MINOR GUARDIANSHIP EX PARTE MOTION TO POST NOTICE

IMPORTANT

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, and the local rules governing the jurisdiction in which you are filing your documents.

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 regarding custody, visitation, child support and definitions of terms.

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GENERAL INFORMATION ABOUT FILING AN EX PARTE MOTION TO ALLOW POSTING or PUBLICATION OF NOTICE IN GUARDIANSHIP

The forms must be typewritten or <u>legibly</u> handwritten in black ink.

THIS FORM IS TO BE USED AS A SUPPLEMENT TO THE PETITION FOR GUARDIANSHIP ONLY.

There is no fee to file this document, so long as you have paid your fee with the initial filing of your documents.

There are facilities for copying your documents at the Court Clerk's office at the charge of \$.025 per page. Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

Location of the Court Clerk's Office

The Court Clerk's Office for **Churchill County** is located at 73 N. Maine Street, Suite B, Fallon, NV, 89406, on the second floor. The phone number is (775) 423-6088.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of Decree for the Judge to sign, it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.

FILLING OUT THE DOCUMENTS

- 1. **For All Documents**: Fill in the spaces on lines 9 through 13, **exactly** as they appear in your other documents. This is the "heading" of the document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept. No. are always the same.
- 2. Ex Parte Motion for Publication of Citation to Appear and Show Cause: If the location OR identity of EITHER natural parent is not known. Once the Ex Parte Order is filed, take a copy of the Citation to Appear and Show Cause and a copy of the Order for Publication to the newspaper of your choice that was named in the Motion.
- **3.** The Citation must be published once a week for four weeks. At the end of that time, the newspaper will send you a copy of the Citation as it appeared in the newspaper and an Affidavit of Publication. Attached the Affidavit of Publication to the Proof of Publication, make one copy, and file with the Court Clerk.

- 4. Ex Parte Motion to Post Citation to Appear and Show Cause: If the location OR identity of EITHER natural parent is not known AND the petitioner(s) do not have the funds to publish the Citation to Appear and Show Cause. Once the Ex Parte Order is filed, take a copy of the Citation to Appear and Show Cause and a copy of the Order for Publication to the newspaper of your choice that was named in the Motion.
- 5. REMEMBER: Even if the Citation is either published or posted, you must also send a copy of the Citation to the party by mail to their last known address.
- 6. The Ex Parte Motions should be filed prior to the first hearing. The Order granting the Ex Parte motions can then be presented to the Judge DURING the first hearing. While these documents may be filed after the first hearing, this could delay the entire guardianship process.
- 7. Fill in the information required in each of the spaces. **Do not leave any spaces blank**. You **must** state, **in detail**, your serious efforts to find the natural parents. Just stating you do not know where the Defendant is, and have not seen or heard from the Defendant in a number of years is not enough. You must be very specific in stating how you attempted to find the Defendant. If you called the utilities companies and DMV, state to whom you talked and what they said. If you went on the internet, print out the results of the locator information. If you made telephone calls to individuals, give their names, when you called and what they told you. If you used a private detective or professional process server to search for the Defendant, have that person sign an Affidavit and attach it to your ex parte motion. The more detail you can give the Judge, the more likely the motion will be granted.
- 8. The law requires you to mail a copy of the Summons and Complaint by certified mail, return receipt requested, to the Defendant's last known address. You may do the mailing before or after the order allowing publication is filed.
- 9. These documents must be signed in the presence of a Notary Public.
- 10. <u>The Request for Submission</u>: In order to submit a Motion, Request, Objection, Petition, or other original document to the court for consideration, a Request for Submission must be filed. The Court may not review the file unless this document is filed.
- 11. <u>The Ex Parte Orders</u>: Complete all information, but do not fill in the date or sign the document. Submit the original Order and two copies to the Court Clerk, who will submit the Order to the Judge. If the Order is signed, a file-stamped copy will be mailed to you.

- 12. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Services. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you and your file.
- 13. It is extremely important that you follow-up on the orders. If the Citation is not properly served, the "notice" will not be completed in time for the final hearing and if the Court denies your request, you must notice the parent or parents another way.
- 14. Once the Orders are filed, return to the **Petition for Guardianship** instructions.

If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.

NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.