

PETITION FOR APPOINTMENT OF GUARDIAN(S) OF MINOR
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)

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 A PETITION FOR APPOINTMENT OF GUARDIAN(S)

A guardianship may be needed if someone cannot take care of him/herself and/or his/her property. The person who needs assistance is the “proposed ward”. If guardianship is granted, that person will be the “ward”. The persons who are going to take care of the ward is the “proposed guardians”. After the guardianship is granted, those persons are the “guardians”. The way to ask the Court to establish guardianship is by filing a Petition for Appointment of Guardian(s).

There are three types of guardianships:

- 1) **Guardianship of the person:** the guardian is responsible for personal/medical decisions only. Someone else will make all financial decisions, or there are no financial decisions.
- 2) **Guardianship of the estate:** the guardian is responsible for financial decisions only. Someone else will make personal and medical decisions.
- 3) **Guardianship of the person and the estate:** the guardian is responsible for the ward’s financial and personal/medical well-being.

Please see Chapter 159 of the Nevada Revised Statutes for more details on the types of court-ordered guardianships and the responsibilities of the guardian for each of these guardianships.

You can use this Petition for Appointment of Guardian(s) if:

- ✓ The proposed ward is younger than 18 years old.
- ✓ At least one of the people who will be the guardian is a Nevada resident.
- ✓ The proposed ward resides in Storey County (NRS 159.037(1)).
- ✓ If the guardianship is for an estate, at least some of the money/property must be in Nevada.
- ✓ Neither you and/or the Co-Guardian have been disbarred or suspended from practicing law, accounting or any other profession that involves the management or sale of money, investments, securities or real property that requires a license.

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 CIVIL (FAMILY RELATED) COVER SHEET

1. The *Civil (Family Related) Cover Sheet* is a document used by the Clerk's Office to create a file for your case.
2. Complete the front side of the sheet.
 - a. Leave the "Case No." blank. The Clerk's Office will give you a case number and department number when you file the petition.
 - b. Print your name and address.
 - c. Check one box under (Guardianship Case Filing Types) next to the type of case you will be filing.
 - d. Date and Sign your name.

B. THE PETITION FOR APPOINTMENT OF GUARDIAN(S)

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 on the blank lines over the words “Minor Child”.
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 *Petition for Appointment of Guardian(s)* uses a fill-in-the-blank format and will tell you what information you need to put into the blanks.

If the Petition tells you to check only one box, check the box next to the paragraph or sentence that applies to your situation.

- professional
- ward
relatives are
grandparents on his/her
father’s side, (v) brothers and
List every relative in these
name of a relative, you must still write
“father’s name unknown”). If you need more
additional pages as “Exhibit 1”, “Exhibit 2” and “Exhibit
the relatives are deceased, you should say so under the
column.
- or if
and
- a. For paragraph 17 of the Petition, you are a “private professional guardian” if you receive payments for being a guardian for three or more wards who are not related to you by blood or marriage. If you are a guardian, you must be certified.
 - b. For paragraphs 23, 39, and 55 of the Petition, you will need to list the names and last known addresses of the relatives of the proposed who are within the “second degree of consanguinity”. These the proposed ward’s: (i) mother, (ii) father, (iii) mother’s side, (iv) grandparents on his/her sisters who are 14 years old or older. categories. If you do not know the something in the blank (i.e., room, attach the 3”. If any of “Address”
 - c. Paragraphs 27, 43, and 59 are asking whether or not the guardianship is a result of an investigation by Child Protective Services. If you were told by someone from the State of Nevada or a judge to get a guardianship, the child has been in Child Haven recently, check the second box complete the rest of the information in that paragraph.

d. For paragraphs 32, 48, and 64, if the proposed ward has assets, you will need to give a general description of the asset and its value. You will also need to check the box that tells the court how you plan to keep the proposed ward's money safe (by either keeping it in a blocked account or by getting a bond—see Page 16, Step B).

e. For paragraph 68, you must provide at least one of the forms of identification listed in the petition. This information will be part of the *Confidential Information Sheet* that you will complete in Page 6, Step C.

NOTE: If the documentation required above is not included with this petition, the information must be provided to the court not later than sixty (60) days after the appointment of a guardian, or as otherwise ordered by the court.

6. The Petition must be “verified”. In other words, you will need to sign the Petition in front of a Notary Public. The 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.

C. THE CONFIDENTIAL INFORMATION SHEET

1. The petitioner(s) are required to give the court certain information about the guardian(s), the proposed ward and the proposed ward's parents. The information that the court can accept are listed in the *Confidential Information Sheet* and the Petition.

2. The *Confidential Information Sheet* uses a fill-in-the-blank grid format. The form will tell you what information you need to put into the blanks and grids. You must complete the date of birth for everyone on the sheet. You must also complete at least one form of identification for the Guardian, the Co-Guardian and the ward. Write "N/A" if one of the columns does not apply. It would be helpful to the Court if you checked and completed all of the boxes that apply.

- a. You will need to attach a copy of the forms of identification (i.e., copies of the driver's license) to the *Confidential Information Sheet*.

D. THE NOTICE OF HEARING

1. The *Notice of Hearing* uses a fill-in-the-blank format. The form will tell you what information you need to put into the blanks. Leave the lines for the hearing date, "Department", and "DATED" blank. The clerk will fill in these lines when you file the *Notice of Hearing*.

Note: If you do not know the name or address of a person required to be notified, you may have to serve that person through a newspaper. This will take longer than 20 days. If this is your situation, please tell the clerk before she gives you a court date.

E. THE CITATION TO APPEAR AND SHOW CAUSE

1. The proposed ward and all of the relatives listed on page 5 of the Petition for Appointment of Guardian(s) of the proposed ward are entitled to notice that guardianship is being sought and the date/time of the hearing for the guardianship. Additionally, if the proposed ward is living in care facilities, the administrator or manager of those facilities are also entitled to notice. The *Citation to Appear and Show Cause* is the document that gives these people/institution(s) notice.

2. The *Citation to Appear and Show Cause* uses a fill-in-the-blank format. The form will tell you what information you need to put into the blanks. Leave the remaining lines under “DATE AND TIME OF COURT APPEARANCE” blank. The clerk will fill in these lines when you submit the citation.

Note: If you do not know the name or address of a person required to be notified, you may have to serve that person through a newspaper. This will take longer than 20 days. If this is your situation, please tell the clerk before she gives you a court date.

F. THE AFFIDAVIT OF MAILING

NOTE: PART OF THIS DOCUMENT WILL HAVE TO BE COMPLETED BY SOMEONE ELSE. (PLEASE SEE PAGE 13).

1. The *Affidavit of Mailing* is the document that shows the Court that the ward, the ward's relatives, the ward's care provider and the Department of Veterans Affairs (if applicable) received a copy of the *Petition for Appointment of Guardian(s)*, *Notice of Hearing* and the *Citation to Appear and Show Cause*.
Someone who is over 18 years old and is not related to you by blood or marriage will need to complete part of this document. This other person is called a "third party".
2. The document will need to be completed by the third party. The *Affidavit of Mailing* uses a fill-in-the blank format. **Please be sure that the third party completes "Exhibit 1"**.
 - a. The following people/businesses need to be listed on "Exhibit 1" of the *Affidavit of Mailing*: The proposed ward's (i) mother, (ii) father, (iii) grandparents on his/her mother's side, (iv) grandparents on his/her father's side, and (v) brothers and sisters who are 14 years old or older. If a relative is younger than 14 years old, list that person's parent or guardian. You do not need to list relatives that are deceased or whereabouts are unknown. If there are no living relatives, you will list the Public Guardian's Office. You will also need to list the following people/businesses if applicable: (i) anyone who is providing care for the proposed ward (either an individual or the manager/administrator of the care facility) and (ii) the Department of Veterans Affairs (if the ward is entitled to benefits).
 - b. The third party will need to sign the *Affidavit of Mailing* before a Notary Public.
3. The *Return Receipts* (green cards) are to be attached to the blank pages on the *Affidavit of Mailing* where indicated when they are returned to you through the mail. (See Page 13, Step A)

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

G. THE ORDER APPOINTING GUARDIAN(S)

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

H. THE LETTERS OF GUARDIANSHIP

NOTE: YOU AND YOUR CO-GUARDIAN SHOULD EACH PREPARE LETTERS OF GUARDIANSHIP. THE LETTERS SHOULD BE PREPARED AFTER THE JUDGE HAS SIGNED THE ORDER APPOINTING GUARDIAN(S).

1. The *Letters of Guardianship* is the document that gives the Guardian(s) the power to act on behalf of the ward (i.e., withdraw money, make medical decisions, etc.).
2. The *Letters of Guardianship* uses a fill-in-the-blank format. The form will tell you what information to put into the blanks. Insert the date that the judge signed the *Order Appointing Guardian(s)* on the first lines under the caption.
3. The *Letters of Guardianship* will need to be signed before a Notary or a Clerk from the Clerk’s Office.

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

* Please note that the *Letters of Guardianship* are not valid until the document is “issued” by the Clerk’s Office. (See Page 15)

I. THE NOTICE OF ENTRY OF ORDER

NOTE: YOU SHOULD PREPARE THIS DOCUMENT AFTER THE JUDGE HAS SIGNED THE *ORDER APPOINTING GUARDIAN(S)*.

1. The *Notice of Entry of Order* is the document that tells the ward and others entitled to notice that the *Order Appointing Guardian(s)* has been filed. It also effects the timing for rights (i.e., to appeal the judge’s decision, to ask the judge to reconsider his decision, etc.). The Certificate of Mailing section tells the Court when the *Notice of Entry* was mailed.
2. The *Notice of Entry of Order* uses a fill-in-the-blank format. The form will tell you what information to put into the blanks.
 - a. “Exhibit 1” in the *Notice of Entry of Order* should have all of the people and institutions listed in “Exhibit 1” in the *Affidavit of Mailing*.
 - b. You will need to attach a “file-stamped”ⁱ copy of the *Order Appointing Guardian(s)* to the *Notice of Entry of Order*. Please see Page 16 for more information about preparing the *Notice of Entry of Order*.
 - i. A “file-stamped” copy is a copy of a document that has been filed at the Clerk’s Office. It is given to the Clerk at the same time the original document is filed. It has a stamp on the first page that indicates when the original document was filed.

**FILE THE *PETITION FOR APPOINTMENT OF GUARDIAN(S)*,
THE *CONFIDENTIAL INFORMATION SHEET*, THE *NOTICE OF HEARING*, AND ASK THE CLERK’S OFFICE TO ISSUE THE
*CITATION TO APPEAR AND SHOW CAUSE***

A. Make two copies of the following documents:

- Petition for Appointment of Guardian (s);
- Notice of Hearing
- Ci tation to Appear and Show Cause
- Order Appointing Guardian(s)

* If you need to file any documents per the Petition (i.e., a custody order), make one copy of those documents.

B. Take the *Civil (Family Related) Cover Sheet*, the *Petition for Appointment of Guardian(s)*, the *Confidential Information Sheet*, the *Notice of Hearing*, the *Citation to Appear and Show Cause*, *Order Appointing Guardian(s)*, and any documents you need to file per the Petition, and money to pay the filing fee (if applicable) with you to the Clerk’s Office (located on the third floor of the Carson City Courthouse).

The Clerk’s Office will accept cash, money orders, cashier’s checks, personal checks and Visa/MasterCard/Debit Card.

Guardianship filing fees:

Value of Estate:				Filing Fee
from \$	0	to	\$ 2,500	n/c
from \$	2,501	to	\$ 20,000	\$180.50
from \$	20,001	to	\$199,999	\$279.50
from \$	200,000	and above		\$532.50

C. Go to the front counter at the Clerk’s Office. The Clerk will file the original *Petition for Appointment of Guardian(s)* and will return the file-stamped copies to you. The Clerk will keep the original *Confidential Information Sheet* and the original and copies of the *Order Appointing Guardian(s)* (to be signed by the judge at the hearing). The Clerk will assign your case a “case number” and “department number”.

D. Give the Clerk the original and copies of the *Notice of Hearing* and *Citation to Appear and Show Cause*. The Clerk will give you a hearing date, file the original and return the file-stamped copies to you (the *Citation to Appear and Show Cause* will be “issued” and the original and copies will be returned to you).

Note: If you do not know the name or address of a person required to be notified, you may have to serve that person through a newspaper. This will take longer than 20 days. If this is your situation, please tell the clerk before she gives you a court date.

**MAIL THE *PETITION FOR APPOINTMENT OF GUARDIAN(S)*,
*NOTICE OF HEARING AND CITATION TO APPEAR AND SHOW
CAUSE***

NOTE: IF YOU DO NOT KNOW THE NAME OR LOCATION OF A RELATIVE LISTED IN PARAGRAPHS 23, 39 AND 55 OF THE *PETITION*, YOU WILL NEED TO ASK THE COURT FOR PERMISSION TO SERVE THAT RELATIVE THROUGH THE NEWSPAPER (*AFFIDAVIT/ORDER FOR PUBLICATION*).

A. As mentioned in Page 8, Step F, you need to give certain relatives notice that you want to get a guardianship over the proposed ward. If the proposed ward is in care facilities, you also need to notify the administrators or managers of those facilities. If the proposed ward is receiving money from the Department of Veterans Affairs, they must also be notified. If the proposed ward is 14 years old or older, he/she must also be served. You do this by having a third party mail copies of the *Petition for Appointment of Guardian(s)*, *Notice of Hearing* and the *Citation to Appear and Show Cause* to them. The mailing must be by **certified mail, return receipt requested** (the green cards that are mailed back after the person picks up the mail).

1. A third party is someone who over 18 years old and not related to you by blood or marriage.

Note: You may also serve by “personal service”. In other words, a third party physically gives the *Petition*, *Notice* and *Citation* to the proposed ward, relative, care provider or Veterans Affairs office. Process can be served by the sheriff of the county where the parties are found, or by a deputy (contact Sheriff’s Office for procedures and costs). Some businesses specialize in serving documents – see Yellow Pages under “Process Servers”.

B. Count the number of people/providers listed on “Exhibit 1” of the *Affidavit of Mailing*. You need to make that number of copies of the *Petition for Appointment of Guardian(s)*, *Notice of Hearing* and the *Citation to Appear and Show Cause*.

C. Ask the third party to mail (**via certified mail, return receipt requested**) the papers to each person/institution listed on “Exhibit 1” of the *Affidavit of Mailing*. The green cards should have your address for the return address.

D. The third party will need to complete his/her part of the *Affidavit of Mailing* and sign that document before a Notary Public.

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

FILE THE *AFFIDAVIT OF MAILING*

- A. Upon return of the *Return Receipts* (green cards), attach them to the pages indicated on the *Affidavit of Mailing*. Also attach any undeliverable/refused envelopes to the back.
- B. Make two copies of the *Affidavit of Mailing*.
- C. Go to the front counter at the Clerk's Office and file the *Affidavit of Mailing*. The Clerk will keep the original document and return the file-stamped copies to you.

THE COURT'S REVIEW OF THE PAPERWORK (BEFORE THE DAY OF THE HEARING)

The judge reviews your paperwork before the day of the hearing. Sometimes the paperwork may not be in the court file when the judge wants to review it. Therefore, it is very important that you give the Clerk's Office your paperwork no later than one week before the date of your hearing.

GO TO THE GUARDIANSHIP HEARING

NOTE: IF THE PROPOSED WARD IS IN THE STATE OF NEVADA, YOU MUST BRING HIM/HER TO THE HEARING. IF A PROPOSED WARD CANNOT COME TO THE HEARING, YOU MUST HAVE AN ORDER FROM THE COURT EXCUSING THE WARD'S ATTENDANCE.

(Forms are available at the Clerk's Office or online at www.storeycounty.org)

- A. On the day of your hearing:
 - 1. Be in the courtroom at least 15 minutes before the hearing time. (You do not need to check-in before court)
 - 2. Dress as if you are going to a job interview.
 - 3. Bring your completed original and two copies of the *Letters of Guardianship* (see Page 9, Step H) along with copies of your filed papers to court (in case someone that you mailed the papers to doesn't have their copies with them).
- B. When you go into the courtroom, sit in the seats behind the rail. Do not go in front of the rail until your case is called by the judge.
- C. When the judge first enters the courtroom, the bailiff will say "All rise". Stand up and keep standing until the judge or someone else from the Court tells you that you can sit down.

- D. When your case is called, you, the proposed Co-Guardian and the proposed ward will go in front of the rail and sit at the table you are directed to.
- E. The judge may ask you and the Co-Guardian a few questions and may also ask the proposed ward a few questions. Answer the questions politely and briefly.
- F. If the judge is going to grant your *Petition*, he will give you the court file with the signed *Order Appointing Guardian(s)* while you are in the courtroom.
1. If the Co-Guardianship is over an estate, the court may order you to either get a bond or to put the assets into blocked accounts. You may be able to find businesses that sell bonds for guardians in the Yellow Pages under “Bonds-Surety & Fidelity”. You can speak to the financial institution that has the ward’s money about establishing a blocked account. (See Page 16, Step B for more information)
 - a. If the judge wants you to get a bond, he will put the amount of the bond in the *Order Appointing Guardian(s)*.

WHEN YOU ARE GIVEN THE COURT FILE FROM THE JUDGE, DO NOT LEAVE THE COURTHOUSE, GO DIRECTLY TO THE CLERK’S OFFICE AT THE END OF THE HALL AND GIVE THE FILE TO THEM FOR PROCESSING.

TAKE FILE WITH THE ORDER APPOINTING GUARDIAN(S) TO THE CLERK’S OFFICE, SET UP THE BLOCKED ACCOUNT AT THE BANK (IF NECESSARY) AND ASK THE CLERK’S OFFICE TO ISSUE THE LETTERS OF GUARDIANSHIP

- A. If you **do not** need a blocked account, complete the following steps:
1. Take the court file with original documents to the front counter at the Clerk’s Office along with the completed original and two copies of the *Letters of Guardianship*. (See Page 9, Step H)
 2. The clerk will keep the original *Order Appointing Guardian(s)* and will return the file-stamped copies to you. The clerk will give you the guardianship oath and then will sign and place a seal on the original *Letters of Guardianship*.
The clerk will keep the original and return the copies to you.

3. If you would like “CERTIFIED” copy of the *Letters of Guardianship*, advise the Clerk. The certification fee is \$5.00 (if copy is provided) or \$1.00 per page to copy and \$3.00 to certify.

B. If you **do need a blocked account**, please complete the following steps:

1. Take the court file with original documents to the front counter at the Clerk’s Office.
2. The clerk will keep the original *Order Appointing Guardian(s)* and will return the file-stamped copies to you.
3. Get the blocked account from the bank.
4. Make at least one copy of each of the completed *Letters of Guardianship*. (See Page 9, Step H). Make at least one copy of the proof of the blocked account that you will receive from the bank.
5. Take the original and the copies of the *Letters of Guardianship* and proof of the blocked account to the front counter at the Clerk’s Office. The clerk will give you the guardianship oath and then will sign and place a seal on the original *Letters of Guardianship*. The clerk will keep the original and return the copies to you.
6. If you would like “CERTIFIED” copy of the *Letters of Guardianship*, advise the Clerk. The certification fee is \$5.00 (if copy is provided) or \$3.00 to certify and \$1.00 per page to copy.

FILE AND MAIL THE <i>NOTICE OF ENTRY OF ORDER</i>
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- A. Complete the *Notice of Entry of Order* and the Certificate of Mailing section and attach a copy of the *Order Appointing Guardian(s)* to the back. Please note that you will need to mail the *Notice of Entry of Order* on the same day that you file this document. (See Page 10, Step I).
- B. Make one copy of the *Notice of Entry of Order*.
- C. Take the original and the copy of the *Notice of Entry of Order* to the front counter at the Clerk’s Office. The Clerk will keep the original document and will return the file-stamped copy to you.
- D. Count the number of people/providers listed on “Exhibit 1” of the *Affidavit of Mailing*. You need to make that number of copies of the *Order Appointing Guardian(s)* and the *Notice of Entry of Order*.

- E. Mail the *Notice of Entry of Order* (with the *Order Appointing Guardian(s)* attached) to each person listed on “Exhibit 1”. Give one copy to the Co-Guardian.

FILE THE VERIFIED INVENTORY (Guardianship of Estate only)

NOTE: IF YOU HAVE BEEN APPOINTED THE GUARDIAN(S) OF THE WARD’S ESTATE, YOU MUST COMPLETE AN INVENTORY FOR EACH ESTATE. THIS MUST BE DONE WITHIN 60 DAYS FROM THE DAY THAT YOU ARE APPOINTED GUARDIAN.

(Forms are available at the Clerk’s Office or online at www.storeycounty.org)

FOLLOW THROUGH WITH THE GUARDIANSHIP (CONTACT THE APPROPRIATE BUSINESSES; FILE AN ACCOUNTING AND/OR AN ANNUAL REPORT OF THE GUARDIAN OF THE PERSON IN ONE YEAR, ETC.)

- A. Once you have been appointed Guardian(s) and the *Letters of Guardianship* have been issued by the Clerk’s Office, you will need to follow-up with businesses, agencies, etc.
- B. Additionally, every year, the Court will want to know how the guardianship is going. The way to do this is by filing an Accounting (if the guardianship is over the estate), an Annual Report (if the guardianship is over the person), or a combination of the two documents (if the guardianship is over both the person and the estate). **Sample documents are available on the Supreme Court website.** You may receive additional information at your hearing.