PETITION TO TRANSFER MINOR GUARDIANSHIP TO NEVADA

PACKET GM-19

INSTRUCTIONS FOR COMPLETING FORMS

CAREFULLY READ ALL INSTRUCTIONS BEFORE STARTING TO FILL OUT ANY OF THE FORMS.

Use **black or blue ink only**. Neatly print or type the information requested. Do not use correction fluid/tape on the forms.

This packet contains the following forms:

- 1. EFile User Agreement
- 2. Petition to Transfer Minor Guardianship to Nevada
- 3. Exhibit A: Copy of Other State's Provisional Order of Transfer
- 4. Exhibit B: List of Minor's Relatives
- 5. Exhibit C: Information Regarding the Protected Minor's Estate
- 6. Confidential Information Sheet-Guardianship
- 7. Citation to Appear and Show Cause
- 8. Certificate of Mailing
- 9. Declaration of Service

Some of the forms are set up for two petitioners. If there is only one person petitioning for guardianship, please print "n/a" wherever the form asks for information about a second petitioner.

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

EFlex Account and EFile User Agreement:

To file your documents, you will need to sign up for an eFlex account and have a valid email address. There is no fee to sign up for a standard eFlex account. If you already have an eFlex account for a different case, you do not need to create another account and can skip this step.

To sign up:

1) Carefully read and complete the eFile User Agreement (Standard) by filling in as much information as possible, signing, and dating page two;

2) Return the eFile User Agreement (Standard) to the Second Judicial District Court, or email it to <u>eflexsupport@washoecourts.us</u>; and

3) Request an account at https://wceflex.washoecourts.com/.



If you need further assistance signing up for an account, please call the Resource Center at 775-325-6731.

INSTRUCTIONS: STEP 2

Complete the Petition as Shown:

Attach a certified copy of other state's provisional order of transfer to Nevada as Exhibit A, the List of Minor's Relatives as Exhibit B, the Information Regarding the Protected Minor's Estate as Exhibit C (if you are requesting guardianship over the protected minor's estate). Attach any other documents that support your petition. Documents must <u>not</u> contain full bank account numbers, social security numbers, or driver's license numbers.

* If only one person is petitioning, put N/A wherever it asks for information for a second petitioner.



INSTRUCTIONS: STEP 3

Complete the Index of Exhibits and the Exhibit Cover Page as Shown:

You will need to attach:

- A certified copy of other state's provisional order of transfer to Nevada;
- List of Minor's Relatives;
- Information Regarding the Protected Minor's Estate (if you are requesting guardianship over the estate)

Make sure to fill in the number of pages for the other state's provisional order of transfer to Nevada and exhibit B, the List of Minor's Relatives. If you are requesting guardianship over the estate, please fill out exhibit C.

You do not need to write anything else on these pages, unless you are attaching additional exhibits.

The documents should be in the following order to file:

- Petition to Transfer Minor Guardianship to Nevada
- the Index of Exhibits
- the Exhibit Cover Page A
- the certified copy of other state's provisional order of transfer to Nevada.
- the Exhibit Cover Page B
- List of Minor's Relatives
- the Exhibit Cover Page C
- the Information Regarding the Protected Minor's Estate (if applicable)





INSTRUCTIONS: STEP 4

Complete the Confidential Information Sheet-Guardianship as Shown:

For both the minor and each guardian(s), you must attach a copy of one of the following documents: Social Security card, taxpayer identification number, valid driver's license, valid identification card, valid passport, or birth certificate (for minor only). This document is confidential. If you are unable to obtain a copy of the minor's identification before the Order Granting Guardianship, please attach the guardian(s)' identification and fill out as much information as possible for the minor. If the Order Granting Guardianship is entered, please file an amended required information sheet with the minor's information.



INSTRUCTIONS: STEP 5

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <u>https://wceflex.washoecourts.com/</u>, and in the Law Library and the Resource Center.

If you have not done so, you will need to sign up for an eFlex account and turn in the EFile User Agreement (*see INSTRUCTIONS: STEP 1*), to the Second Judicial District Court, or email to <u>eflexsupport@washoecourts.us</u>.

Sign into your eFlex account using the username and password you created and electronically file the:

- Petition to Transfer Minor Guardianship to Nevada & index of exhibits
- Exhibit A: the certified copy of other state's provisional order of transfer to Nevada (*as a continuation to the Petition*)
- Exhibit B: List of Minor's Relatives (*as a continuation to the Petition*)
- Exhibit C: Information Regarding the Protected Minor's Estate (*as a continuation to the Petition*)
- Confidential Information Sheet-Guardianship with Required Identification

The Citation to Appear and Show Cause will not be filed at this time. However, if you are filing at the courthouse you may bring the Citation with you and have it issued (see INSTRUCTIONS: STEP 6).

Make sure to keep the original copy of any documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available in the Law Library and the Resource Center.

There may be a filing fee charged when the documents are filed. Fee information is available at the Resource Center and online at: <u>www.washoecourts.com</u>

INSTRUCTIONS: STEP 6

Complete the Citation to Appear and Show Cause as Shown:

Take the Citation to the third floor of 1 South Sierra Street or contact the Judicial Assistant in Department 14 at 775-325-6788. The Judicial Assistant will assist you to set a hearing and issue the Citation. You must provide a copy of the Petition and Citation to Appear and Show Cause to the following family members of the minor, if surviving:

- Mother • Father
- Siblings (over the age of 14)Grandparents

You will also need to serve:

• The Director of the Department of Health and Human Services if the Minor has received or is receiving benefits from Medicaid;

- Any other person taking care of the Minor; and
- Anyone else who is listed under NRS 159A.034.

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1) Print your name, address, telephone number, and email.	COURT CODE: 1395 Your Name: Address: City, State, Zip: Telephone: Email Address: Self-Represented
2) Print the heading, Case No., and Dept. No. exactly as it appears on all your other documents for this Guardianship case.	IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT OF THE STAFE OF NEVADA IN AND FOR THE COUNTY OF WASHOE In the Matter of the Guardianship of the: Person Person Person and Estate of: (name of minor who has a guardian) A Protected Minor.
3) Print the names of all the people you are required to serve.	CITATION TO APPEAR AND SHOW CAUSE TO: (protected person's wame) (protected person's attorney's name) (guardian's names) (guardian's names) (Write each relative's name on a separate line) (Write each relative's name on a separate line)
 4) Print the names of the Guardian(s) on page 2. 5) Leave the rest of page 2 blank. Court staff will fill this out. 	ANY PERSON HAVING THE CARE, CUSTODY, AND CONTROL OF THE PROTECTED PERSON © 2018 Nevada Supreme Court Page 1 of 2 – Citation to Appear and Show Cause (Generic)

INSTRUCTIONS: STEP 7

Serving the Documents

Everyone listed on the citation must be served by certified mail, with return receipt requested, at least 20 days before the hearing, or by personal service at least 10 days before the date set for the hearing. PERSONAL SERVICE CANNOT BE COMPLETED BY YOU.

If you serve by certified mail, keep the white slips and green cards to attach to your Certificate of Mailing (*see INSTRUCTIONS: STEP 8*).

If you serve by 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 (such as a friend or relative); or
- A private process service.

The Declaration of Service must be completed by the person who served the documents (see INSTRUCTIONS: STEP 9).

Service by Publication

You must make a serious attempt to locate everyone listed on the front of the Citation. If none of the persons, (excluding the Director of the Department of Health and Human Services and the minor), entitled to notice of the hearing can after due diligence, be served, you may need packet **GM-6 Request** to Waive Service or Publish in the Newspaper.

A serious attempt includes, but is not limited to: attempting to locate the other person at their last known residential and employment addresses, attempting to locate them through a real property search through the Washoe County Assessor's website, attempting to contact them at their last known email address or telephone number, checking with friends, relatives, and past landlords and employers, a check on the internet locators, etc. If you request the Court's permission to provide notice via publication, you must list all of your attempts to find each person in your request. Contact the Resource Center for further information.

INSTRUCTIONS: STEP 8

Complete the Certificate of Mailing for all Persons Served by Mail as Shown:



INSTRUCTIONS: STEP 9

Complete the Declaration of Service for all Persons Personally Served as Shown:

This form will be filled out by the person who completes service. One document will need to be filled out for each individual served. It is your responsibility to file a copy of the Declaration of Service once service is completed.



INSTRUCTIONS: STEP 10

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <u>https://wceflex.washoecourts.com/</u>, and in the Law Library and the Resource Center.

Sign into your eFlex account using the username and password you created and electronically file the:

- Certificate of Mailing for the Petition to Transfer Minor Guardianship to Nevada
- Declaration of Service

Make sure to keep the original copy of any documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available in the Law Library and the Resource Center.

Once the Certificate of Mailing and the Declaration of Service have been filed, you will need to mail a file-stamped copy to all of the parties served.

INSTRUCTIONS: STEP 11

The Hearing

Arrive approximately 15 minutes prior to your scheduled time for the hearing. Go to the location listed on the Order Setting Hearing.

The minor must be with you for the hearing. When your case is called, enter the courtroom and take a seat at the table on your right.

The Judge will have questions for you. If temporary guardianship is granted, the Judge will issue an Order Appointing Temporary Guardian and will set another hearing regarding full guardianship. If full guardianship is granted, the Judge will issue an Order Appointing Guardian. You will be provided a copy of the order.

What Happens Now?

After you have received a Court Order granting guardianship, complete the Guardian's Acknowledgment(s) and Letters of Guardianship. There is additional paperwork that is required by NRS 159A after guardianship is granted. Attached to this packet is a check list to assist you. Some documents must be filed yearly.

For any additional questions please contact the Resource Center. Additional forms can be found at <u>www.washoecourts.com</u>.

Check List of Forms Required After Guardianship Has Been Granted

X	Name of Form	Description	Time to File
	Letters of Guardianship and Oath of Guardian	These documents are your authority as a guardian. Each guardian must take the oath and have the letters issued to them prior to entering upon duties as a guardian. NRS 159A.073	Must be filed no later than 60 days after being appointed as a guardian.
	Acknowledgment of Responsibility and Duties (Person)	This document details your responsibilities as a guardian of the person. Only required for guardianship of the person.	Must be filed no later than 60 days after being appointed as a guardian of the person.
	Acknowledgment of Responsibility and Duties (Estate)	This document details your responsibilities as a guardian of the estate. Only required for guardianship of the estate.	Must be filed no later than 60 days after being appointed as a guardian of the estate.
	Report of the Guardian of a Minor	This document is used to communicate important information regarding the conditions of a minor to the Court. Only required for guardianship of the person.	Required <u>annually</u> within 60 days of the anniversary of the order appointing guardian, or whenever the court requests.
	Accounting	This document is used to communicate information regarding the minor's estate and activities regarding the estate to the Court. Only required for guardianship of the estate.	Required <u>annually</u> within 60 days of the anniversary of the order appointing guardian, or whenever the court requests.
	Inventory, Appraisal, and Record of Value	This document is used to inform the court of any moneys, accounts, real property, and personal property of the minor. Only required for guardianship of the estate.	Must be filed no later than 60 days after being appointed as a guardian of the estate, or whenever the court requests.
	Certificate of Completion of Guardianship Training	Once you completed the required Guardianship Training, you will need to file the certificate given to you at the end of the training with the court. NRS 159A.059	As soon as an available class has occurred and you have completed the training.

This is not a comprehensive list, please see your Acknowledgment of Responsibility and Duties for a complete list of all responsibilities.

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: <u>https://www.washoecourts.com/LawLibrary/LawyerInLibrary</u> 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 <u>https://nnlegalaid.org</u>

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