

GA-1 PETITION FOR GUARDIANSHIP OF AN ADULT

This packet contains the following:

1. Instructions
2. Legal Assistance Information
3. EFile User Agreement
4. Petition for Appointment of Guardian(s) Over Adult
 - a. Index of Exhibits
 - b. Exhibit A: Physician's Certificate with Needs Assessment
 - c. Exhibit B: List of Adult's Relatives
 - d. Exhibit C: Information Regarding the Proposed Protected Person's Estate
5. Initial Plan of Care for the Protected Adult Person
6. Monthly Budget
7. Confidential Information Sheet-Guardianship
8. Citation to Appear and Show Cause
9. Declaration of Service on Adult Proposed Protected Person
10. Certificate of Mailing for the Petition for Appointment of Guardians

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: You will need an eFlex account to file with the Court. If you do not have an eFlex account, you can sign up either in person at the Resource Center, or online here: <https://www.washoecourts.com/EFiling/SignUp>. Electronic filing is mandatory.

Step 2: Fill out the **Petition for Appointment of Guardian(s) Over Adult**.

Note: If there is only one person petitioning for guardianship, please print “n/a” wherever the form asks for information about the second petitioner.

Step 3: You must attach a copy of:

- The **Physician’s Certificate** as **Exhibit A**

Note: If you are unable to obtain a completed Physician’s Certificate when you file this Petition, then you must explain in your petition why you are not attaching it or attach some other form of sufficient documentation. Then you must file the Physician’s Certificate with a confidential cover sheet AS SOON AS POSSIBLE BEFORE THE HEARING.

- The **List of Adult’s Relatives** as **Exhibit B**

Note: List all known relatives of the proposed protected person. Include address or mark “Address Unknown” or “Deceased” accordingly. If more room is needed, attach additional sheets of paper.

- The **Information Regarding the Proposed Protected Person’s Estate** as **Exhibit C**

Note: Complete this form only if you are requesting guardianship over the proposed protected person’s estate. If you are not requesting guardianship over the proposed protected person’s estate, skip this step.

- Attach any other documents that support your petition as additional exhibits.
- Documents must not contain full bank account numbers, social security numbers, or driver’s license numbers.

- Step 4:** Fill out the **Initial Plan of Care for the Protected Adult Person**, the **Monthly Budget**, and the **Confidential Information Sheet**.
- You must attach a copy of one of the following documents to the **Confidential Information Sheet** for the Proposed Protected Person AND each proposed guardian:

Social Security card, taxpayer identification card, valid driver’s license, valid identification card, or valid passport.
 - If you cannot obtain a copy of identification for the proposed protected person and/or proposed guardian, complete as much information as possible.

- Step 5:** File the Petition and other required documents.

At this point, you may either electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them. If you take them to the Resource Center to file, skip to Step 6 once they have been filed.

- Step 5a:** Sign into your eFlex account: <https://wcefex.washoecourts.com/>.

- Step 5b:** Payment:

There may be a filing fee. Note: If you cannot afford the filing fee, there is an **F-6 Application to Waive Fees and Costs** that can be used to ask for the filing fees to be waived.

- To pay the filing fee, you must add a credit card to your eFlex account.
- Click on “My Profile.”
- Under the “Wallets” section, go to “SECOND JUDICIAL DISTRICT COURT - STATE OF NEVADA – Family Court Fee Payments” and click the “Add” button.
- Enter a description for the credit card you will be using.
- Click “Create Credit Card Token.” Enter your credit card information and follow the prompts to save it to your account.

- Step 5c:** Electronically filing your documents:

- To start the guardianship case, click “Home,” then click “New Case.”

- Select “Family-Related: Guardianship” and “Guardianship of an Adult - GA.”
- Click “Add my Parties” and enter the proposed guardian’s information as the Party Type “Petitioner.” Enter the proposed protected person’s information as Party Type “Protected Person.”
- After all parties have been added, click “Next.”
- To file each of the documents below, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, then click “Add.”

Note: The Document Category field can be left blank.

- Repeat these steps for each document you are filing.
 - **Petition for Appointment of Guardian(s) Over Adult** including the **Index of Exhibits** as the last page
Document Type: “Pet Appoint Guardian – Adult No\$ **or** Pet Appt Gdn – Adult +2500” depending on the value of the estate
 - **Exhibit A: Physician’s Certificate** as an exhibit to the **Petition for Appointment of Guardian(s) Over Adult**
Document Type: “**Continuation.”
 - Upon attaching **Exhibit A: Physician’s Certificate**, you will be prompted to select which document you are attaching it to; confirm that “Pet Appoint Guardian – Adult No\$ **or** Pet Appt Gdn – Adult +2500” is selected, and click “Next.”
- Repeat the same steps for **Exhibit B & Exhibit C**.
 - **Exhibit B: List of Adult’s Relatives**
Document Type: “**Continuation.”
 - **Exhibit C: Information Regarding the Proposed Protected Person’s Estate.** Complete Exhibit C only if you are requesting guardianship over the proposed protected person’s estate.
Document Type: “**Continuation.”
- A helpful video for attaching exhibits can be found here:
<https://www.youtube.com/watch?v=6JRMlXxa8Pg>

- **Initial Plan of Care for the Protected Adult Person**
Document Type: “Plan of Care”
- **Monthly Budget**
Document Type: “Budget”
- **Confidential Information Sheet-Guardianship** including copies of identification for each guardian and the protected person
Document Type: “Guardianship Required Information Sheet”

- When all the documents have been uploaded, review each one by clicking on the hyperlinked file name in the “View Document” column.
- When you have confirmed everything is correct, click “Next.”
- If there is a filing fee listed next to “Estimated Fees,” select “Wallet Item” for the credit card added in Step 5b. If there is no fee, select “No fee required.”
- When you are ready to submit your documents to the court, click “Submit the Filing.”

Wait. Once all the documents are filed and accepted, you will be assigned a case number and a judge.

Step 6: Fill out page 1 of the **Citation to Appear and Show Cause**

Note: The “All Known Relatives of the Adult” section must include the following proposed protected person’s family members:

- Mother
- Father
- Children (over the age of 14)
- Grandparents
- Siblings (over the age of 14)
- Spouse
- Grandchildren (over the age of 14)

The court clerk will complete page 2 of the **Citation to Appear and Show Cause** in the next step.

□ Step 7: Set the Hearing

To schedule a hearing on the petition for guardianship, you must contact the guardianship court clerk by calling: 775-328-3135, or emailing the **Citation to Appear and Show Cause** to: AdultGuardianship@washoecourts.us.

The clerk will provide you with a hearing date and will issue the completed **Citation to Appear and Show Cause** into your guardianship case.

□ Step 8: Serve the documents

You must serve everyone listed on the front of the **Citation to Appear and Show Cause** with one file-stamped copy of the **Petition for Appointment of Guardian(s) Over Adult** (including **Exhibits**) and one file-stamped copy of the **Citation to Appear and Show Cause**.

You can print file-stamped copies of the documents you need to serve from your eFlex account or visit the Resource Center to obtain copies.

You will also need to serve:

- The Proposed Protected Person by personal service.
- The Proposed Protected Person's attorney.
- The Director of the Department of Health and Human Service if the Proposed Protected Person has received or is receiving benefits from Medicaid.
- The Department of Veteran Affairs if the Proposed Protected Person is receiving benefits from the VA.
- Anyone else who is listed under NRS 159.034.

Service:

- Service may be made by certified mail, with a return receipt requested, at least 20 days before the hearing, or personal service at least 10 days before the date set for the hearing.
- When you serve by certified mail, keep the white slips and green return cards to attach to your **Certificate of Mailing for the Petition for Appointment of Guardians** (see Step 12).
- The Proposed Protected Person must be served by personal service. Personal service cannot be completed by you.
- For Personal service, service may 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 does not need to be served the documents themselves; or
- A private process service.
- If you are serving anyone other than the Proposed Protected Person or the Proposed Protect Person’s attorney by personal service, you will need additional forms. Contact the Law Library or Resource Center for more information.

Service by publication in a newspaper:

You must make a serious attempt to locate everyone listed on the front of the **Citation to Appear and Show Cause**. If none of the persons, (excluding the Director of the Department of Health and Human Services, the Department of Veteran’s Affairs, and the minor child(ren)), entitled to notice of a hearing can be served after **due diligence**, you may need to file an **Ex Parte Motion for Publication**.

If you request the Court’s permission to provide notice via publication, you must list all your attempts to find each person in your request. Just by saying you do not know where the person is and have not heard from them IS NOT ENOUGH for a court order to publish in the newspaper.

- Step 9:** Complete the **Declaration of Service** for all persons that were personally served.

The **Declaration of Service** must be completed by the person who served the documents. The person who served the documents will need to date, sign, print their name, address, and phone number.

You must file the **Declaration of Service** into this case.

- Step 10:** Complete the **Certificate of Mailing for the Petition for Appointment of Guardians** for all persons that were served by electronic service or mail.

List all the names and addresses of the people served electronically or by mail. If more room is needed, attach additional sheets.

□ **Step 11: Filing the Declaration of Service and the Certificate of Mailing**

You may either bring your **Declaration of Service** and the **Certificate of Mailing** to the Resource Center to file them with the Court, or you can follow the instructions below to electronically file the documents yourself.

If you take them to the Resource Center to file, skip to Step 12 once they have been filed.

□ **Step 11a: File the Declaration of Service and the Certificate of Mailing.**

- Log into your eFlex account: <https://wceflex.washoecourts.com/>.
- Click “Existing Cases.”
- Locate the Guardianship case you are filing into, click on the blue “eFile” link.
- To file each of the documents, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, then click “Add.”

Note: The Document Category field can be left blank.

- Repeat these steps for each document you are filing.
 - **Declaration of Service on Adult Proposed Protected Person**
Document Type: “Declaration”
 - **Certificate of Mailing for the Petition for Appointment of Guardians** and include the signature receipts (green cards from the Post Office)
Document Type: “Certificate of Mailing”
- Once the Certificate of Mailing and the Declaration of Service have been filed, you will need to mail a file-stamped copy to all the parties served.

****You are now ready for your hearing.****

□ Step 12: The Hearing

Your hearing will be virtual using Zoom. The Court will send you login instructions prior to the hearing. Log in approximately 15 minutes prior to your scheduled time for the hearing.

The Proposed Protected Person must attend the hearing. You must reasonably ensure the Proposed Protected Person is connected to the hearing.

The Judge will have questions for you. If permanent guardianship is granted, the Judge will issue an **Order Appointing Guardian**.

□ Step 13: The Acknowledgments of Duties and the Letters of Guardianship

After the Court enters an order granting guardianship, court staff will provide you with the **Acknowledgment of Duties** and the **Letters of Guardianship**. Complete the **Acknowledgment of Duties** and either file it into the case yourself or bring it to the Resource Center to be filed.

Bring the **Letters of Guardianship** to the Resource Center to be issued by a deputy clerk. Contact adultguardianship@washoecourts.us if you are not sure how to proceed.

What Happens Now?

After the guardianship is granted, there is additional paperwork that is required by NRS 159. Some documents must be filed yearly. Please see your Acknowledgment of Responsibility and Duties for a complete list of duties.

Need to find important deadlines in your case? Use the Milestone Tracker to search for them: <https://www.washoecourts.com/Milestones>

Additionally, the Judge may order you to complete the Court's online guardianship training, which can be found on www.washoecourts.com.

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

299 S. Arlington Avenue
Reno, NV 89501

775-329-2727 – leave a message, if
necessary

<https://nnlegalaid.org>