

PROCEDURES FOR GUARDIANSHIP

1. Unless the child is of legal age or emancipated, the child's parent, legal guardian, temporary guardian, either court or non-court appointed, or foster parent (upon verification from the social worker) must be physically present and involved with the enrollment of a student.
2. Legal guardianship is proven by producing certified court documents that state the name of the minor and the legal guardian.
 - a. A person who enrolls a student and who has a note or a notarized note from the parent is not a legal guardian unless he/she is named the legal guardian in a court document.
 - b. A copy of the certified court document identifying the person as the legal guardian must be filed in the student's cumulative file.
3. Temporary Appointment of Guardian
 - a. Temporary Guardian – A temporary guardian who resides in this state may be appointed by both parents if living, not divorced and in legal custody of the child or by the parent having legal custody without the approval of a court **provided** that he/she completes and notarizes the Nye County School District Temporary Appointment of Guardian form. (NRS 159.205)
 - b. The appointment of a temporary guardian may be terminated by a written document signed by either parent if that parent has legal custody of the child.
 - c. The appointment of the temporary guardian may be terminated by any order of a court of competent jurisdiction that appoints a guardian.
 - d. The student may be **conditionally enrolled** until the completed form is received; however, if the student is conditionally enrolled, the adult enrolling the student **must** complete the Nye County School District Parent Information form for Students Living with a Temporary Guardian **AND** the NCSD Agreement to Conditionally Enroll a Student form.
 - The completed, notarized Nye County School District Temporary Appointment of Guardian form must be received within **30 days** of the conditional enrollment. The school registrar must have a process in place to note the due date.
 - No information (e.g. report cards, attendance, and counseling information) will be given to the adult enrolling the student until the completed, notarized form is returned to the school.
 - Even though a parent may have written a statement or completed a form other than the NCSD Guardianship form, the NCSD form must still be completed.
 - e. Upon enrolling the student, the school should inform the temporary guardian of the following:
 - If the enrolling student is a high school student, NIAA rules determine his/her right to participate in high school athletics.
 - By Nevada law, the temporary guardianship will expire at the end of six (6) months unless the temporary guardian provides another completed and

notarized Nye County School District Temporary Appointment of Guardian form prior to the expiration date.

- If the temporary guardian indicates that the parents' intent is to extend the period of guardianship, then the school should give the temporary guardian another *Nye County School District Temporary Appointment of Guardian* form for the parents to complete, notarize, and return to the school prior to the expiration date of the original form.
- If the intent is for the person to serve as the temporary guardian for the entire school year, the temporary guardian should be given two forms, one to submit upon enrollment and one to submit to the school six months later.
- No information about the child will be given to the temporary guardian once his/her guardianship has expired.
- Once the temporary guardianship has expired, if the student lives within the Nye County School District, he/she **must return to the school zoned for the residence of his/her parents.**
- Once the temporary guardianship has expired, if the student lives outside the Nye County School District, his/her parents **must be notified that the student must return to their place of residence. IF the parents cannot be reached or do not comply, the matter will be turned over to the School Resource Officer and reported as a child in need of supervision.**

f. If the student has a temporary guardian, the school **must ensure the legal parents' information** on the *NCSD Enrollment form* in the sections title "natural Father's Full Name, if NOT listed above" and "Natural Mother's Full Name, if NOT listed above." The address for the natural parents should also be entered in the adjoining boxes titled "Address."

g. If the temporary guardian informs the school that he/she is **terminating the temporary guardianship**, the school must contact the parents and notify them that the temporary guardian has terminated the guardianship and that the parents must withdraw the child and enroll him/her in the school zoned for their residence. **IF the parents cannot be reached or do not comply, the matter will be turned over to the School Resource Officer and reported as a child in need of supervision.**

4. Enrolling Adult is NOT the Child's Guardian, Either Court Appointed or Temporarily Appointed by Parent.

- a. The child's parent/guardian must be contacted immediately.
- b. If the child's parent/guardian cannot be reached immediately, the school may have the enrolling adult complete both the *NCSD Temporary Appointment of Guardian form* and the *NCSD Parent Information Form for Students Living with a Temporary Guardian form*.

- c. If the school cannot contact the parent/guardian and the enrolling adult does not want to complete both forms mentioned in item 4b above, or if the school has concerns regarding the child's safety or welfare, **the school may then consider referral to Nye County Social Services.**

NYE COUNTY SCHOOL DISTRICT
APPOINTMENT OF TEMPORARY GUARDIAN BY A PARENT

Complete One Form Per Child

I, _____, a parent of _____, a minor child, whose date of birth is _____, hereby desire to appoint _____ and _____

as temporary short-term legal guardian(s) of said minor child pursuant to NRS 159.205.

Eligibility: Please read the following (3) questions and circle (and initial at right) the answer where applicable.

Question 1:

Does the minor child have another parent who is living? Yes No

If the answer to Question #1 is no, then skip all further questions and go immediately to the *signature line on the bottom of page 1 of this form* and sign in the presence of a notary public.

Question 2:

Does the other parent consent to the appointment of a temporary legal guardian of the minor child? Yes No

If the answer to Question #2 is yes, then skip all further questions and *both parents' notarized signatures are required on the bottom of page 1 and on the top of page 2.*

Question 3:

Have the rights of the other parent been terminated? Yes No

If the answer to Question #3 is yes, then skip all further questions and go immediately to the *signature line on the bottom of page 1 of this form* and sign in the presence of a notary public.

If the answer to Question #3 is no, please answer the following questions:

- A. *Do you know the whereabouts of the other parent?* Yes No
- B. *Is the other parent willing and able to make and carry out daily child care decisions instead of the parent notarizing the temporary guardianship form?* Yes No

If the answer to question A. and B. are both yes, then you may **not** appoint a short-term guardian for this minor child pursuant to **NRS 159.205.**

NOTARY NOTICE

STATE OF _____)

COUNTY OF _____)

On _____, 20____, personally appeared before me, a notary public, _____, who is the parent of the minor child identified above and who consents to the appointment of the person(s) identified in this instrument as temporary short-term guardian pursuant to NRS 159.205.

Notary Public

(SEAL)

Signature of Parent/Applicant:

I hereby declare under penalty that I am the parent who has legal custody of the minor child identified above and that the answers, initials and absence of initials on this form are true and correct.

Signature of Parent

NOTARY NOTICE

STATE OF _____)

COUNTY OF _____)

On _____, 20____, personally appeared before me, a notary public, _____, who acknowledged to me that he/she has read and understood the within instrument and desires that the person(s) identified in this instrument accepts the appointment as temporary legal guardian of the minor child pursuant to NRS 1159.205.

Notary Public

(SEAL)

Signature of Parent/Applicant:

I hereby declare under penalty that I am the parent who has legal custody of the minor child identified above and that the answers, initials and absence of initials on this form are true and correct.

Signature of Parent

Consent of Minor Child

If the minor child is fourteen (14) years of age or older, the minor child's written consent to the temporary short-term guardianship is required.

Signature of minor child: _____ DOB: _____ DATE: _____

Acceptance of Appointment of Temporary Short-Term Guardianship:

I/We _____ and _____, do hereby accept this appointment as temporary short-term guardian for the minor child identified in this instrument and will accept responsibility for the care, custody, and control of said minor child, including all necessary authority and power to furnish and provide care and services to said minor child as may seem necessary, proper, or desirable in the child's best interest and welfare, including but not limited to food, clothing, shelter, education, and medical-surgical-dental care and treatment. I/We understand this guardianship shall become effective upon my/our execution of this document in the presence of a notary public for a period of six (6) months and may be terminated by an instrument in writing signed by either parent of the minor child if that parent has not been deprived of the legal custody of said minor, or by any order of a court of competent jurisdiction. My/Our address and phone number are as follows:

Address _____

Phone # _____

Signature of Temporary Guardian

Signature of temporary Guardian

NOTARY NOTICE

STATE OF _____)

COUNTY OF _____)

On _____, 20____, personally appeared before me, a notary public, _____, and _____, who hereby accepted the appointment as temporary short-term guardian of the minor child identified above pursuant to NRS 159.205 beginning on this date.

Notary Public

(SEAL)

Note: Please be aware that under NIAA policy (NAC 386.784.782 subsec.5) any student who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which he transfers for 180 school days. Additionally, the NIAA will not recognize a temporary guardianship that is granted without the approval of a court pursuant to NRS 159.205 or 159.215.

NYE COUNTY SCHOOL DISTRICT
PARENT INFORMATION FORM FOR STUDENTS LIVING WITH A TEMPORARY GUARDIAN

Complete One Form for Each Child

STUDENT INFORMATION

STUDENT'S NAME: _____

DOB: _____

GRADE: _____

TEMPORARY GUARDIAN INFORMATION

NAME OF TEMPORARY GUARDIAN: _____

ADDRESS: _____

DAY PHONE/NIGHT PHONE: _____

LEGAL PARENT(S) INFORMATION

NAME OF PARENT(S): _____

ADDRESS: _____

HOME PHONE: _____

MOTHER WORK PHONE: _____

FATHER WORK PHONE: _____

File in Student's Cumulative Folder

NYE COUNTY SCHOOL DISTRICT
CONDITIONALLY ENROLL A STUDENT AGREEMENT

_____ School agrees to conditionally enroll
Name of School

_____ for a period of thirty (30) days provided
Name of Student

that the parent, guardian, or other adult enrolling the student provides the following information to the school sometime during this 30-day period:

- Certified copy of the student’s birth certificate
- Completed, notarized Nye County School District Appointment of Temporary Guardian by Parent form
- Other

If the information or documentation is not provided by the parent/guardian within the thirty day period, the school may refer the student to the School Resource Officer or CPS to determine if the person enrolling the child has legal custody of the child.

.....
If official immunization records are not present at the time of enrollment, the student will be conditionally enrolled and the school will follow district policy and administrative regulations regarding immunizations.

Signature of Principal or Designee

Date

I understand that I must provide the above-checked information to the school within thirty days, and I further understand that the enrolling child is only conditionally enrolled in school until the documentation indicated above is submitted to the enrolling school.

Signature of Parent, Guardian, or Other Adult

Date

.....
Information must be provided to the school no later than

Date

File in Student’s Cumulative Folder

NRS 159.205

Appointment of short-term guardianship for minor child by parent: When authorized; content of written instrument; term; termination.

1. Except as otherwise provided in this section or NRS 127.045, a parent, without the approval of a court, may appoint in writing a short-term guardianship for an unmarried minor child if the parent has legal custody of the minor child.
2. The appointment of a short-term guardianship is effective for a minor who is 14 years of age or older only if the minor provides written consent to the guardianship.
3. The appointment of a short-term guardian does not affect the rights of the other parent of the minor.
4. A parent shall not appoint a short-term guardian for a minor child if the minor child has another parent:
 - a. Whose parental rights have not been terminated;
 - b. Whose whereabouts are known; and
 - c. Who is willing and able to make and carry out daily child care decisions concerning the minor, unless the other parent of the minor child provides written consent to the appointment.
5. The written instrument appointing a short-term guardian becomes effective immediately upon execution and must include, without limitation:
 - a. The date on which the guardian is appointed;
 - b. The name of the parent who appointed the guardian, the name of the minor child for whom the guardian is appointed and the name of the person who is appointed as the guardian; and
 - c. The signature of the parent and the guardian in the presence of a notary public acknowledging the appointment of the guardian. The parent and guardian are not required to sign and acknowledge the instrument in the presence of the other.
6. The short-term guardian appointed pursuant to this section serves as guardian of the minor for 6 months, unless the written instrument appointing the guardian specifies a shorter term or specifies that the guardianship is to terminate upon the happening of an event that occurs sooner than 6 months.
7. Only one written instrument appointing a short-term guardian for the minor child may be effective at any given time.
8. The appointment of a short-term guardian pursuant to this section:
 - a. May be terminated by an instrument in writing signed by either parent if that parent has not been deprived of the legal custody of the minor.
 - b. Is terminated by any order of a court of competent jurisdiction that appoints a guardian.
9. A temporary guardianship cannot be used to circumvent the Nye County School District attendance zones.

Temporary guardianship must be renewed every six months. If the guardianship is not renewed, custody reverts back to the parent/legal guardian. In the case of a foreign exchange student, this will result in the revocation of the student's status and the student will be required to return home. The temporary guardianship may also be terminated by either parent (see NRS above). The request for termination must be in writing. The signatures of both parties must be notarized separately on the Temporary Guardianship Form.