



Welcome to the Guardianship Community Legal Education Class



Before we begin

- Please mute your mic and turn off your video.
- And hold your questions until the end.



BRACE YOURSELVES



What's on the agenda?

1. Class Introduction
2. Guardianship Introduction
 - Part 1: Legal Resources
 - Part 2: Guardianship & Guardians
3. The Guardianship Process
 - Part 3: How to Become a Guardian
 - Part 4: The Guardianship Hearing
 - Part 5: A Guardian's Responsibilities after the Hearing
 - Part 6: How to Change or End a Guardianship

Attendee Manual

The Attendee Manual is your guide to guardianship.

During this time you may download the manual from this website-

<https://law.unlv.edu/free-legal-education>

In addition to most of the information covered in class, the manual includes sample forms.

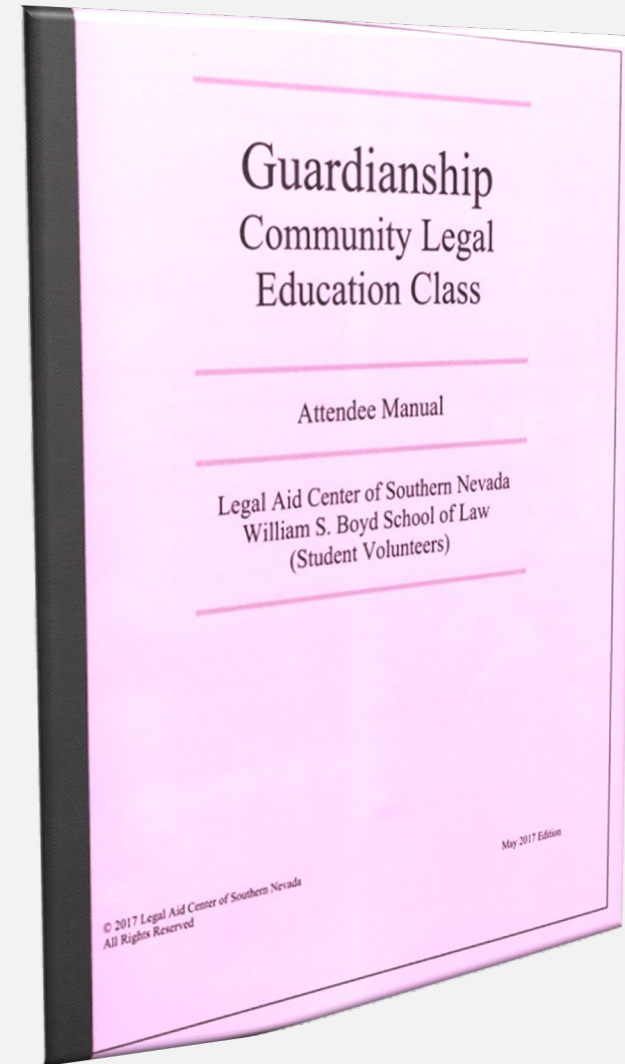
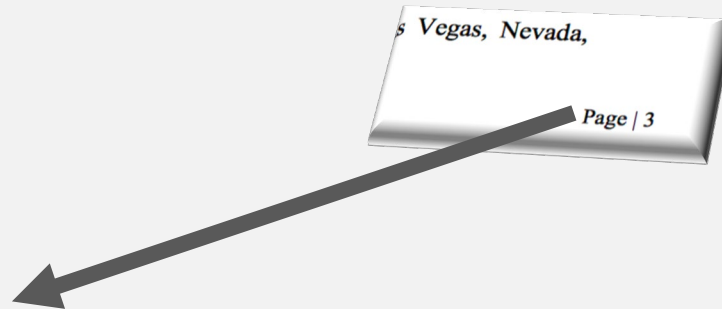
Caution: These double-sided forms can't be filed with the court!



How do you follow along?

Each slide will include a footer telling you where we're at in your manual.

Reference Page 3



What's our role?

We aren't attorneys, yet!

- Don't worry, a licensed attorney is present.
- But this class doesn't take the place of hiring a lawyer.

It's against the law for any of us to provide you with legal advice!

We are here to provide legal information on:

- Nevada law
- Family court procedures and rules
- How to represent yourself in court

What's your role?



Learn about court procedures and rules



Record questions to ask at the end of class.



Don't disclose any personal, confidential information.



Complete the on-line Attendee Feedback Form at the end of class to help us improve! Link will be in the chat box.

Part 1:

Legal Resources

- Pro Se Support
- Attorney Assistance
- Care Programs
- Compliance Office



Where can I get pro se support?

- The Family Law Self-Help Center provides free self-help resources, including:
 - Legal forms
 - Legal information
 - Answers to basic questions about forms, rules, and procedures
- You cannot call for support.
 - Visit online: www.FamilyLawSelfHelpCenter.org
 - Visit in person: call first
 - Hours: Monday through Friday from 8 a.m. to 4 p.m.
 - Location: 601 N. Pecos Road, Las Vegas NV 89101

Guardianship

Guardianship Compliance and Concerns

[Overview](#)

[Adult Guardianship](#)

[Child Guardianships](#)

[How to Object to a Guardianship](#)

[For the Guardian: Getting Additional Court Orders](#)

[Visitation After a Guardian is Appointed](#)

[How to Terminate a Guardianship](#)

[References Resources & Links](#)

[About the Self-Help Center](#)

[Getting Started](#)

[Divorce](#)

[Custody Paternity & Child Support](#)

[Annulment](#)

[Guardianship](#)

[Overview](#)

[Filing for Guardianship over an Adult](#)

[Filing for Guardianship over a Child](#)

[Objecting to a Guardianship](#)

[For the Guardian: Getting Additional Court Orders](#)

[Terminating a Guardianship](#)

[References, Resources & Links](#)

[Guardianship Forms](#)

[Adoption & Termination of Parental Rights](#)

[Name Changes](#)

[Other Topics](#)

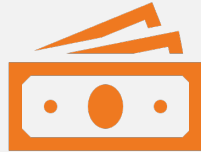
What about attorney assistance?



Ask-A-Lawyer Program

Sign up for Family Law Ask-A-Lawyer program online or call number in your book

Meet with a lawyer for 15 minutes on a Thursday afternoon



Lawyer Referral Services

Call number in your book or visit www.NVBar.org to get name of attorney who will provide a 30-minute consultation for \$45 and reduced rate representation after that

What about after I become guardian?

Foster Kinship Organization

- If you're raising a relative's child, call the number or visit the website in your book to see how they can help.
- Provides legal resources and other types of support, e.g. emergency and community resources

Guardianship Compliance Office

- E-mail the GCO for more information about their legal education classes
- Call the GCO hotline to report exploitation, endangerment, or abuse

Where do I find the applicable laws & rules?

- **Three Sets of Important Laws/Rules**
 - Nevada Revised Statutes (NRS), Chapters 159 and 159A
 - Nevada Rules of Civil Procedure (NRCPP)
 - Eighth District Court Rules (Local Rules; EDCR)
- **Online**
 - www.leg.state.nv.us/NRS
 - www.leg.state.nv.us/courtrules
- **Hard Copies and Librarian Support**
 - Visit the law library and legal librarians on the 3rd floor

What about hiring a document preparation service to help me?



- **NRS 240A.040**
 - Evidence that they're registered with the State of NV (use www.nvsos.gov)
 - Posted Certificate of Registration, business licenses, and disclosures
 - Disclosures, e.g. not an attorney, prior to payment
 - A written contract (English or language used in course of dealings)
 - Explanation of fees and receipt
 - Complaint process and right of action
 - Restitution and damages
- **Complaints: call or go online**

Part 2: Guardians and Guardianship

- Purpose and Types of Guardianship
- Protected Person's Rights
- Alternatives to Guardianship
- Guardians & Their Responsibilities

What is guardianship?

Becoming a guardian gives you the legal authority to make decisions for another person.

Child Guardianship: parent-like representative

- Responsible for enrolling in school, providing medical care and fulfilling basic needs

- Does not terminate parental rights

- May require management of assets

Adult Guardianship: best-interest representative

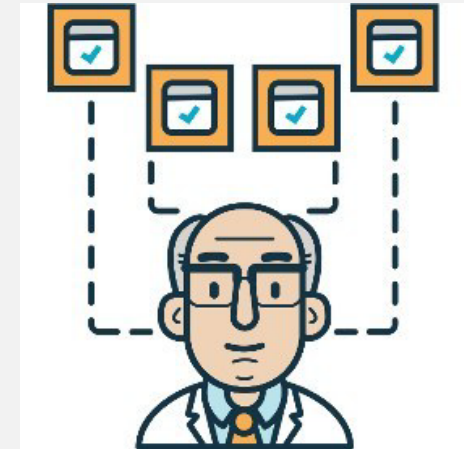
- Responsible for ongoing financial and medical needs

- May require management of assets



What are common terms?

- **Petitioner/Proposed Guardian:** person asking to be appointed a guardian
- **Proposed Protected Person (PPP):** adult or minor who may have guardian appointed over them
- **Guardian:** person who is court-appointed to be legally responsible for another person
- **Protected Person:** person for whom the guardian was appointed



What types of guardianships exist?

1. **Over the Person:** The guardian is responsible for the well-being and care of the protected person.
 - healthcare, education, day-to-day matters
2. **Over the Estate:** The guardian is responsible for the protected person's assets and finances.
3. **Over the Person & Estate:** The guardian is responsible for financial, medical, and personal decisions about the protected person.



What types of guardianship exist?



General: an indefinite appointment that lasts for as long as needed or until the minor turns 18 or graduates



Temporary: a short-term appointment to handle immediate, emergency situations



Special: gives guardian limited powers to do certain things, as specified by the court

What are the alternatives to guardianship?



- Six-month, Informal Temporary Guardianship
- Adoption
- Supported Decision Making Agreement
- Powers of Attorney (Health, Financial and Intellectual Disab.)
- Living Wills and Advance Directives
- Living Trust or Special Needs Trust
- Representative Payee

Who can and can't be a guardian?

The Court will consider:

- The ability of the person to provide for the basic needs
- Whether the potential guardian has:
 - Engaged in the habitual use of alcohol or drugs;
 - Committed abuse, neglect, exploitation, isolation, or abandonment;
 - Been convicted of a felony;
 - Engaged in domestic violence
- The order of preference of appointment
 - One list is used for adults, another for minors (see reference page 11)

Effective January 1, 2024, Nevada law does not require that a person residing in a hospital, skilled nursing facility, or group home include a Certificate of Competency to certify a Power of Attorney of any kind. See Assembly Bill 414.



What if there are multiple petitions?

Co-guardians

Two people agree to be equally responsible for the protected person and/or the protected person's estate

Must file paperwork together

Competing Petitions

General order of preference depending on whether the PPP is an adult or a minor



What is the preference order for adults?

- A person the adult has requested or has nominated in writing;
- A person nomination by a relative;
- A spouse or domestic partner;
- A child;
- A parent;
- Any relative the adult has lived with for more than 6 months;
- Any relative acting as agent;
- A sibling;
- A grandparent or grandchild;
- An uncle, aunt, niece, nephew, or cousin;
- Any other person in a familial relationship;
- A recommendation by a court master;
- A request by any other person (Ex: a POA who is not a relative)



What is the preference order for minors?

- A person the child's parents nominated in a will or other writing;
- The child's preferred guardian (if child is 14 or older);
- A parent;
- An adult sibling;
- A grandparent;
- An uncle or aunt;
- A recommendation by a court master;
- A recommendation by CPS or a guardian ad litem or special advocate.



Can a guardian live out of state?

- Non-resident guardian may reside outside the state of Nevada.
- Guardian must show that distance will not affect his or her responsibilities for the protected person.
- File an *Appointment of Registered Agent by Nonresident Guardian of Adult* with the Secretary of State.
 - Form is not included in Attendee Manual
 - Form is available online: www.nvsos.gov
 - Consult an attorney for more information



What are a guardian's responsibilities?

- Provide proper care and support
- Ensure access to training and education
- Authorize medical care
- Adults: must notify the relatives in advance if you want to change the PP's residence and notify the relative if death is within 30 days
- Minors: must allow reasonable visitation with parents and other relatives.



What are a guardian of the estate's responsibilities?



Keep track of all income and expenses from the estate, and file the *Annual Accounting*

Receipts required for any expenses over \$250



Protect, preserve, manage, and dispose of the estate



Use the estate for the proper care, maintenance, education, and support of the protected person



Keep your accounts separate



File the *Proof of Blocked Account*



Provide an *Inventory of Assets* within 60 days of being appointed the guardian

What requires court approval?



Court approval is required to:

- Move protected person out of the state of Nevada or into an adult care facility
- Restrict family from seeing protected person
- Spend or invest protected person money
- Make changes to the will or beneficiaries
- Sell home or real property
- Terminate your guardianship
- To approve sterilization of the PP, abortion or experimental medical treatment

What are the protected person's rights?

Adult protected persons have the right to:

An attorney

Receive notices about proceedings and copies of filed documents

Have a representative raise issues of concern during a hearing



What are the protected adult's rights?



Adult protected persons have the right to:

- Be educated, ask questions, express concerns or complaints about a guardian
- Participate in developing a care plan and have due consideration given to desires, preferences, and beliefs
- Remain as independent as possible and be granted the greatest degree of freedom possible
- Engage in any activity not reserved for the guardian, e.g. voting, marrying, traveling, working, or driving
- Be treated fairly as well as with respect and dignity
- Maintain privacy and confidentiality in personal matters

What are the protected adult's rights? (cont.)



Adult protected persons have the right to:

- Receive
 - Calls, mail, visitors (unless court agrees that particular person will cause harm to the protected person);
 - Timely, effective, and appropriate health care/treatment;
 - Prudent management of the estate;
- Control their salary, maintain a bank account, and manage personal money
- Have services provided at a reasonable rate
- Ask the court to
 - Review the guardian's management over something
 - Continually review the need for a guardian
 - Modify or terminate a guardianship
 - Replace the guardian
 - Enter an order recognizing that she has regained capacity

What are the protected minor's rights?

Minor protected persons have the right to:

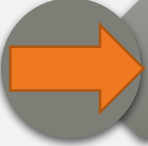
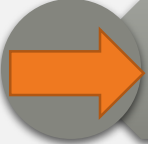
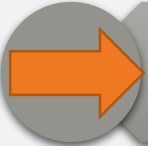



The court may appoint an attorney or a guardian ad litem to represent the best interest of the child

- The judge must name a guardian ad litem if she thinks the child has been hurt, threatened, or neglected.

The court may appoint an investigator who can:

- Locate services and resources for the minor;
- Determine competing interests in the appointment of a guardian;
- Investigate allegations or claims that affect a minor;
- Investigate the suitability of the proposed guardian to provide for the minor; and
- Locate required relatives.

What does the guardianship process look like?

-  Complete required documents.
-  File pre-hearing documents.
-  Serve and file proof of service.
-  Attend guardianship hearing.
-  File post-hearing documents.
-  Fulfill guardian responsibilities.

Part 3: How to Become a Guardian

**General
Information**

**Required
Documents**

**Filing Pre-
Hearing
Documents**

**Serving
Required Parties
and Filing Proof
of Service**

**Emergency
Guardianship**

What general information do I need to know?

- **Everything must be filled out.**
 - Write N/ A if some portion of the form doesn't apply to your situation
 - Make sure what you write is true to the best of your knowledge
- **The court won't take double-sided documents!**
- **These documents must be filed with the court:**
 - Family court cover sheet
 - Confidential information sheet
 - Petition for appointment of guardian
 - Citation
 - Proof of service (for each party served)
- **You may need to file additional forms depending on the type of guardianship requested or your circumstances.**



What documents are required?



COVER SHEET



CONFIDENTIAL
INFO SHEET



PETITION



CITATION

Cover Sheet

- Asks you for basic information about:
 - Yourself
 - Any person who wants to be co-guardian
 - The proposed protected person
 - The type of guardianship being sought

Confidential Info Sheet

- **This form asks you for identification for:**
 - Yourself
 - Any person who wants to be co-guardian
 - The proposed protected person
 - File with your confidential info sheet or within 120 days
- **Appropriate forms of identification:**
 - Drivers license or identification card
 - Social security or taxpayer ID
 - Passport or tribal identification card

Petition

Adult: see page 42

Minor: see page 64

- This form asks you for:
 - Detailed info about yourself, co-guardians, and the PPP
 - Info about your relationship with the PPP
 - An explanation of why you are seeking guardianship
 - List of relatives (Exhibit A)
 - List of assets (Exhibit B) asks you to provide details about the PPP's estate, including:
 - Status of assets and income
 - Sources and amounts of monthly income
 - Assets and their estimated value
 - Checking, saving, investments accounts
 - Real estate
 - Vehicles
 - Inheritances

Petition

- **List of Relatives (Exhibit A) asks you to list some of the PPP's relatives who are 14 years of age or older:**
 - Spouses
 - Parents & grandparents
 - Children & grandchildren
 - Siblings
- **Generally, you *must* serve *everyone* on this list.**
 - All relatives must be included even if they ultimately can't be served

Citation

- **This form provides notice that:**
 - A hearing has been set
 - Anyone interested in the case should attend
 - The hearing could affect the PPP's rights
 - The court can appoint an attorney, advocate, or investigator
- **All adult guardianship cases and most child guardianship cases require hearings.**

Are other documents required?

Children:

If the PPP is a minor over 14, you must provide a consent form signed by the PPP.

The appropriate form can be found at FamilyLawSelfHelpCenter.org

Consenting parents also fill out a specific form

Adult:

Physician's certificate

Plan of care

Optional Consent Forms

Any relative at least 14 years old can give written consent

All consent forms must be notarized



What additional documents are required for adult guardianships?

Physician
Certification

Plan of Care

Physician Certification

Should (most likely) be completed by a physician

Explains the PPP's medical condition

Shows the need for an adult guardianship

Can excuse the PPP from the guardianship hearing

Must also file an *Admonishment of Rights*



Where are we in the process?

-  Complete required documents.
-  File pre-hearing documents.
-  Serve and file proof of service.
-  Attend guardianship hearing.
-  File post-hearing documents.
-  Fulfill guardian responsibilities.

Where do I file the documents?

- To file in a Nevada court, PPP must have lived in Nevada for at least six months.
 - Minor child exception: physically present in Nevada and the child's welfare requires appointment of guardian
 - Guardianship over estate exception: Nevada property
- To file in Las Vegas, submit your filing fee and documents in person, by mail, or online.
 - There is no filing fee if there is no estate, or the estate is less than \$2,500

How do I file my documents?

In-Person

- Bring your filing fee and documents to the Clerk's Office at the Family Courts and Services Center between 9:00 a.m. and 3:40 p.m. (Monday through Friday) – **Not available during the coronavirus restrictions**

By Mail

- Mail your filing fee and documents to:
 - Family Courts and Services Center
 - Attn.: Clerk of Court
 - 601 North Pecos Road
 - Las Vegas, NV 89101

Online

- Visit eFileNV and register for a self-representative account
- Pay a \$3.50 per document, in addition to the regular filing fee
- Warning: some documents must be filed in person

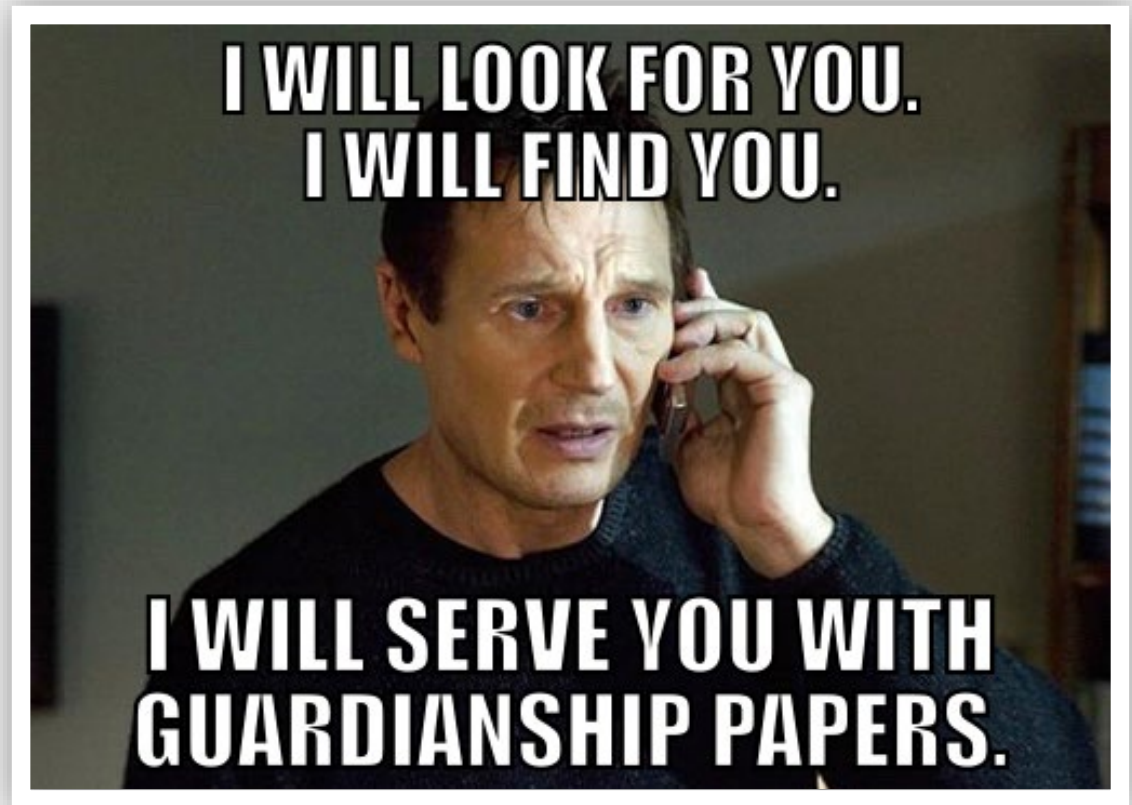
Where are we in the process?

-  Complete required documents.
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-  Fulfill guardian responsibilities.

What is service?

Notifying the appropriate people that you're seeking guardianship

Providing these people with copies of the filed petition and citation



What's so important about service?



The court won't serve any documents for you.



You must file proof of service for each person.



Service is the most common mistake.



Failure to serve will likely lead to dismissal.

Who do I serve?

PPP must be
personally served,
no exceptions!

Everyone on the *List of Relatives* (Exhibit A)

Spouses

Parents & grandparents

Children & grandchildren

Siblings

Other important parties

Current legal guardian

Person or facility providing care

Dept. of Health and Human Services (if PPP is on Medicaid)

Dept. of Veteran's Affairs (if PPP has veteran benefits)

What is service by mail?



Use the green cards at the Post Office



Request return receipts



Mail at least 20 days before hearing



File a *Certificate of Mailing*

attach green receipts by taping them to a blank sheet of paper

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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What is personal service?

- Hand-to-hand document delivery
- Must be made by someone over 18 who is:
 - Not related to you or the PPP
 - Not a party in your case
- Serve at least 10 days before hearing
- Server completes an *Affidavit of Service*, which you then file



What is consent and waiver?

Anyone who consents to your guardianship can waive formal service by signing a form

Provide the appropriate *Consent and Waiver of Service* form via mail or e-mail

Have them return the signed form via mail or e-mail

Must be notarized and filed with the court



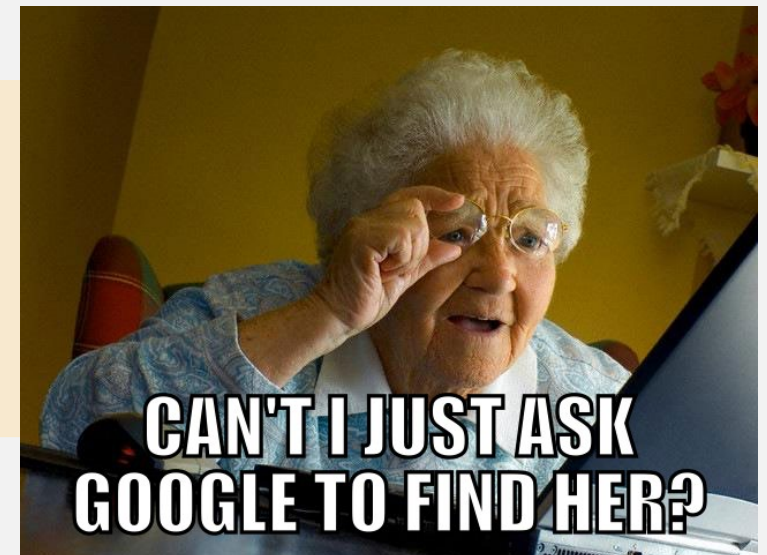
What if I can't find someone?

Do everything you reasonably can to list the names and locate missing relatives

- Talk to friends, family, employers, coworkers
- Search online social networking sites
- Check the Post Office for forwarding information

Helpful websites:

- Family Tree Now
- Spokeo
- Intelius
- People Finders



What if I still can't find someone?



Ask the court to either waive service or allow service by publication (in a single request)

If you know this will be necessary, ask the clerk to set your hearing out far enough to allow service by publication



Send the *Petition* and *Citation* by regular mail to the last known addresses



Complete, file, and submit to judge

Affidavit of Due Diligence (one per relative)
Affidavit for Service by Publication
Proposed Order for Service by Publication
Proposed Order to Waive Service

What if the judge allows service by publication?

Contact	Provide	Publish	File
<p>Contact a local paper</p> <ul style="list-style-type: none">• Nevada Legal News or Las Vegas Review Journal	<p>Provide the paper with a copy of:</p> <ul style="list-style-type: none">• A citation naming all relatives to be served by publication• The order to serve by publication	<p>Publish citation for four (4) weeks in a row</p> <ul style="list-style-type: none">• Last date of publication no later than 20 days before hearing	<p>File the Affidavit of Publication</p> <ul style="list-style-type: none">• The paper usually files this for you• You're ultimately responsible though, so be sure to ask

What if I can't wait this long?

File a *Supplemental Petition for a Temporary Guardianship*

- A temporary guardian's powers are limited to resolving the emergency at issue

Minors:

- Explain urgent issue/medical emergency in writing
- If child not in care of parent for last six (6) months, judge can presume this is best

Adults:

- Show that immediate medical attention is needed or that there is a substantial and immediate risk of physical harm or financial loss
- Demonstrate you attempted to contact as many relatives as possible and explain why you did not contact some of those relatives

If the judge signs your order, a hearing will be set in ten days

- You'll have to serve all relatives possible to notify them of this hearing
- At the time of the hearing, you must have started regular service of all relatives
- The judge can extend the guardianship 30-60 days if necessary

Contact Emergency Services

Child Protective Services

(702) 399-0081

Elder Protective Services (Adults 60 and over)

(702) 486-6930

Police (Adults under 60)

311

Where are we in the process?

-  Complete required documents.
-  File pre-hearing documents.
-  Serve and file proof of service.
-  Attend guardianship hearing.
-  File post-hearing documents.
-  Fulfill guardian responsibilities.

Part 4: The Guardianship Hearing

Preparation

Where and when to attend?

Who and what to bring?

Served and filed?

How to act?

Procedure

Competing Petitions



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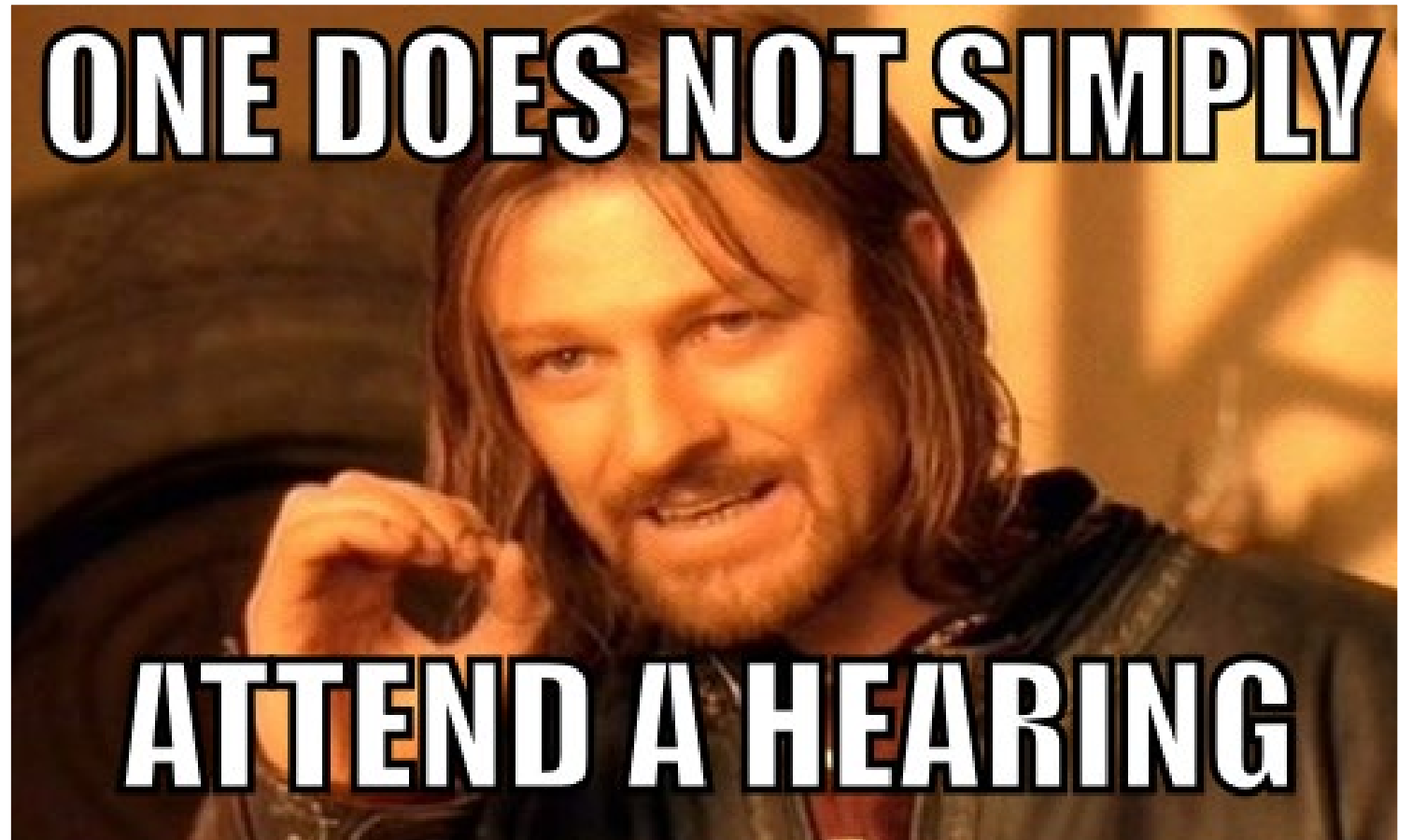
How can I prepare for the hearing?

Who: Bring the PPP unless

Physician's Certificate indicates that the PPP would not comprehend or would be harmed by the hearing and

What: Bring copies of all your filed documents

When & where: Check your citation for details. Under COVID, your hearing will be by videoconference.



How can I prepare for the hearing?

Have all required people been served? (*List of Relatives*)

Have all documents been filed?

Adult Guardianship

- Family Court Coversheet
- Confidential Information Sheet
- Petition for Appointment
- Citation
- Affidavit of Service
- Certificate of Mailing
- Consents/Waivers

Minor Guardianship

- Family Court Cover Sheet
- Petition for Appointment of Guardianship
- Citation
- Confidential Information Sheet
- Certificate of Mailing
- Affidavit of Service
- Consent/Waivers

How can I prepare for the hearing?

Dress appropriately

Be on time (arrive 30 mins. early)

Check-in with the Marshal

Know anyone you served might attend

Adults: expect an attorney who represents the PPP to be in attendance



How will the hearing proceed?

Stay seated at the Plaintiff table (alongside PPP)

The petitioner (proposed guardian) begins

- Present why guardianship is *best for the PPP*
- Make your case in *no more than five minutes* (most important issues first)

Anyone opposing the guardianship presents next

- Present why guardianship is *not best for the PPP*
- Make your case in *no more than five minutes* (most important issues first)

The Judge then asks questions directed towards

- The petitioner
- The PPP (not too young or unfit to respond)
- Anyone who is opposing the proposed guardianship

Video Hearing Tips

Due to the COVID-19 pandemic

You may get a notice from the court that your hearing will be by video conference or phone.

If this occurs, find a quiet place where you will be able to hear.

Mute your microphone when you are not speaking.

Make sure the PPP also appears by video or phone.



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What if someone objects?

If your guardianship is opposed, the judge may set an evidentiary hearing to decide who is the most qualified and suitable caretaker.

These hearings are essentially trials!

- You must prove that your guardianship is in the PPP's best interest and the current situation is unsuitable.
- Proof, such as:
 - properly authenticated documents
 - witnesses with knowledge of facts

Where are we in the process?

-  Complete required documents.
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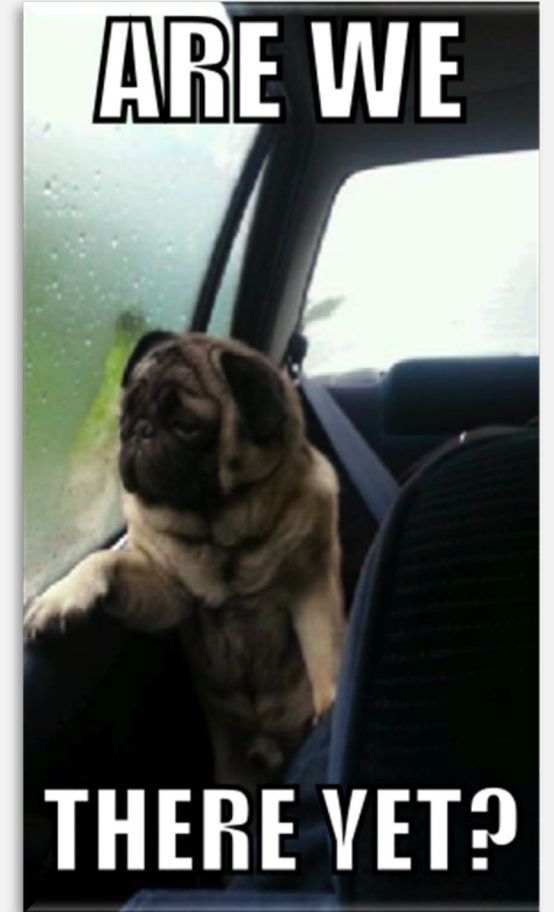
Part 5: Responsibilities after the Hearing

Filing Post-Hearing Documents

- *Guardian's Acknowledgement of Duties and Responsibilities*
- *Order Appointing Guardian*
- *Letters of Guardianship*
- *Notice of Entry of Order*
- *Monthly budget*
- *Plan of Care*
- *Proof of blocked account*

Fulfilling On-Going Responsibilities

- Yearly documents
- Notices



What must be filed after the hearing?

Acknowledgement
of Duties and
Responsibilities

Order Appointing
Guardianship

Letters of
Guardianship

Notice of Entry of
Order

Acknowledgement of Duties & Responsibilities



See FamilyLawSelfHelpCenter.org



Each co-guardian must complete a separate acknowledgement.



This form asks for:

The type of guardianship granted

A declaration that you understand

- There are certain duties and responsibilities required to be a guardian
- The court must approve certain actions you will take

Order Appointing Guardian(s)

Adults: See FamilyLawSelfHelpCenter.org

Minors: Same

This form:

- Explains why the judge found guardianship necessary
- States who was appointed guardian and what type
- Tells the newly appointed guardian what must and what may be done immediately after the hearing and during guardianship

Letters of Guardianship

Adults: See FamilyLawSelfHelpCenter.org

Minors: Same

You have no legal authority to act as guardian until letters are issued!

This is the proof you'll show anyone who needs to verify that you have the power to act on behalf of the protected person.

Notice of Entry of Order

See FamilyLawSelfHelpCenter.org

This is a two-step process:

- Attach a copy of the filed *Order Appointing Guardian* to the *Notice of Entry of Order* and file this document with the Clerk
- Mail a copy of the filed notice and attached order to everyone you served with the guardianship papers

What must be filed after the hearing?

Proof of Blocked Account

- File by the deadline given in order (shortly after hearing)
- Safeguards protected person's assets and money
- Four-step process
 - Go to the financial institution listed on the order
 - Ask them to block the protected person's account
 - Have a representative complete the proof of blocked account
 - File the completed form with the court

Inventory, Appraisal, and Record of Value

- File within sixty (60) days after the hearing
- lists all property, money, and any other assets
- Judge may order an appraisal in some cases
- After filing at the clerk's office, mail a copy of the inventory to:
 - The protected person
 - Their attorney
 - Their guardian ad litem

Where are we in the process?

-  Complete required documents.
-  File pre-hearing documents.
-  Serve and file proof of service.
-  Attend guardianship hearing.
-  File post-hearing documents.
-  Fulfill guardian responsibilities.

What yearly documents do I have to file with the court?

File
within
one
year!

Guardian over the Person: *Annual Report*

General information (e.g. address and living situation)

Physical and mental health

Activities and recreation

Financial information

<http://www.clarkcountycourts.us/departments/guardianship/commonly-used-forms/>

Guardian over the Estate: *Annual Accounting*

Check the order

Hearing required (must file notice)

Service of annual accounting and notice of hearing

Waiver for estates less than \$10,000

Provide the court with an accounting of the protected person's assets, income, and expenses every year

When should I notify the court?

Misdemeanor or felony conviction

Bankruptcy filing

Driver's license suspended, revoked, or canceled

Suspension from a profession that requires a state license

Judgment entered against you for misappropriating funds or assets

PP as been hospitalized

Part 6: Changing or Ending Guardianship

Changing

- adding a guardian
- resigning as guardian
- removing a guardian

Ending

- automatic termination
- termination by agreement
- involuntary termination



How do I change or add guardians?

1

Changing Guardians

- You must have court approval.
- A hearing is required.
- What you file depends on your situation.

2

Adding a Co-Guardian

- File a *Petition for Appointment of Co-Guardian*
- New prospective guardian must go through entire guardianship process, including a hearing

How do I resign or remove guardians?

Resigning

Resigning as Guardian or Co-Guardian

- You must have court approval.
- File a Petition for Resignation
- If you're a sole guardian, another person should file a Petition for Appointment of Successor Guardian.
- If no one is willing to be guardian, the judge may appoint a public guardian.

Removing

Removing a Guardian or Co-Guardian

- Anyone can file a Petition to Remove Guardian
- Petitioner must show why a guardian should be removed
- If the guardian is a sole guardian, another person should file a Petition for Appointment of Successor Guardian.
- If no one is willing to be guardian, the judge may appoint a public guardian.

How else can a guardianship end?

Automatic Termination of a Child Guardianship

- Child guardianship ends automatically when minor turns 18
 - Unless the guardian and child agree to continue the guardianship until high school graduation
 - Must file *Consent to Continue Guardianship* at least 14 days before child's 18th birthday
- Guardian over the estate must file *Final Accounting* and set hearing for approval
 - Unless the child signs a form waiving the final accounting and requesting the estate go to them

Automatic Termination of an Adult Guardianship

- Adult guardianship ends automatically when protected person passes away
- Guardian over the estate retains ability to get affairs in order
- Must file *Petition to Terminate Guardianship*
 - Guardian over the estate must attach *Final Accounting* for approval
 - Unless the protected person's heirs sign *Affidavits Waiving the Final Accounting*

How else can a guardianship end?

Agreement Ending Child Guardianship

- Guardian(s) and parent(s) must sign and file a *Stipulation & Order to Terminate Guardianship*
 - If the judge agrees and signs the order, the guardianship is terminated, and case is closed
- Not an option for guardianships that result from a CPS investigation

Can the court end a guardianship?

Anyone can file a *Petition to Terminate Guardianship*

A hearing will be set

- Petitioner must show why guardianship is no longer needed
- Anyone can attend to voice their objections or support

The petitioner must serve the current guardian(s) and everyone who was served with the original paperwork

If a parent is petitioning to end the guardianship

- The parent must show there has been material change in circumstances since the guardianship was created by clear and convincing evidence that the parent can take care of the child's basic needs.
 - If parent did not consent, must also show that child's welfare would be substantially enhanced by ending guardianship and returning child to parent's care
- Court can consider parent's history of alcohol/substance abuse within last six (6) months as well as criminal history, including domestic violence

What are the major take-aways?

The three most common mistakes:

- Bad Service
 - Give notice to all required parties, unless you've received judicial permission not to
 - File consents or proof of service for everyone
- Blank Sections in the *Petition*
 - Write "Not Applicable" where appropriate
- Failure to Bring the PPP to the Hearing
 - Minors: must be present
 - Adults: *Physician's Certification & Admonishment of Rights*

Questions and Answers

Pre-Q & A:

- Please complete the blue Feedback Form

During Q & A:

- We cannot give legal advice, i.e. tell you what you should do
- Please do not discuss confidential information

Remember, this class cannot take the place of consulting with an attorney!

Feedback



Thank you for attending this class.

Please complete an on-line feedback form at (link is in the chat box)

<https://law.unlv.edu/content/attendee-feedback-form>



If you want to apply for legal help,

call (702-386-1070) or email to info@lacsnsn.org



Lawyer Referral Service: (702)382-0504

Contact Information for all Legal Aid Center Services

<p>Legal Aid Center of Southern Nevada (702) 386-1070</p> <p>info@lacsnsn.org www.lacsnsn.org</p>	<p>Vegas Strong Resiliency Center (702) 455-2433</p> <p>vegasstrongresiliencycenter@clarkcountynv.gov www.vegasstrongrc.org</p>
<p>Family Law Self Help Center</p> <p>flshcinfo@lacsnsn.org www.familylawselfhelpcenter.org</p>	<p>TPO Office (702) 455-1500, option 2</p> <p>tpoinfo@lacsnsn.org www.familylawselfhelpcenter.org</p>
<p>Civil Law Self Help Center</p> <p>clshcinfo@lacsnsn.org www.civillawselfhelpcenter.org</p>	

Facing
foreclosure?

Been
sued?

Trouble
paying your
bills?

Credit
report
problems?

Problems
with your
student loan?

Think you've
been
defrauded?

Problem with
a payday or
title loan?

Considering
bankruptcy?

Trouble with
a car purchase,
lease, or repair?

Unhappy with
a home repair
or warranty?

Debt
collectors
harassing
you?

We may be able to help! Come in for a *free* case evaluation, Monday to Thursday, 9 a.m. to 4 p.m.