

TPR-1 PETITION TO TERMINATE PARENTAL RIGHTS

Purpose of this packet:

You wish to permanently take away a parent's rights to their child.

If a parent's rights are terminated, the person is not the child's legal parent anymore. This means:

- The parent has no right to visit or talk with the child.
- The parent-child relationship no longer exists.
- The parent no longer gets to raise the child.
- The parent no longer has to pay future child support.
- The parent is removed from the child's birth certificate.

Judges do not terminate a parent's rights unless there is a very good reason.

Note: If there is a desired adoption and the parent who would no longer be the legal parent to the child agrees to the adoption, do not use these documents. Contact the Law Library or Resource Center for more information on how to proceed.

Contents:

1. Instructions
2. Legal Assistance Information
3. EFile User Agreement
4. Petition to Terminate Parental Rights
5. Declaration of Personal Service
6. Proof of Mailing

A separate petition must be filed for each minor child.

Note: The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. §199.145

Instructions:

☐ Step 1: Sign up for an electronic filing account

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

☐ Step 2: Fill out the following form:

- Petition to Terminate Parental Rights

Note: You will be given a case number and department when your petition is filed with the court.

☐ Step 3: File your petition

Electronically file the petition yourself or bring your completed petition to the Resource Center to get help filing it.

↳ How to file your documents using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.
2. To start the termination case, click “Home,” then click “New Case.”
3. Select “Family-Related: Domestic Relations” and “Term of Parental Rights (TPR): Other TPR Petition (Private Request) – TV.”
4. Enter your information as the Party Type “Petitioner.” Click on “Add Other Parties (Defendants)” to add the other parent’s information as Party Type “Respondent.”
5. To file the document, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, click “Add.”
6. Follow the prompts to upload the document below.

Note: The eFlex Document Category field can be left blank.

- Petition to Terminate Parental Rights
(Document Type: Pet to Terminate)
7. When the document has been uploaded, review it by clicking on the hyperlinked file name in the “View Document” column. When you have confirmed everything is correct, click “Next.”
 8. Estimated Fees: there is no filing fee required for this petition. Select “No Fee Required.”
 9. When you are ready to submit your document to the court, click “Submit the Filing.”

□ Step 4: Contact the department to set a hearing date

You must schedule a hearing. Contact the Judicial Assistant in the department in which your case will be heard to ask to schedule a hearing.

Go to <https://www.washoecourts.com/Judges> to look up the contact information for your department. Or you may reach out to the Law Library or Resource Center for your department's contact information.

The Judicial Assistant will file a Notice of Hearing into your case. You will receive an eFlex notification when the Notice has been filed. Read the Notice of Hearing for further instructions and details about the time and location of your hearing.

□ Step 5: Service

1. The parent whose parental rights you wish to terminate must be **personally served** with a file-stamped copy of the Petition and the Notice of Hearing. You can print file-stamped copies of these documents from your eFlex account or visit the Resource Center to obtain copies for a fee.

Personal service cannot be completed by you.

Personal service is completed by a person other than yourself by:

- Handing a copy to the respondent; or
- Leaving a copy at the respondent's home with a person of suitable age and discretion who lives there; or
- Delivering a copy to an agent authorized to receive service (such as an attorney).

It can be completed by:

- The civil division of the sheriff's office in the county in which the person you are serving resides or works; or
- A responsible adult over the age of 18 years that is not party to the case; or
- A private process service.

Have the parent served with the following documents:

- Petition to Terminate Parental Rights
- Notice of Hearing

2. If the child has a legal guardian(s), you will need to personally serve the legal guardian(s) with a file-stamped copy of the Petition to Terminate Parental Rights and the Notice of Hearing.
3. If you do not know the address of the parent whose parental rights you wish to terminate, you will need to personally serve the nearest known relative of that person, if there are any residing within the State of Nevada, with a file-stamped copy of the Petition to Terminate Parental Rights and the Notice of Hearing.

You will also need to ask the judge for permission to serve the parent by publication in a newspaper. An Ex Parte Motion for Publication of Notice of Hearing to Terminate Parental Rights can be filed to request permission to publish.

The TPR-2 Ex Parte Motion for Publication of Notice of Hearing to Terminate Parental Rights is available online at <https://www.washoecourts.com/> or at the Resource Center or the Law Library.

If the judge grants your Ex Parte Motion for Publication, you will have to personally serve the nearest known relative of that person, if there are any residing within the State of Nevada **AND** publish a notice in the newspaper.

If your motion is denied, the judge will provide details of why it was denied.

4. If you or the child are receiving public assistance, you will need to mail a file-stamped copy of the Petition to Terminate Parental Rights and the Notice of Hearing to the Chief of the Child Support Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services by registered or certified mail return receipt requested at least **45 days before the hearing** (see the Proof of Mailing form for the address).

Step 6: File proof of service

After you have served the other party, you must file proof of service with the court.

If you do not file proof of service at least 21 days prior to the hearing, your hearing may be vacated (canceled).

For each person personally served, fill out the the top portion of the Declaration of Personal Service form with your contact information, the minor's name, case number and department. The rest of the Declaration form must be completed by the person who served the documents (not you).

If you are serving multiple people by personal service, you will need a separate Declaration of Personal Service form for each person.

If you were required to serve the Chief of the Child Support Enforcement Program of the Division of Welfare and Supportive Services of the Department of Health and Human Services, fill out the Proof of Mailing. Include with the Proof of Mailing the return receipt given to you by the post office.

Electronically file the Declaration of Personal Service and the Proof of Mailing (if applicable) yourself or bring them to the Resource Center to get help filing them.

↳ How to file your documents using eFlex:

1. Sign in to your eFlex account: <https://wceflex.washoecourts.com/>.
2. Click “Existing Cases.”
3. Locate the termination case you are filing into, click on the blue “eFile” link next to the case number.
4. To file the document, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, click “Add.”

Note: The eFlex Document Category field can be left blank.

- Declaration of Personal Service
(Document Type: Affidavit/Declaration of Service)
 - Proof of Mailing (if applicable) and your mailing receipt all together as one PDF document.
(Document Type: Proof)
5. Review the document(s) by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document(s) to the court, click “Next” and then “Submit the Filing.”

Step 7: Response to the Petition to Terminate Parental Rights

Starting the day after service of the Petition and the Notice of Hearing, the other parent has 20 days to file a response. If the other parent files a response to your petition, you can file a reply.

Even if the other parent does not file a response, they can attend the court hearing.

Step 8: The Hearing

If the parent the petition was filed against attends the hearing, the parent will be able to tell the judge whether they agree or disagree with the termination of their parental rights.

If the parent the petition was filed against does not attend the hearing, the judge must be sure that the parent was properly served with the petition and notice of hearing. The judge may not go forward with the hearing if the other parent was not properly served.

**For procedural questions, or help with electronically filing your documents,
visit or contact:**

**Resource Center
1 South Sierra St., 3rd Floor
Reno, NV 89501
775-325-6731**

**Law Library
75 Court St., Room 101
Reno, NV 89501
775-328-3250**

Legal Assistance Information

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

LAWYER IN THE LIBRARY

Sign up on our website:

<https://www.washoecourts.com/LawLibrary/LawyerInLibrary>

For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

NEVADA LEGAL SERVICES

449 S. Virginia St.
Reno, NV 89501

775-284-3491 – leave a message, if
necessary

<https://nevadalegalservices.org>

NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1st Floor
Reno, NV 89501

775-321-2062 – leave a message, if
necessary

<https://nnlegalaid.org>