

PETITION TO REMOVE GUARDIAN(S)

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

GM-16

Self Help Center
1 South Sierra St., First Floor
Reno, NV 89501
775-325-6731
www.washoecourts.com

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**PETITION TO REMOVE
GUARDIAN(S)**

PACKET GM-16

**USE THIS PETITION PACKET ONLY IF ALL
OF THE FOLLOWING REQUIREMENTS HAVE BEEN MET:**

- There is an open minor guardianship case in Washoe County.
- The minor is still in need of a guardian.
- You wish to have the court remove one or more guardian(s) from acting as guardian(s) of the protected minor.

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. Petition to Remove Guardian(s)
2. Citation to Appear and Show Cause
3. Certificate of Mailing
4. Declaration of Service

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.

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INSTRUCTIONS: STEP 1

Complete the Petition as Shown:

If you have documents that support your Petition to Remove Guardian(s), attach copies of the documents to your petition as exhibits (see INSTRUCTIONS: STEP 2). Explain in your petition how the documents support your petition. If you do not have any exhibits, please continue to INSTRUCTIONS: STEP 3.

1) Print your name, address, telephone number, and email.

2) Print the heading, Case No., and Dept. No. exactly as it appears on all other documents in this case.

3) Complete pages 1 - 4, following the instructions on each page.

COURT CODE: 3645
Your Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
Email Address: _____
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:

Person
 Estate
 Person and Estate

CASE NO.: _____
DEPT: _____

of:

(name of person who has a guardian)
A Protected Person.

PETITION TO REMOVE GUARDIAN(S)

Petitioner, *(name of petitioner)* _____, respectfully represents to the Court as follows:

1. This Court previously appointed *(name of first guardian)* _____ and *(name of second guardian, or "n/a")* _____ as Guardian(s) of the above named protected person.

2. The name of the guardian(s) who should be removed is *(name of guardian(s) you would like removed)* _____.

This request for removal is based on the following: (check all that apply):

The guardian is deceased and another person will apply to serve as a successor guardian;

The guardian has become mentally incapacitated, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

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Page 1 of 4 – Petition to Remove Guardian(s)

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INSTRUCTIONS: STEP 3

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, and at the Second Judicial District Court.

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

- Petition to Remove Guardian(s);
- Any Exhibits.

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 at the Second Judicial District Court.

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INSTRUCTIONS: STEP 4

Complete the Citation to Appear and Show Cause as Shown:

Take the Citation to the third floor of 1 South Sierra Street. A court employee will assist you with issuing 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 guardian(s) of the minor;
- 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.

1) Print your name, address, telephone number, and email.

2) Print the heading, Case No., and Dept. No. exactly as it appears on all other documents in this case.

3) Print the names of all the people you are required to serve.

4) Print the names of the Petitioners on the second page and mark the box for "Remove Guardian". Leave the rest of the second page blank. A court employee will fill this out.

COURT CODE: 1395
Your Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
Email Address: _____
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:

Person
 Estate
 Person and Estate

CASE NO.: _____
DEPT: _____

of:

(name of minor who has a guardian)
A Protected Minor.

CITATION TO APPEAR AND SHOW CAUSE

TO: (protected person's name) _____
(protected person's attorney's name) _____
(guardian's names) _____

ALL KNOWN RELATIVES OF THE PROTECTED PERSON:
(Write each relative's name on a separate line) _____

ANY PERSON HAVING THE CARE, CUSTODY, AND CONTROL OF THE PROTECTED PERSON

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Page 1 of 2 – Citation to Appear and Show Cause (Generic)

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INSTRUCTIONS: STEP 5

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 Service (*see INSTRUCTIONS: STEP 6*).

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 7*).

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INSTRUCTIONS: STEP 6

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

1) Print your name, address, telephone number, and email address.

2) Print the heading, Case No., and Dept. No. just as they appear on all your other documents in this case.

3) Complete the information on pages 1-2, following the instructions on each page.

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.

COURT CODE: 1360
Your Name: _____
Address: _____
City, State, Zip: _____
Telephone: _____
Email Address: _____
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:
 Person
 Estate
 Person and Estate

CASE NO.: _____
DEPT.: _____

of:

(name of minor who has a guardian)
A Protected Minor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am over the age of 18 and I served the (☑ check all that apply)

Petition to Remove Guardian(s)
 Citation to Appear and Show Cause
 Other _____

in the following manner:

BY MAIL
I certify that I deposited copies the foregoing documents in the U.S. mail in (city) _____, Nevada, addressed to the persons listed below on (date) _____ by (☑ check one) Regular, Certified or Registered, return receipt requested:

Name: _____ Address: _____
Name: _____ Address: _____

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Page 1 of 2 – Certificate of Service (Generic Guardianship)

Name: _____ Address: _____
Name: _____ Address: _____
Name: _____ Address: _____
Name: _____ Address: _____

ELECTRONIC
I served the following persons pursuant to the court's electronic service rules on (date) _____:

Name: _____ Email Address: _____
Name: _____ Email Address: _____
Name: _____ Email Address: _____
Name: _____ Email Address: _____

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 ____

(Your Signature)

(Printed Name)

Page 2 of 2 – Certificate of Service (Generic Guardianship)

5) Date, sign, and print your name.

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INSTRUCTIONS: STEP 7

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.

1) Print your name (the person who served the documents), address, telephone number, and email address.

2) Print the heading, Case No., and Dept. No. just as they appear on all other documents in this case.

3) Complete the information on pages 1 – 2, following the instructions on each 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:

Person
 Estate
 Person and Estate

CASE NO.: _____
DEPT: _____

of:

(name of minor who has a guardian)
A Protected Minor.

DECLARATION OF SERVICE

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 not possible, the server can personally serve the documents on someone of suitable age and discretion who lives with the person.
The proposed guardians or relatives cannot do this.
The person who serves the documents must complete this form.

I, (name of person who served the documents) _____, declare (complete EVERY SECTION below):

1. I am not a party to or interested in this action and I am over 18 years of age.
2. I am not a licensed process server; I am a natural person serving legal process without compensation, not more than three times per year, on behalf of a litigant who is a natural person, and therefore I am not required to be licensed pursuant to NRS 648.063(2) (2017 Nevada Laws Ch. 126 (A.B. 128)).
3. **Who You Served.** I served (name of person who is supposed to get the documents) _____.

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Page 1 of 2 – Declaration of Service (Generic)

4. **What Documents You Served.** I served a copy of the (check all that apply)

Petition to Remove Guardian(s)
 Citation to Appear and Show Cause / Notice of Hearing
 Other: _____

5. **Where You Served.** I personally delivered and left the documents with: (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 _____
Address Where Served _____
City, State, Zip Code _____

Someone Who Lives with the Person. This is a person of suitable age and discretion who lives with the person I needed to serve. (complete the details below)

Name of Person Served _____
Address Where Served _____
City, State, Zip Code _____

6. **When You Served.** I personally served the documents on (date you served the documents) (month) _____ (day) _____, 20____ at the hour of (time) _____; a.m. p.m.

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____.

Server's Signature: ▶ _____
Server's Printed Name: _____
Residential / Business Address: _____
City, State, Zip: _____
Server's Phone Number: _____

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Page 2 of 2 – Declaration of Service (Generic)

4) The person who served the documents will need to date, sign, print their name, address, and phone number.
PERSONAL SERVICE CANNOT BE COMPLETED BY YOU.

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INSTRUCTIONS: STEP 8

Electronically Filing the Documents

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

- Certificate of Mailing
- 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 at the Second Judicial District Court.

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 who are not electronic filers.

INSTRUCTIONS: STEP 9

The Hearing

Arrive approximately 15 minutes prior to your scheduled time for the hearing. Go to the location listed on the Citation to Appear and Show Cause.

Bring copies of your documents to the hearing.

When your case is called, enter the courtroom and follow the directions given by the bailiff on where to sit.

The Judge may have questions for you, the guardian(s), the minor, and any potential new guardian(s).

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Legal Assistance

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 visit the Family Division Self Help Center which is located at One South Sierra Street, Reno, NV. The Self Help Center cannot give legal advice but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

First Floor (to the left of the filing office) of the courthouse located at:
75 Court Street, Reno, NV.
(775) 328-3250

www.washoecourts.com/lawlib

Tuesday Evenings - Arrive by 4:25 p.m.

Please Note The program is limited to 10 participants each evening.

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509
(775) 284-3491– leave message if necessary

<http://nlslaw.net>

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501
(775) 329-2727– leave message if necessary

<http://www.washoelegalservices.org>