

IMMEDIATE TEMPORARY GUARDIANSHIP

GENERAL INFORMATION SHEET

****IMPORTANT DISCLOSURE****
***THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR
THE ADVICE OF A PRIVATE ATTORNEY***

Private Counsel Is Always Recommended For Legal Matters

The law allows any person to represent themselves in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, the Rules of Civil Procedure for the Nevada District Courts, and the local rules governing the jurisdiction in which you are filing your documents (ie. First Judicial District Court Rules for Carson City).

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE FIRST JUDICIAL DISTRICT COURT, AND THEIR EMPLOYEES SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

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EXPLANATIONS

EXPLANATION OF AN IMMEDIATE TEMPORARY GUARDIANSHIP

An immediate temporary guardianship is granted in an emergency situation when it is not possible to wait the period required for filing guardianship. In order to obtain an immediate temporary guardianship, the proposed ward(s) must face “a substantial risk of immediate physical harm or needs immediate medical attention.” Additionally, an immediate temporary guardianship may be granted when the proposed ward(s) are “unable to respond to a substantial and immediate risk of financial loss.”

THE REQUEST FOR A TEMPORARY GUARDIANSHIP IS SCRUTINIZED BY THE COURT AND IS RARELY GRANTED.

HOW TO OBTAIN A COURT-ORDERED IMMEDIATE TEMPORARY GUARDIANSHIP IN NEVADA:

You will need to file **two** sets of documents – the documents for the *immediate temporary guardianship* in this packet **and** the *Petition for Appointment of Guardian(s)* contained in another packet.

In general, you must file a Petition in the county where the Ward(s) resides. If the Ward(s) does not reside in Nevada, you may file in any Nevada county where the Ward has property or where the Ward is physically present.

The same people who are entitled to notice for the guardianship are entitled to notice of your request for immediate temporary guardianship. Please see the “General Information Sheet” in the packet for the *Petition for Appointment of Guardian(s)*. If your request for immediate temporary guardianship is granted, you must notify all those same people not later than **48 hours** after the appointment.

Pursuant to NRS 159.052(1)(a), all requests for *Immediate Temporary Guardianship* must include either:

1. a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs, **or**
2. a letter signed by any governmental agency in this State which conducts investigations (e.g. Child Protective Services).

The certificate or letter must indicate:

1. the proposed ward (the child over whom you are seeking guardianship) is unable to respond to a ***substantial and immediate*** risk of physical harm or need for ***immediate*** medical attention
2. whether the proposed ward is a danger to himself/herself or others, and
3. whether the proposed ward is or has been subjected to abuse, neglect, or exploitation.

THE COURT CANNOT GRANT A REQUEST FOR IMMEDIATE GUARDIANSHIP WITHOUT THE REQUIRED CERTIFICATION.

NOTE: WHEN FILLING OUT ANY FORM, YOU MUST USE BLUE INK. PRINT CLEARLY. THE CLERK'S OFFICE WILL NOT FILE YOUR DOCUMENT IF THE HANDWRITING IS HARD TO READ.

A. THE ADDENDUM TO PETITION FOR GUARDIANSHIP OF A MINOR REQUESTING IMMEDIATE TEMPORARY GUARDIANSHIP

1. Complete the information requested on the lines in the upper left-hand corner of the first page. Please include area codes.
2. Check the type of guardianship that you are opening.
3. Insert the name of the proposed ward(s) on the blank lines over the words "Minor Child(ren)."
4. Leave the lines to the right of the caption blank. The Clerk's Office will give you a case number and department number when you file the Petition. Once you get the case number from the clerk, you will need to put it on any documents that you give to the Court.

The above instruction (1 – 4) is the same on all documents that are in this packet.

5. The *Addendum to Petition for Guardianship of a Minor Requesting Immediate Temporary Guardianship* uses a fill-in-the-blank format and will tell you what information you need to put into the blanks.
6. The *Addendum to Petition* must be "verified." In other words, you will need to sign the *Addendum to Petition* in front of a Notary Public. The *Addendum to Petition* will also have to be "acknowledged" by the Notary. The Notary will know what to do.

Do not make any copies until the document has been notarized.

B. THE PHYSICIAN CERTIFICATION/AGENCY LETTER

Attach a certificate signed by a physician who is licensed to practice medicine in this State or who is employed by the Department of Veterans Affairs **or** a letter signed by any governmental agency in this State which conducts investigations (e.g. Child Protective Services) to the back of the *Physician Certification/Agency Letter* cover sheet.

C. THE ORDER REGARDING TEMPORARY GUARDIANSHIP OF MINOR(S) AND NOTICE OF EXTENSION HEARING IF GRANTED

1. This is the document that the judge signs to appoint temporary guardian(s) for the ward(s).
2. ONLY insert “your name”, “co-petitioner’s name”, “minor(s) names, age and date of birth where indicated in the Order. The remaining areas/boxes will be completed by the judge.
3. Leave the date information blank. The judge will fill this in when he signs the Order.

D. FILE THE ADDENDUM TO PETITION, PHYSICIAN CERTIFICATION/AGENCY LETTER AND SUBMIT THE ORDER REGARDING TEMPORARY GUARDIANSHIP

1. Make two copies of the following documents:

Addendum to Petition for Guardianship of a Minor Requesting Immediate
Temporary Guardianship
Order Regarding Temporary Guardianship of Minor(s) and Notice of Extension
Hearing if Granted

2. Take the original and copies of the *Addendum to Petition for Guardianship of a Minor Requesting Immediate Temporary Guardianship*, the *Physician Certification/Agency Letter* and the *Order Regarding Temporary Guardianship of Minor(s) and Notice of Extension Hearing if Granted* to the Clerk’s Office (located on the third floor of the Carson City Courthouse).
3. The Clerk will file the original *Addendum*, the *Physician Certification/Agency Letter* and will return the file-stamped copies to you. The Clerk will keep the original and copies of the *Order Regarding Temporary Guardianship of Minor(s)*(to be signed by the judge).
4. When the *Order Regarding Temporary Guardianship of Minor(s)* is signed by the judge, the original and copies will be file-stamped. You will need to call the Clerk’s office to check on the status of the order.
5. When order is signed, you can pick-up a copy at the Clerk’s Office. If you did not provide a copy, there will be a charge of \$1.00, per page, for a copy.

****IMPORTANT****

READ THE ORDER AND FOLLOW ONE OF THE INSTRUCTIONS BELOW. THERE MAY BE A HEARING SET TO DETERMINE OR CONTINUE THE TEMPORARY GUARDIANSHIP.

1. IF ORDER IS DENIED AND NO HEARING SET:

- The matter will go forward as a guardianship. Follow and complete the *Petition for Appointment of Guardian(s)* instruction and packet.

2. IF ORDER IS DENIED BUT A HEARING TO DETERMINE THE NEED FOR A TEMPORARY GUARDIANSHIP IS SET:

- You will need to serve a copy of the Order and Petition to all parties as indicated in the Order. Follow the *Affidavit of Mailing* instructions located in the PETITION FOR APPOINTMENT OF GUARDIAN(S) PACKET (located on **Page 8, Step F** and on **Page 12**)

3. IF ORDER IS GRANTED:

- You must notify all parties no later than **48 hours** after the appointment by serving a copy of the Order and Petition to all parties as indicated in the Order. Follow the *Affidavit of Mailing* instructions located in the PETITION FOR APPOINTMENT OF GUARDIAN(S) PACKET (located on **Page 8, Step F** and on **Page 12**).
- Have *Temporary Letters of Guardianship* issued by Clerk's office. Follow the *Letters of Guardianship* instructions located in the PETITION FOR APPOINTMENT OF GUARDIAN(S) PACKET (located on **Page 9, Step H** and on **Page 14**).

