

PETITION FOR GUARDIANSHIP OVER A MINOR (WITHOUT HEARING)

GENERAL INFORMATION SHEET

IMPORTANT

**THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE
ADVICE OF A PRIVATE ATTORNEY**

Private Counsel Is Always Recommended For Legal Matters

The law allows any person to represent themselves in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet regarding guardianship, including the definitions of terms.

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What is a Guardianship?

A guardianship is a legal relationship between two people. It is used when someone cannot take care of himself or his property. The person who needs assistance is the “proposed ward”. If guardianship is granted, that person will be the “ward”. The person who is going to take care of the ward is the “proposed guardian”. After the guardianship is granted, that person is the “guardian”. The way to ask the Court to establish guardianship is by filing a Petition for Appointment of Guardian.

Are there different types of guardianships?

Yes. There are court-ordered guardianships and guardianships that do not go through the court system. ***Some organizations and businesses will not follow a guardianship that has not been ordered by the court.*** This packet contains information for court-ordered guardianships. You may contact Nevada Legal Services at 1-800-323-8666, VARN at (775) 883-8278 or the Family Court Self-Help Center in Reno, Nevada at (775) 625-6731 if you would like to pursue a guardianship that does not go through the court system.

There are three types of court-ordered guardianships: (1) Guardianship of the Person, (2) Guardianship of the Estate, (3) Guardianship of the Person and the Estate.

In a guardianship of the person, the guardian is responsible for personal/medical decisions only. Someone else will make all financial decisions, or there are no financial decisions to be made.

In a guardianship of the estate, the guardian is responsible for financial decisions only. Someone else will make personal and medical decisions.

In a guardianship of the person and the estate, the guardian is responsible for the ward’s financial and personal/medical well-being.

Please see the Definitions that are part of this packet or Chapter 159 of the Nevada Revised Statutes for more details on the types of court-ordered guardianships and the responsibilities of the guardian for each of these guardianships.

How do I get a court-ordered guardianship without a hearing in Nevada?

In general, you must file a Petition in the county where the Ward resides. If the Ward does not reside in Nevada, you may file in any Nevada county where the Ward has property or where the Ward is physically present.

Usually, judges don't make orders about guardianships without having a hearing. However, in some circumstances, a judge will grant a guardianship without a hearing. In order to obtain a guardianship that lasts longer than a few days without a hearing, certain requirements must be met. Please see the next section for a list of these requirements.

If, after a hearing, the judge decides to grant your petition for guardianship, you will need to file the Order Appointing Guardian and "General Letters of Guardianship".

After the judge has granted your petition for guardianship, you will need to give notice of the guardianship to the proposed ward and relatives within the "second degree of consanguinity". If the proposed ward is in a care facility, you also need to notify the administrator or manager of that facility. If the proposed ward is receiving money from the Department of Veterans Affairs, they must also be notified. You do this by mailing copies of the Petition for Appointment of Guardian(s) and the Citation to Appear and Show Cause to them or by personally serving the Petition and the Citation. If you choose to mail the documents, the mailing must be by certified mail, return receipt requested (the green cards that are mailed back after the person picks up the mail). If you cannot find some of the people entitled to notice, you may ask the court to serve them by publishing the Citation in the newspaper. You must receive the judge's permission to do this.

If the guardianship is over an estate, you must file an Inventory with the court. You must file an inventory within 60 days from the date you are appointed guardian.

Please see the Definitions that are part of this packet to learn more about the terms used in this explanation.

How do I file my paperwork?

The procedure for filing paperwork varies from county to county. Please call the clerk's office for the county in which you plan to file the petition and ask about that court's procedural requirements. If you are filing in Washoe County or Clark County, you may call the self-help centers for those counties to learn more about the procedures in those courts. The telephone number numbers are:

Family Court Self-Help Center (Washoe County): (775) 325-6731

Family Law Self-Help Center (Clark County) (702) 455-1500

Please Note: If a document must be notarized, a clerk at the court may witness your signature instead of a notary public.

When can I use this set of forms?

You can use this Petition for Appointment of Guardian(s) only if paragraphs 1-6 apply and at least one of the provisions in paragraph 7 apply.

- 1) All of the proposed wards have the same mother and father; and

Note: If the proposed wards have different sets of parents (i.e., different fathers), you will need to complete a separate packet for each child.

- 2) The proposed wards are younger than 18 years old; and
- 3) One or two persons will be the Guardian(s) of the proposed wards; and

- 4) Either: 1) At least one of the persons who will be the guardians and the persons who will be the wards are Nevada residents; or, 2) the persons who will be the wards are now Nevada residents, at least one of the persons who will be guardian is a Nevada resident and there is already a guardianship in another state with these guardians and wards. (You will need to file an exemplified copy of the other court's order and the Letters of Guardianship from the other court); and

Note: If the guardianship is for an estate, at least some of the money/property must be in Nevada.

- 5) The proposed guardians have never been disbarred or suspended from practicing law, accounting or any other profession that involves the management or sale of money, investments, securities or real property that requires a license; and
- 6) If a proposed ward is at least 14 years old, he/she must be willing to sign a written consent to the Co-Guardianship; and.
- 7) At least one of these applies:

- Both parents of the proposed wards are willing to sign the Petition for Appointment of Guardian(s); or,
- One parent of the proposed wards is deceased and the other parent will sign the Petition for Appointment of Guardian(s). (You will need to give the Court a copy of the death certificate with the Petition.); or,

- One parent has a court order terminating the other parent's rights and the parent who still has rights will sign the Petition for Appointment of Guardian(s). (You will need to give the Court a copy of that order); or
- The proposed wards' mother will sign the Petition for Appointment of Guardian(s) and the proposed wards' father's identity is truly unknown. (The Court will want to know if the father is on the children's birth certificates, if there is court-ordered child support or a court finding of paternity, etc.); or
- One of the persons who will be the guardian is the parent of the proposed wards and that parent has sole legal and sole physical custody of the proposed wards.

What forms and information should be in this packet?

This packet should contain the following documents:

- General Information Sheet
- Petition for Appointment of Guardian(s)
- Consent and Waiver of Child
- Confidential Information Sheet
- Order Appointing Guardian(s)
- General Letters of Guardianship
- Notice of Entry of Order
- Inventory, Appraisal and Record of Value