

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

For Clerk's Use Only

IN RE: _____, A PROTECTED PERSON

DATE FILED: _____ CASE NUMBER _____ - G - _____

**PETITION FOR REMOVAL OF
GUARDIAN/CONSERVATOR**

[West Virginia Code: § 44A-4-4]

NOW COMES the Petitioner _____

[name of person filing Petition] in the above captioned cause, and respectfully petitions this Honorable

Court to remove *[insert name of guardian/conservator]* _____

who is a *[check applicable office]* _____ guardian _____ conservator for

_____, a protected person. Petitioner alleges the

following ground(s) for removal: *[initial all that apply; at least one of these grounds must be initialed]*

The guardian/conservator...

_____(1) Is acting under an order entered pursuant to material misrepresentation or mistake, whether fraudulent or innocent;

_____(2) Has an incapacity or illness, including substance abuse, which affects his or her fitness to perform or is adjudged to be a protected person in this or in any other jurisdiction;

_____(3) Is convicted of a crime which reflects upon his or her fitness to perform;

_____(4) Wastes or mismanages the estate, unreasonably withholds distributions or makes distributions in a negligent or reckless manner or otherwise abuses powers or fails to discharge duties;

_____(5) Neglects the care and custody of the protected person or legal dependents;

_____(6) Has an interest adverse to the faithful performance of duties such that there is a substantial risk that the guardian or conservator will fail to properly perform those duties;

_____(7) Fails to file reports or accountings when required, or fails to comply with any court order;

