PETITION FOR GUARDIANSHIP OF A MINOR WITH IMMEDIATE, TEMPORARY GUARDIANSHIP REQUESTED

GM-2

*NOTE: A separate petition must be filed for each minor.

Resource Center 1 South Sierra St., Third Floor Reno, NV 89501 775-325-6731 www.washoecourts.com

PETITION FOR GUARDIANSHIP OF A MINOR WITH IMMEDIATE, TEMPORARY GUARDIANSHIP REQUESTED

PACKET GM-2

USE THIS PACKET ONLY IF <u>ALL</u> OF THE FOLLOWING REQUIREMENTS HAVE BEEN MET:

- \Box You are filing for guardianship of a minor
- □ You are requesting an immediate, temporary guardianship pending a hearing on a regular, full guardianship.

You will need additional packets to complete your Petition for Guardianship of a Minor with Immediate, Temporary Guardianship Requested if:

- \Box The child is 14 years or older (see packet **GM-3**).
- \Box The natural parent(s) consent to the guardianship (*see packet GM-4*).
- \Box Other interested parties' consent to the guardianship (see packet **GM-5**).
- \Box You do not know the location or identity of a parent (see packet **GM-6**).

IMPORTANT INFORMATION IN ORDER TO PROCEED:

All information you would like the Judge or Court to know should be included in the Petition. Such documentation **must include**, without limitation:

Documentation that shows the minor faces a substantial and immediate risk of physical harm, emotional harm, financial harm, or needs immediate medical attention, and lacks capacity to respond to the risk of harm or obtain the necessary medical attention.

To contact the Human Service Agency, call 775-785-8600.

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 the information requested.

Do not use correction fluid/ tape on the forms.

This packet contains the following forms:

- 1. eFile User Agreement (Standard)
- 2. Petition for Appointment of Guardian(s) Over Child Including Request for Temporary Guardianship
- 3. Declaration in Support of Petition for Appointment of Temporary Guardianship
- 4. Confidential Information Sheet Guardianship
- 5. Request for Submission
- 6. Certificate of Mailing
- 7. Declaration of Service

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 the second petitioner.

If there are two petitioners, each petitioner will need to sign up for their own eFlex account.

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.

INSTRUCTION: 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/.

SECOND JUDICIAL DISTRICT COURT	
<section-header><section-header><section-header><section-header><text><list-item><list-item><list-item><list-item><list-item></list-item></list-item></list-item></list-item></list-item></text></section-header></section-header></section-header></section-header>	 I.Acknowledge receipt, understanding and agree to follow the Nevada Electronic Filing and Conversion Rule (EFCR). I. Understand if a party submits a proposed Order and the Order is effield by the Court, ONLY eFlex account holder, I will only have access to documents in nour classes for which I am an active party or thorney of record. In the event that I indevferently obtain access to unsufficient of the arroy barry of the fort in the event that I indevferently obtain access to unsufficient of the destroy information on any case, I will kern be event that I indevferently obtain access to unsufficient of the destroy information on any case, I will kern be event that I indevferently obtain access to unsufficient of the destroy information on that specific oscillations. I will deel and destroy immediately any unsufficient of that access to unsufficient of a data destroy immediately and unsufficient of the terms of this agreement may result in sanchons imposed by the Court. Attorney or Person Name:
	Print Name Signature

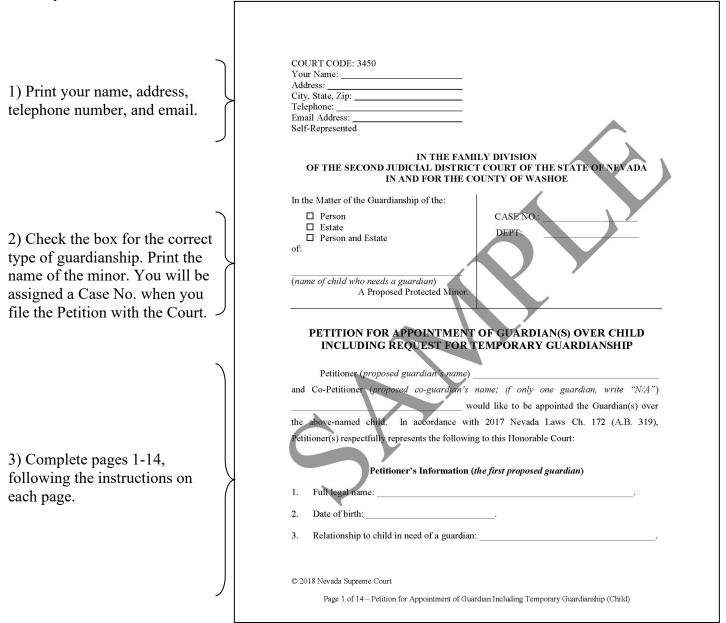
If you need further assistance signing up for an account, please call the Resource Center at 775-325-6731.

INSTRUCTIONS: STEP 2

Complete the Emergency Petition as Shown:

Attach a copy of the List of Minor's Relatives as Exhibit A. If you are requesting guardianship over the minor's estate, attach a copy of the Information Regarding Proposed Protected Minor's Estate as Exhibit B. Attach a copy of the Minor's Birth Certificate or other age identifying documentation as Exhibit C, redact any social security numbers from the copy. You may also attach any other documents that support your Emergency 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 second petitioner.



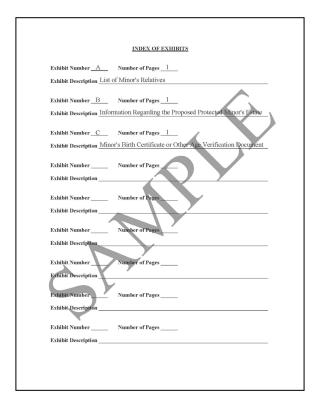
INSTRUCTIONS: STEP 3

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

You will need to attach:

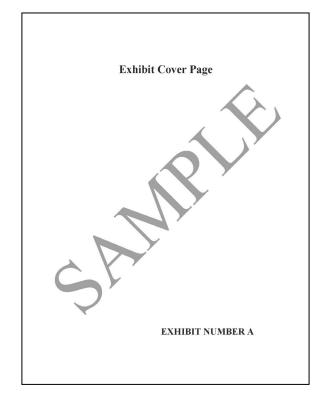
- the List of Minor's Relatives;
- the Information Regarding the Proposed Protected Minor's Estate (if you are requesting guardianship over the proposed protected minor's estate);
- a copy of Minor's Birth Certificate or other age identifying documentation, and any additional documents that support the Emergency Petition.

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



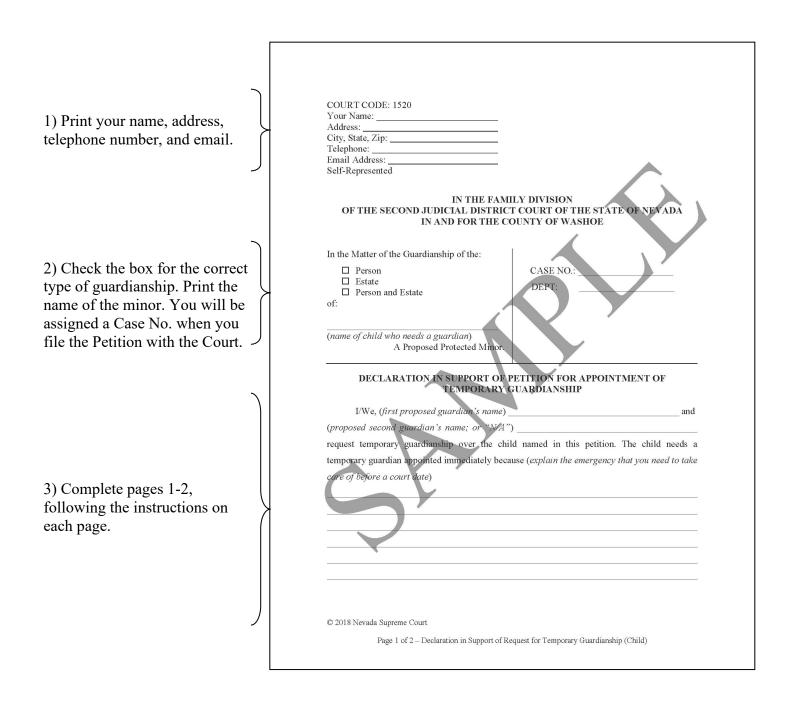
The documents should be in the following order to file:

- Petition for Appointment of Guardian(s) Over a Minor
- the Index of Exhibits
- the Exhibit Cover Page A
- the List of Minor's Relatives
- the Exhibit Cover Page B
- the Information Regarding the Proposed Protected Minor's Estate (if applicable)
- the Exhibit Cover Page C
- the copy of the Minor's Birth Certificate or Other Age Identifying Documentation with any social security number or drivers' licenses number blacked out.



INSTRUCTIONS: STEP 4

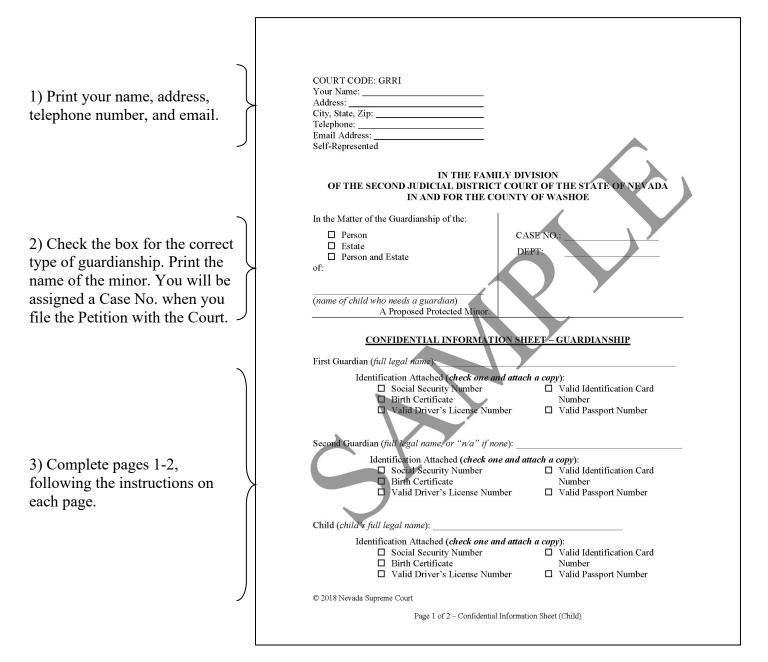
Complete the Declaration in Support of Petition for Appointment of Temporary Guardianship as Shown:



INSTRUCTIONS: STEP 5

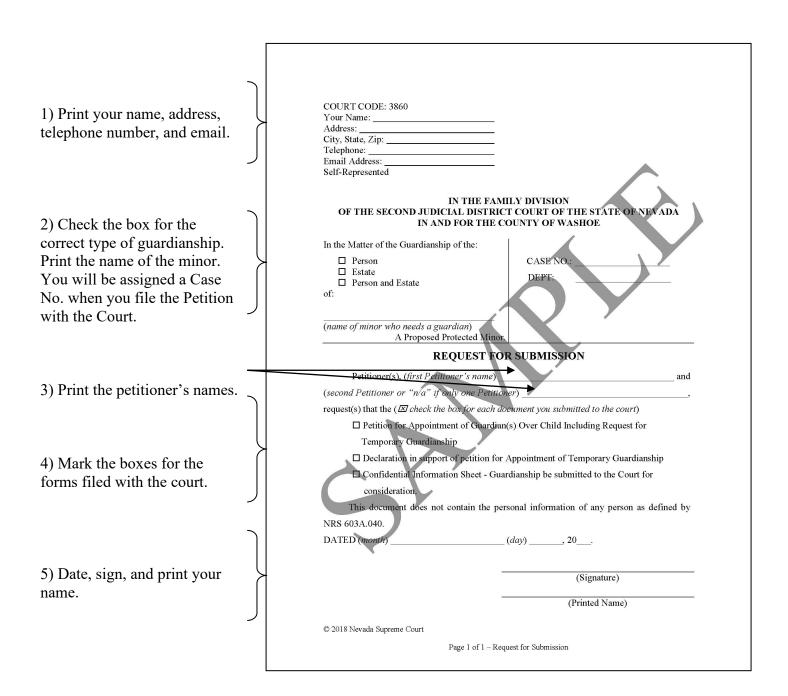
Complete the Confidential Information Sheet as Shown:

For both the minor and proposed 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 Temporary Guardianship, please attach the proposed guardian(s)' identification and fill out as much information as possible for the minor. If the Order Granting Temporary Guardianship is entered, please file an amended required information sheet with the minor's information.



INSTRUCTIONS: STEP 6

Complete the Request for Submission as Shown:



INSTRUCTIONS: STEP 7

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>, in the Law Library and 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 for Appointment of Guardian(s) Over Minor Including Request for Temporary Guardianship;
- Exhibit A. List of Minor's Relatives (*as a continuation to the Petition*);
- Exhibit B. Information Regarding the Proposed Protected Minor's Estate (*as a continuation to the Petition*);
- Exhibit C. A copy of the minor's birth certificate or other form of age verification with social security number or license number blacked out (*as a continuation to the Petition*);
- Declaration in Support of Petition for Appointment of Temporary Guardianship;
- Confidential Information Sheet-Guardianship with the Required Identification; and
- Request for Submission.

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

Scanners are available at the Law Library and 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>.

FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file the application found in the **Application for Waiver of Fees and Costs packet**, which may be obtained at the following locations:

- Resource Center, 1 South Sierra Street, Reno, NV, Third Floor
- Law Library, 75 Court Street, Reno, NV, First Floor
- Online at: <u>www.washoecourts.com</u> (select the "Forms & Packets" tab on the top right hand side of the home screen)

INSTRUCTIONS: STEP 8

Setting the Hearings and Waiting for a Response

Temporary Guardianships are rarely granted. Requests for emergency temporary guardianship are reviewed within 72 business hours after submission. The Court may approve the request for temporary guardianship and set for an extension hearing or deny the request for temporary guardianship. All orders can be reviewed and printed from your eFlex account.

If the temporary guardianship is granted, an extension hearing will be set approximately ten days of the order granting. Within 48 hours of the order granting the temporary guardianship, you must notify all parties required to be notified of the extension hearing (*see INSTRUCTIONS: STEP 9*). You must attend the extension hearing (*see INSTRUCTIONS: STEP 13*). If the extension is granted, you must serve the following documents:

- Petition for Appointment of Guardian(s) Over Child Including Request for Temporary Guardianship;
- Declaration in Support of Petition for Appointment of Temporary Guardianship;
- Request for Submission; and
- Order Granting Temporary Guardianship.

(See INSTRUCTION: STEP 9 for serving documents)

<u>DO NOT SERVE</u> a copy of the Confidential Information Sheet – Guardianship

You must attend the hearing on full guardianship (see INSTRUCTIONS: STEP 13).

If the temporary guardianship is denied, or the extension is denied, you must serve the following documents:

- Petition for Appointment of Guardian(s) Over Child Including Request for Temporary Guardianship;
- Declaration in Support of Petition for Appointment of Temporary Guardianship;
- Request for Submission; and
- Order Denying Guardianship, Order Setting Hearing.

(See INSTRUCTION: STEP 9 for serving documents)

DO NOT SERVE a copy of the Confidential Information Sheet - Guardianship

You must attend the hearing (see INSTRUCTIONS: STEP 13).

INSTRUCTIONS: STEP 9

Serving the Documents

You must serve the following member of the minor's family, if surviving:

• Mother

• Siblings (over the age of 14)

• Father

• 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.

Service must be completed 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 Service (*see INSTRUCTIONS: STEP 10*).

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 11*).

Service by Publication:

You must make a serious attempt to locate everyone listed above. 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 **G-6**.

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 10

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

г	
 Print your name, address, telephone number, and email address. Print the heading, Case No., and Dept. No. just as they appear on all your other documents in this case. 	COURT CODE: 1356 Your Name:
3) Fill in the information on pages 1 of 2 and 2 of 2 following the instructions on the page.	IN AND FOR THE COUNTY OF WASHOE In the Matter of the Guardianship of the: Berson Estate Of: CASENO: DEPT: DEPT:
4) List the names and addresses of the people served by mail, if any, in these spaces. If more room is needed, attach additional sheets.	(name of child who needs a guardian) A Proposed Protected Minor. CERTIFICATE OF MAILING FOR THE PETITION FOR APPOINTMENT OF GUARDIANS
	I HEREBY CERTIFY that I served the: (I check all that apply)
•	Petition for Appointment of Guardian Citation to Appear and Show Cause Other.
Name: Name: Address: Address:	of (<i>month</i>) (<i>day</i>), 20, by depositing a copy of the same in the U.S. Mail, enclosed in sealed envelopes, prepaid Certified Mail, Return Receipt Requested, addressed to:
Name:	Relatives / Required Notices: Name:
Name: Name: Address: Address:	© 2018 Nevada Supreme Court Page 1 of 2 – Certificate of Mailing (Child)
Name:	
If the child receives or has received Medicatd , check the following box and mail to: Director of the Department of Health and Human Services 4126 Technology Way, Suite 100 Carson City, Nevada 89706-2009	
I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct. This document does not contain the personal information of any person as defined by	
NRS 603A.040. DATED (month) (day), 20	$\left(\right)$
(Signature) (Printed Name)	5) Date, Sign, and print your name.
ATTACH THE SIGNATURE RECEIPTS (GREEN CARDS FROM THE POST OFFICE) TO THIS FORM WHEN RECEIVED	
Page 2 of 2 – Certificate of Mailing (Child)	

INSTRUCTIONS: STEP 11

Complete the Declaration of Service for those 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.

 Print your name (the person who served the documents), address, telephone number, and email address. Print the heading, Case No., and Dept. No. just as they appear on all other documents in this case. Fill in the information on pages 1 of 2 and 2 of 2 following the instructions on the page. 	COURT CODE: 1520 Your Name: Address: City, State, Zip: Phone: Email: Self-Represented IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE In the Matter of the Guardianship of the: Bestate City CASE-NO: DEPT: DEPT: DEPT: DEPT: DECLARATION OF SERVICE
 4. What Documents You Served. I served a copy of the (\(\Box\) check all that apply) Petition for Appointment of Guardian Citation to Appear and Show Cause / Notice of Hearing. Other: 5. Where You Served. I personally delivered and left the documents with: (\(\Box\) check one) The Person Directly. I served the documents directly to the person at the location below. (complete the details below) Name of Person Served City. Start, Zip. Code Someone Who Lives with the Person. This is a person of suitable age and discretion who lives with the person The ded to serve. (complete the details below) Name of Person Served 	 A copy of the filed documents can be personally served on anyone who is required to receive service. A neutral person, not involved in this case or related to the parties, can personally serve the documents directly to the person. If that is notpossible, the server can personally serve the documents directly to the person. If that is notpossible, the server can personally serve the documents on someone of suitable age and discretion who lives with the person. The person who serves the documents must complete this form. I, (name of person who served the vocuments)
Address Where Served: Cray, State, Zip Code • . When You Served. I personally served the documents on (date you served the documents) (month) (day), 20 at the hour of (there is a month of the state of Nevada that the foregoing is true and correct. This document does not contain the personal information of any person as defined by NRS 603A.040. DATED (month) (day), 20 Server's Signature:	4) The person who served the documents will need to date, sign, and print their name, address, and phone number. PERSONAL SERVICE CANNOT BE COMPLETED BY YOU.

INSTRUCTIONS: STEP 12

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>, in the Law Library and Resource Center.

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

- Certificate of Mailing for the Petition for Appointment of Guardian
- Declaration of Service

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

Scanners are available at the Law Library and 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 13

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 full guardianship is granted, the Judge will issue an Order Appointing Guardian. You will be provided a copy of the order. After you have received a Court Order granting guardianship, complete the Guardian's Acknowledgment(s) and Letters of Guardianship.

What Happens Now?

After being granted the guardianship, there is additional paperwork that is required by NRS 159A. Attached to this packet is a check list specifying what is required. 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

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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