protected person, by the guardian, by any other interested person, or upon the Court’s own motion, the Court may terminate a guardianship or modify the type of appointment or areas of protection, management or assistance previously granted to a limited guardian if:
   1. The protected person is no longer in need of assistance or protection of a guardian or conservator;
   2. The extent of protection, management or assistance previously granted is either excessive or insufficient, considering the current need therefor;
   3. The protected person’s understanding or capacity to manage the estate and financial affairs or to provide for health, care, or safety has so changed to warrant such action; or
   4. No suitable guardian or conservator can be secured who is willing to exercise the assigned duties.

Dated Click or tap to enter a date.

By:

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| (Name) |
| Attorney for Petitioners |
| (Street Address) |
| (City), SD 57Click or tap here to enter text. |
| (Phone) |
| (Email) |