

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 power 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;
- _____ 8. Fails to file sufficient bond after being ordered by the court to do so;
- _____ 9. Avoids service of process or notice;

- _____ 10. Becomes incapable of performing duties;
- _____ 11. Is not acting in the best interests of the protected person or of the estate, with or without fault.

The specific facts, circumstances and reasons in support of this petition and the above ground(s) for removal are as follows:

[Attach additional pages, if necessary]

Respectfully presented this _____ day of _____, 20 ____.

PETITIONER'S SIGNATURE

Petitioner's Address: _____

Petitioner's Phone Number: _____

Relationship of the Petitioner to the Protected
Person: