

While ideally, a child will always be with their parents, circumstances can arise that require that someone else take responsibility for the child. Many factors may lead a person to seek legal guardianship for a child.

Most often, guardianship occurs when a child's parents can no longer care for them. This can be due to death, incarceration, abuse, mental health, or substance issues.

Guardianship may also be necessary for adults who cannot make decisions on their own due to injury, age or illness.

Depending on the type of guardianship a person obtains, they may be responsible for personal and/or financial decisions for the person in question.

Obtaining guardianship is not as simple as taking a child into your home or putting your elderly family member in a nursing home. There is a legal process that makes a person the legal guardian, and it is essential to know your responsibilities.

[The Rosenblum Allen Law Firm](#) has experienced family law attorneys that can help you in this process.

Following this simple checklist will ensure that you know the process for obtaining a guardianship in the State of Nevada.

Who Can Apply for Guardianship?

Several circumstances can qualify a person to be placed under guardianship. A person who needs a guardian is referred to as a Protected Person. The Protected Person must be either a minor (under the age of 18) or an adult who is incapacitated in some way (such as mental illness).

A person can qualify as a guardian if they fall under one of the following categories:

- A person Nevada resident who is at least 18 years of age, sound of mind, and is not a convicted felon.
- A parent under the age of 18 can be the legal guardian of his or her child.
- A person who does not live in Nevada, but who fits all other requirements. They will need to have a resident serve as their Resident Agent.

The next step is to make sure that you have all the proper forms and paperwork prepared.

Make Sure You Have the Proper Forms

Completing the paperwork in a guardianship can be overwhelming. There's lots of forms and the forms need to be completed correctly in order to avoid delays in the guardianship proceedings, or possibly, having the guardianship denied altogether. This guide is here to help.

You will need the following forms (at a minimum) if you are applying for guardianship:

- Petition for guardianship
- Citation to appear and show cause
- A certificate of mailing with proof of certified mailings included
- An acknowledgment of guardian
- A physician's statement regarding the need for guardianship
- A mailing matrix
- A confidential information sheet that includes the Protected Person's name, date of birth and other identifying information
- An order appointing guardian
- Letters of guardianship

Once the guardianship is complete, you will need to file a Budget and Inventory and each year, depending on the type of guardianship, you will need to file a Report of Guardian and an accounting.

Like we said, there's lots of paperwork and the documents can be overwhelming. This guide will help you get started.

Information Needed For The Petition for Guardianship

The Petition for Guardianship is the first document the judge will review when deciding whether or not to grant the guardianship. It is important that this document is completed correctly and provides basic information about you and the Proposed Protected Person.

In your petition, you need to have the following information, at a minimum:

- The name, age, residence, post office address of the Protected Person
- An explanation of why a guardianship is needed - explain the Protected Person's disability. Is the Protected Person a minor, someone suffering from an illness, etc.? Tell the judge why this person cannot make their own decisions or take care of themselves.
- The approximate value and a description of the Protected Person's property, including any compensation, pension, insurance, or allowance to which he or she may be entitled. You also need to explain whether or not the person owns a house and has investments.
- Whether there is, in any state, another person already serving as the guardian of the Protected Person.

- Provide your information including any residence and post office address you have, your age, date of birth and other information about you.
- Include the names and addresses, so far as known or can be reasonably ascertained, of the persons most closely related to the Protected Person by blood or marriage.
- A recommendation proposing the type, scope, and duration of the guardianship
- A statement that any facility or agency from which the Protected Person is receiving services has been notified of the proceedings
- An explanation of any bankruptcy or criminal convictions you have had

You can find the forms for the state of Nevada [here](#).

As these forms are necessary to begin the process, you may need help from an attorney to ensure these forms are correct. If you need help with this step, the [Rosenblum Allen Law Firm](#) can help you with this process.

Give Notice to the Proper People and Agencies

When petitioning for guardianship, it is required to give notice of the petition to interested parties.

The notice, which comes in the form of a Citation to Appear and Show Cause, must be mailed by certified mail, return receipt requested, at least 14-20 days before the hearing.

There are several parties that you are required to give notice to for a guardianship petition. This list can include:

- Notice of Hearing must be served upon the incapacitated person if over 14 years of age. The notice must contain a statement of the alleged incapacitated person's rights.

Notice of the hearing shall also be provided to:

- Parents of the alleged incapacitated person when the person is a minor or Spouse of the alleged incapacitated person
- Any person who is the guardian of the person or estate of the alleged incapacitated person
- Any person who has the care and custody of the alleged incapacitated person
- The Director of any agency from which the respondent is receiving services
- DHHS when the petition seeks appointment of a guardian who, at the time the petition is filed, serves as the guardian of 5 or more minor wards

- If no parent or spouse, then at least one of the nearest competent relatives by blood or marriage of the alleged incapacitated person
- If directed by the court, any agency of the US or state which makes or awards compensation, pension, insurance, or other allowance for the benefit of the ward or his or her estate
- If directed by the court, any agency of the US or state or any charitable organization which may be charged with the supervision, control, or custody of the incompetent person
- Any other person directed by the court

The court can also decide to reduce the time for giving notice as needed.

A Family court attorney can help you to make sure that you notify the correct parties. The Family Law attorneys at the Rosenblum Allen Law Firm have the experience and know-how to guide you through this process.

Prepare for Investigation before Hearing

As mentioned before, obtaining guardianship is more than taking a person into your home and placing them in your care.

Part of the process may include a court investigation to determine if you are a fit person to be a legal guardian.

These investigations are conducted by either Family Court Services, Nevada State Compliance Officers or Child Protective Services. They will investigate the suitability of the petitioner to have guardianship of a Protected Person. The investigators will then send their findings to the court.

A guardianship investigation begins between filing your petition and your hearing date. However, if questions arise during an uncontested guardianship hearing, it is possible that the Court may delay finalizing a guardianship and appoint an investigator. This guardianship investigation process usually takes four to six weeks to complete.

Most guardianships do not require an investigation, but if you find yourself the subject of a guardianship investigation, it is strongly recommended you get the help of an experienced guardianship attorney.

Prepare for Your Hearing

Once all the proper paperwork has been filed, you need to prepare for your hearing.

Obtaining a guardianship can be a relatively lengthy process that can take several months. Between the time you file your paperwork and the time you go to Court, contact all concerned parties about your intent to become the Protected Person's guardian. Prepare for any objections from other family members,

friends or government agencies.

Make sure to talk to your attorney and prepare for any questions the judge may have about your background, the Protected Person's medical conditions and/or the protected person's estate.

At the time of the initial hearing, the judge will talk to several people about the guardianship. This includes you, your attorney, other proposed guardians and their attorney, the Protected Person and the Protected Person's attorney and representatives from government agencies.

During the hearing, you will make your case before a judge why you will be a suitable guardian. The judge will then make a ruling on whether to award or not to award guardianship. It is possible the judge may need to schedule additional hearings to take evidence and testimony before making a final decision.

Bring A Proposed Order and Letters of Guardianship to Court

If you are granted guardianship, the Court will want several documents including an Order appointing you as the Protected Person's guardian as well as Letters of Guardianship. You should bring these documents with you to Court to avoid any delay in finalizing the necessary paperwork to make your guardianship official.

You can find the needed forms [here](#).

If the Guardianship is approved, the Judge will sign your Order Appointing Guardian and file it with the Court Clerk. Once the Order Appointing Guardian is filed, you then file your Letters of Guardianship. You will want to obtain several certified copies of the Order and the Letters for various government agencies including Medicaid, Social Security and the DMV. Most banks and the Clark County School District will also require certified copies of the Order and Letters to make changes to a Protected Person's vehicle or school.

After the Hearing

Congratulations, you have been awarded guardianship! However, the process is not entirely over. There are still [several forms](#) that have to be completed both immediately after the hearing and through the guardianship life.

Some of these forms include annual check-ins with the court to ensure the Protected Person's best interests are being served. Other forms will be needed if you are made guardian of the Protected Person's estate and their finances. These forms must be filled out correctly. The Family Law attorneys at the Rosenblum Allen Law Firm can help you to make sure you know your rights.

You are now the legal guardian. If you have followed these steps, you will have a successful hearing and begin a beneficial journey.