

ASSEMBLY BILL NO. 446—ASSEMBLYWOMAN COHEN

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing guardianship of minors. (BDR 13-661)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 13, 17) (NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to guardianship; revising various provisions relating to the guardianship of a minor; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth the procedures for the appointment of a guardian for a
2 minor, the powers and duties of a guardian and the termination of a guardianship.
3 (Chapter 159A of NRS) **Section 6** of this bill defines the term “agency which
4 provides child welfare services” for purposes of provisions of law governing minor
5 guardianships. **Section 8** of this bill makes a conforming change to indicate the
6 proper placement of **section 6** in the Nevada Revised Statutes. **Section 7** of this bill
7 provides that a court may not appoint joint guardians for a proposed protected
8 minor unless: (1) the court finds that the welfare and best interest of the proposed
9 protected minor requires such an appointment; and (2) the joint guardians agree to a
10 division of the duties and responsibilities of the guardianship and a plan for
11 visitation between the proposed protected minor and one or both of his or her
12 parents.

13 Existing law requires a petitioner in a minor guardianship proceeding to
14 provide certain notice concerning the proceeding to: (1) any protected minor who is
15 14 years of age or older; (2) the parent or legal guardian of any protected minor
16 who is less than 14 years of age; and (3) certain interested persons. (NRS
17 159A.034) **Section 9** of this bill: (1) removes the requirement that notice be
18 provided to certain interested persons; and (2) requires that notice be provided to
19 the protected minor and the parent or legal guardian of the protected minor,
20 regardless of the age of the protected minor.

21 Existing law requires a petition for the appointment of a guardian for a minor to
22 include certain information concerning the petitioner, the proposed protected minor
23 and the proposed guardian. (NRS 159A.044) **Section 11** of this bill additionally
24 requires such a petition to include: (1) a description of the relationship between the



25 proposed guardian and the proposed protected minor; (2) the name of each person
26 who resides with the proposed guardian and certain information concerning each
27 such person; (3) certain information concerning the suitability of the proposed
28 guardian; (4) the expected length of the guardianship; and (5) certain information
29 relating to the expected amount of parental involvement in the life of a protected
30 minor after a guardian is appointed. **Sections 52 and 53** of this bill make
31 conforming changes to refer to provisions that have been renumbered by
32 **section 11**.

33 Existing law authorizes the court to require a proposed guardian to file a
34 proposed preliminary care plan and budget. (NRS 159A.0445) **Section 12** of this
35 bill: (1) requires, rather than authorizes, the filing of a proposed preliminary care
36 plan and budget; and (2) prescribes the required contents of such a plan and budget.

37 Existing law authorizes, but does not require, the court to appoint an attorney to
38 represent a protected minor or proposed protected minor in certain guardianship
39 proceedings. (NRS 159A.045) **Sections 13 and 17** of this bill: (1) require the court
40 to appoint an attorney to represent a protected minor or proposed protected minor
41 under certain circumstances; and (2) provide that the protected minor or proposed
42 protected minor is deemed to be a party to any guardianship proceeding.

43 Existing law authorizes the court to appoint a guardian ad litem or advocate for
44 the best interests of a protected minor or proposed protected minor. (NRS
45 159A.0455) **Section 14** of this bill revises provisions governing: (1) the
46 appointment of an attorney as a guardian ad litem or advocate; and (2) the
47 compensation of a guardian ad litem or advocate. **Sections 15, 16, 19 and 20** of this
48 bill revise certain requirements relating to service of process for minor guardianship
49 proceedings.

50 Existing law: (1) provides that the court may determine that a petitioner is a
51 vexatious litigant if the petitioner files a petition that is without merit or intended to
52 harass or annoy the guardian more than once; and (2) authorizes the court to impose
53 certain sanctions on such a petitioner. Existing law also prohibits a court from
54 finding that a protected minor is a vexatious litigant. (NRS 159A.0486) **Section 18**
55 of this bill prohibits the court from finding that a proposed protected minor is a
56 vexatious litigant. **Section 18** also provides that the court may determine that a
57 petitioner is a vexatious litigant if the petitioner files a petition that is intended to
58 harass or annoy the parent of a protected minor or proposed protected minor.
59 **Section 21** of this bill revises certain requirements relating to the attendance of
60 certain proposed protected minors at a hearing for the appointment of a guardian.

61 Existing law: (1) authorizes a petitioner to request that the court appoint a
62 guardian for a proposed protected minor; and (2) requires the petitioner to prove by
63 clear and convincing evidence that the appointment of a guardian is necessary.
64 (NRS 159A.044, 159A.055) **Section 22** of this bill requires the petitioner to prove
65 by clear and convincing evidence that the appointment of a guardian is in the best
66 interests of the proposed protected minor. **Section 22** also: (1) requires the court to
67 make certain considerations in ruling on the petition; and (2) requires an order
68 appointing a guardian to set forth with specificity the findings of fact and
69 conclusions of law upon which the order is based.

70 Existing law: (1) sets forth certain factors for consideration by the court in
71 determining the qualifications and suitability of a proposed guardian; and (2)
72 requires the court to appoint as guardian the qualified person who is most suitable
73 and willing to serve. (NRS 159A.061) **Section 24** of this bill revises the factors the
74 court must consider in determining the qualifications and suitability of a proposed
75 guardian. **Section 24** also: (1) requires certain proposed protected minors to consent
76 to the appointment of a guardian; and (2) if a proposed protected minor does not
77 consent to the appointment of a guardian, requires the court to appoint the next
78 most suitable person who is qualified and willing to serve.



79 In general, existing law requires a guardian of a protected minor to execute and
80 file a bond for the protection of the protected minor and the estate of the protected
81 minor. (NRS 159A.065) **Section 25** of this bill replaces this requirement with a
82 requirement that a guardian establish a blocked account. **Sections 10, 23, 27, 28,**
83 **34, 47, 51, 56, 58 and 65** of this bill make conforming changes relating to the
84 elimination of the requirement that a guardian execute and file a bond.

85 Under existing law, a guardian of a protected minor is required to perform the
86 duties necessary for the proper care, maintenance, education and support of the
87 protected minor. (NRS 159A.079) **Section 29** of this bill revises these duties by
88 requiring the guardian to ensure that the protected minor maintains a relationship
89 with his or her parents in a manner that complies with any order relating to custody
90 or visitation.

91 Existing law prescribes certain requirements relating to the placement of a
92 protected minor in a secured long-term care facility. (NRS 159A.079, 159A.0807)
93 **Sections 29 and 30** of this bill make these requirements applicable to the placement
94 of a protected minor in a facility that provides residential treatment or care.
95 **Sections 29 and 31** of this bill remove certain unnecessary references to the
96 employment of certain health care providers by the Department of Veterans Affairs.

97 Existing law requires a guardian of a protected minor to file an annual report
98 and prescribes the required contents of such a report. (NRS 159A.081) **Section 32**
99 of this bill requires the report to include the frequency of visitation between the
100 protected minor and his or her parents.

101 In general, existing law requires a guardian of the estate of a protected minor
102 to: (1) protect, preserve, manage and dispose of the estate of the protected minor
103 according to the best interests of the protected minor; and (2) apply the estate of the
104 protected minor for the proper care, maintenance, education and support of the
105 protected minor. (NRS 159A.083) Among other changes relating to duties of a
106 guardian of the estate of a protected minor, **section 33** of this bill: (1) removes
107 provisions which authorize the expenditure of money from the estate for the care,
108 maintenance, education and support of the protected minor; and (2) instead
109 authorizes the guardian of the estate, upon approval of the court, to expend money
110 from the estate of the protected minor if necessary to meet the extraordinary needs
111 of the protected minor. **Section 36** of this bill makes similar changes relating to the
112 authority of a guardian of a protected minor who is not a guardian of the estate of
113 the protected minor. (NRS 159A.112) **Sections 35, 37-41, 49, 54 and 55** of this bill
114 make various other changes relating to the estate of a protected minor.

115 **Section 43** of this bill removes provisions that require a guardian to provide
116 certain notice to the court if, after appointment, the guardian: (1) files for
117 bankruptcy; (2) has a driver's license suspended, revoked or cancelled for
118 nonpayment of child support; (3) is suspended for misconduct or disbarred from
119 certain professions; or (4) has a judgement issued against him or her for
120 misappropriation of funds or assets.

121 Existing law authorizes certain persons to petition the court to have a guardian
122 removed and prescribes the circumstances under which the court may remove a
123 guardian. (NRS 159A.1853) **Section 44** of this bill authorizes: (1) an attorney for
124 the protected minor and an agency which provides child welfare services to file a
125 petition to have a guardian removed; and (2) the court to remove a guardian if the
126 guardian has violated a constitutional right of the protected minor.

127 Existing law authorizes the court to appoint another guardian when a guardian
128 dies or is removed by order of the court. (NRS 159A.187) **Section 46** of this bill
129 requires the court to provide certain notice to an agency which provides child
130 welfare services if a guardian dies or is removed and no legally qualified guardian
131 or temporary substitute guardian is willing to serve.

132 Existing law authorizes a protected minor, the guardian of a protected minor or
133 another person to petition the court for the termination or modification of a



134 guardianship. In general, existing law provides that for such a petition to be
135 granted, the petitioner has the burden of proof to show by clear and convincing
136 evidence that the termination or modification of the guardianship is in the best
137 interests of the protected minor. (NRS 159A.1905) If the parent of the proposed
138 protected minor petitions the court for the termination or modification of a
139 guardianship, existing law provides that for such a petition to be granted, the parent
140 has the burden of proof to show by clear and convincing evidence that: (1) there has
141 been a material change of circumstances since the guardianship was created; and
142 (2) the welfare of the protected minor would be substantially enhanced by the
143 termination of the guardianship and the placement of the protected minor with the
144 parent. (NRS 159A.1915) **Section 50** of this bill revises those requirements by
145 establishing different procedures and burdens of proof for: (1) a parent of a
146 protected minor who consented to the guardianship when it was created; and (2) a
147 parent of a protected minor who objected to the guardianship when it was created.

148 **Section 50** requires the court to grant a petition to terminate or modify a
149 guardianship filed by a parent who consented to the guardianship, unless the
150 protected minor or guardian files an objection. If such an objection is filed, **section**
151 **50** requires the matter to be set for a hearing. If, at such a hearing, the protected
152 minor or guardian, as applicable, proves by clear and convincing evidence that
153 continuation of the guardianship is necessary and in the best interests of the
154 protected minor, **section 50** requires the court to dismiss the petition.

155 If the petition for the termination or modification of a guardianship was filed by
156 a parent who objected when the guardianship was created, **section 50** requires the
157 court to set the matter for a hearing. At the hearing, the parent of the protected
158 minor must prove, by clear and convincing evidence, that: (1) there has been a
159 material change of circumstances since the guardianship was created; (2) the parent
160 is able to provide for all of the basic needs of the protected minor; (3) the parent
161 does not pose a significant safety risk to the protected minor; and (4) the welfare of
162 the protected minor would be substantially enhanced by the termination of the
163 guardianship and the placement of the protected minor with the parent. If the parent
164 satisfies those requirements, **section 50** requires the court to enter an order
165 terminating the guardianship.

166 Existing law requires the board of county commissioners of each county to
167 establish the office of public guardian. (NRS 253.150-253.250) Existing law makes
168 a resident of this State eligible to have the public guardian of the county in which
169 he or she resides appointed to mitigate the risk of financial harm to a proposed
170 protected minor. (NRS 253.200) **Section 60** of this bill removes provisions that
171 make a proposed protected minor or protected minor eligible to have a public
172 guardian appointed as his or her guardian. **Sections 26, 40, 44, 45 and 59** of this
173 bill make conforming changes relating to the removal of eligibility in **section 60**.

174 **Section 68** of this bill repeals certain provisions relating to the guardianship of
175 minors. **Sections 1-4, 11, 42, 57 and 62-67** make conforming changes relating to
176 the repeal of such provisions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 159.024 is hereby amended to read as follows:
2 159.024 1. "Private professional guardian" means a person
3 who receives compensation for services as a guardian to three or
4 more protected persons who are not related to the guardian by blood



1 or marriage and who meets the requirements set forth in
2 NRS 159.0595.

3 2. For the purposes of this chapter, the term includes an entity
4 that serves as a private professional guardian and is:

5 (a) Required to have a license issued pursuant to chapter 628B
6 of NRS; or

7 (b) Exempt pursuant to NRS 159.0595 [~~159A.0595~~] or
8 628B.110 from the requirement to have a license issued pursuant to
9 chapter 628B of NRS.

10 3. The term does not include:

11 (a) A governmental agency.

12 (b) A public guardian appointed or designated pursuant to the
13 provisions of chapter 253 of NRS.

14 4. As used in this section, "protected person" includes a
15 protected minor.

16 **Sec. 2.** NRS 159.044 is hereby amended to read as follows:

17 159.044 1. A proposed protected person, a governmental
18 agency, a nonprofit corporation or any interested person may
19 petition the court for the appointment of a guardian.

20 2. To the extent the petitioner knows or reasonably may
21 ascertain or obtain, the petition must include, without limitation:

22 (a) The name and address of the petitioner.

23 (b) The name, date of birth and current address of the proposed
24 protected person.

25 (c) A copy of one of the following forms of identification of the
26 proposed protected person which must be placed in the records
27 relating to the guardianship proceeding and, except as otherwise
28 provided in NRS 239.0115 or as otherwise required to carry out a
29 specific statute, maintained in a confidential manner:

30 (1) A social security number;

31 (2) A taxpayer identification number;

32 (3) A valid driver's license number;

33 (4) A valid identification card number;

34 (5) A valid passport number;

35 (6) A valid permanent resident card number; or

36 (7) A valid tribal identification card number.

37 ↪ If the information required pursuant to this paragraph is not
38 included with the petition, the information must be provided to the
39 court not later than 120 days after the appointment of a guardian or
40 as otherwise ordered by the court.

41 (d) Whether the proposed protected person is a resident or
42 nonresident of this State.

43 (e) The names and addresses of the spouse of the proposed
44 protected person and the relatives of the proposed protected person
45 who are within the second degree of consanguinity.



1 (f) The name, date of birth and current address of the proposed
2 guardian. If the proposed guardian is a private professional
3 guardian, the petition must include proof that the guardian meets the
4 requirements of NRS 159.0595 . [~~or 159A.0595.~~] If the proposed
5 guardian is not a private professional guardian, the petition must
6 include a statement that the guardian currently is not receiving
7 compensation for services as a guardian to more than one protected
8 person who is not related to the person by blood or marriage. As
9 used in this paragraph, "protected person" includes a protected
10 minor.

11 (g) A copy of one of the following forms of identification of the
12 proposed guardian which must be placed in the records relating to
13 the guardianship proceeding and, except as otherwise provided in
14 NRS 239.0115 or as otherwise required to carry out a specific
15 statute, maintained in a confidential manner:

- 16 (1) A social security number;
- 17 (2) A taxpayer identification number;
- 18 (3) A valid driver's license number;
- 19 (4) A valid identification card number;
- 20 (5) A valid passport number;
- 21 (6) A valid permanent resident card number; or
- 22 (7) A valid tribal identification card number.

23 (h) Whether the proposed guardian has ever been convicted of a
24 felony and, if so, information concerning the crime for which the
25 proposed guardian was convicted and whether the proposed
26 guardian was placed on probation or parole.

27 (i) A summary of the reasons why a guardian is needed and
28 recent documentation demonstrating the need for a guardianship.
29 The documentation must include, without limitation:

30 (1) A certificate signed by a physician who is licensed to
31 practice medicine in this State or who is employed by the
32 Department of Veterans Affairs, a letter signed by any governmental
33 agency in this State which conducts investigations or a certificate
34 signed by any other person whom the court finds qualified to
35 execute a certificate, stating:

- 36 (I) The need for a guardian;
- 37 (II) Whether the proposed protected person presents a
38 danger to himself or herself or others;
- 39 (III) Whether the attendance of the proposed protected
40 person at a hearing would be detrimental to the proposed protected
41 person;
- 42 (IV) Whether the proposed protected person would
43 comprehend the reason for a hearing or contribute to the proceeding;
44 and



1 (V) Whether the proposed protected person is capable of
2 living independently with or without assistance; and

3 (2) If the proposed protected person is determined to have
4 the limited capacity to consent to the appointment of a special
5 guardian, a written consent to the appointment of a special guardian
6 from the protected person.

7 (j) Whether the appointment of a general or a special guardian is
8 sought.

9 (k) A general description and the probable value of the property
10 of the proposed protected person and any income to which the
11 proposed protected person is or will be entitled, if the petition is for
12 the appointment of a guardian of the estate or a special guardian. If
13 any money is paid or is payable to the proposed protected person by
14 the United States through the Department of Veterans Affairs, the
15 petition must so state.

16 (l) The name and address of any person or care provider having
17 the care, custody or control of the proposed protected person.

18 (m) If the petitioner is not the spouse or natural child of the
19 proposed protected person, a declaration explaining the relationship
20 of the petitioner to the proposed protected person or to the family or
21 friends of the proposed protected person, if any, and the interest, if
22 any, of the petitioner in the appointment.

23 (n) Requests for any of the specific powers set forth in NRS
24 159.117 to 159.175, inclusive, necessary to enable the guardian to
25 carry out the duties of the guardianship.

26 (o) If the guardianship is sought as the result of an investigation
27 of a report of abuse, neglect, exploitation, isolation or abandonment
28 of the proposed protected person, whether the referral was from a
29 law enforcement agency or a state or county agency.

30 (p) Whether the proposed protected person or the proposed
31 guardian is a party to any pending criminal or civil litigation.

32 (q) Whether the guardianship is sought for the purpose of
33 initiating litigation.

34 (r) Whether the proposed protected person has executed a
35 durable power of attorney for health care, a durable power of
36 attorney for financial matters or a written nomination of guardian
37 and, if so, who the named agents are for each document.

38 (s) Whether the proposed guardian has filed for or received
39 protection under the federal bankruptcy laws within the immediately
40 preceding 7 years.

41 3. Before the court makes a finding pursuant to NRS 159.054,
42 a petitioner seeking a guardian for a proposed protected person must
43 provide the court with an assessment of the needs of the proposed
44 protected person completed by a licensed physician which identifies
45 the limitations of capacity of the proposed protected person and how



1 such limitations affect the ability of the proposed protected person
2 to maintain his or her safety and basic needs. The court may
3 prescribe the form in which the assessment of the needs of the
4 proposed protected person must be filed.

5 **Sec. 3.** NRS 159.0613 is hereby amended to read as follows:

6 159.0613 1. Except as otherwise provided in subsection 3, in
7 a proceeding to appoint a guardian for a protected person or
8 proposed protected person, the court shall give preference to a
9 nominated person or relative, in that order of preference:

10 (a) Whether or not the nominated person or relative is a resident
11 of this State; and

12 (b) If the court determines that the nominated person or relative
13 is qualified and suitable to be appointed as guardian for the
14 protected person or proposed protected person.

15 2. In determining whether any nominated person, relative or
16 other person listed in subsection 4 is qualified and suitable to be
17 appointed as guardian for a protected person or proposed protected
18 person, the court shall consider, if applicable and without limitation:

19 (a) The ability of the nominated person, relative or other person
20 to provide for the basic needs of the protected person or proposed
21 protected person, including, without limitation, food, shelter,
22 clothing and medical care;

23 (b) Whether the nominated person, relative or other person has
24 engaged in the habitual use of alcohol or any controlled substance
25 during the previous 6 months, except the use of cannabis in
26 accordance with the provisions of chapter 678C of NRS;

27 (c) Whether the nominated person, relative or other person has
28 been judicially determined to have committed abuse, neglect,
29 exploitation, isolation or abandonment of a child, his or her spouse,
30 his or her parent or any other adult, unless the court finds that it is in
31 the best interests of the protected person or proposed protected
32 person to appoint the person as guardian for the protected person or
33 proposed protected person;

34 (d) Whether the nominated person, relative or other person is
35 incapacitated or has a disability; and

36 (e) Whether the nominated person, relative or other person has
37 been convicted in this State or any other jurisdiction of a felony,
38 unless the court determines that any such conviction should not
39 disqualify the person from serving as guardian for the protected
40 person or proposed protected person.

41 3. If the court finds that two or more nominated persons are
42 qualified and suitable to be appointed as guardian for a protected
43 person or proposed protected person, the court may appoint two or
44 more nominated persons as co-guardians or shall give preference
45 among them in the following order of preference:



1 (a) A person whom the protected person or proposed protected
2 person nominated for the appointment as guardian for the protected
3 person or proposed protected person in a will, trust or other written
4 instrument that is part of the established estate plan of the protected
5 person or proposed protected person and was executed by the
6 protected person or proposed protected person while he or she was
7 not incapacitated.

8 (b) A person whom the protected person or proposed protected
9 person requested for the appointment as guardian for the protected
10 person or proposed protected person in a request to nominate a
11 guardian that is executed in accordance with NRS 159.0753.

12 4. Subject to the preferences set forth in subsections 1 and 3,
13 the court shall appoint as guardian the qualified person who is most
14 suitable and is willing to serve. In determining which qualified
15 person is most suitable, the court shall, in addition to considering
16 any applicable factors set forth in subsection 2, give consideration,
17 among other factors, to:

18 (a) Any nomination or request for the appointment as guardian
19 by the protected person or proposed protected person.

20 (b) Any nomination or request for the appointment as guardian
21 by a relative.

22 (c) The relationship by blood, adoption, marriage or domestic
23 partnership of the proposed guardian to the protected person or
24 proposed protected person. In considering preferences of
25 appointment, the court may consider relatives of the half blood
26 equally with those of the whole blood. The court may consider any
27 relative in the following order of preference:

28 (1) A spouse or domestic partner.

29 (2) A child.

30 (3) A parent.

31 (4) Any relative with whom the protected person or proposed
32 protected person has resided for more than 6 months before the
33 filing of the petition or any relative who has a power of attorney
34 executed by the protected person or proposed protected person while
35 he or she was not incapacitated.

36 (5) Any relative currently acting as agent.

37 (6) A sibling.

38 (7) A grandparent or grandchild.

39 (8) An uncle, aunt, niece, nephew or cousin.

40 (9) Any other person recognized to be in a familial
41 relationship with the protected person or proposed protected person.

42 (d) Any recommendation made by a master of the court or
43 special master pursuant to NRS 159.0615.

44 (e) Any request for the appointment of any other interested
45 person that the court deems appropriate, including, without



1 limitation, a person who is not a relative and who has a power of
2 attorney executed by the protected person or proposed protected
3 person while he or she was not incapacitated.

4 5. The court may appoint as guardian any nominated person,
5 relative or other person listed in subsection 4 who is not a resident
6 of this State. The court shall not give preference to a resident of this
7 State over a nonresident if the court determines that:

8 (a) The nonresident is more qualified and suitable to serve as
9 guardian; and

10 (b) The distance from the proposed guardian's place of
11 residence and the place of residence of the protected person or
12 proposed protected person will not affect the quality of the
13 guardianship or the ability of the proposed guardian to make
14 decisions and respond quickly to the needs of the protected person
15 or proposed protected person because:

16 (1) A person or care provider in this State is providing
17 continuing care and supervision for the protected person or proposed
18 protected person;

19 (2) The protected person or proposed protected person is in a
20 secured residential long-term care facility in this State; or

21 (3) Within 30 days after the appointment of the proposed
22 guardian, the proposed guardian will move to this State or the
23 protected person or proposed protected person will move to the
24 proposed guardian's state of residence.

25 6. If the court appoints a nonresident as guardian for the
26 protected person or proposed protected person:

27 (a) The jurisdictional requirements of NRS 159.1991 to
28 159.2029, inclusive, must be met.

29 (b) The court shall order the guardian to designate a registered
30 agent in this State in the same manner as a represented entity
31 pursuant to chapter 77 of NRS and provide notice of the designation
32 of a registered agent to the court. After the court is provided with
33 such notice, the court shall monitor the information of the registered
34 agent using the records of the Secretary of State.

35 (c) The court may require the guardian to complete any
36 available training concerning guardianships pursuant to NRS
37 159.0592, in this State or in the state of residence of the guardian,
38 regarding:

39 (1) The legal duties and responsibilities of the guardian
40 pursuant to this chapter;

41 (2) The preparation of records and the filing of annual
42 reports regarding the finances and well-being of the protected
43 person or proposed protected person required pursuant to
44 NRS 159.073;



1 (3) The rights of the protected person or proposed protected
2 person;

3 (4) The availability of local resources to aid the protected
4 person or proposed protected person; and

5 (5) Any other matter the court deems necessary or prudent.

6 7. If the court finds that there is not any suitable nominated
7 person, relative or other person listed in subsection 4 to appoint as
8 guardian, the court may appoint as guardian:

9 (a) The public guardian of the county where the protected
10 person or proposed protected person resides if:

11 (1) There is a public guardian in the county where the
12 protected person or proposed protected person resides; and

13 (2) The protected person or proposed protected person
14 qualifies for a public guardian pursuant to chapter 253 of NRS;

15 (b) A private fiduciary who may obtain a bond in this State and
16 who is a resident of this State, if the court finds that the interests of
17 the protected person or proposed protected person will be served
18 appropriately by the appointment of a private fiduciary; or

19 (c) A private professional guardian who meets the requirements
20 of NRS 159.0595 . ~~for 159A.0595.~~

21 8. A person is not qualified to be appointed as guardian for a
22 protected person or proposed protected person if the person has been
23 suspended for misconduct or disbarred from any of the professions
24 listed in this subsection, but the disqualification applies only during
25 the period of the suspension or disbarment. This subsection applies
26 to:

27 (a) The practice of law;

28 (b) The practice of accounting; or

29 (c) Any other profession that:

30 (1) Involves or may involve the management or sale of
31 money, investments, securities or real property; and

32 (2) Requires licensure in this State or any other state in
33 which the person practices his or her profession.

34 9. As used in this section:

35 (a) "Domestic partner" means a person in a domestic
36 partnership.

37 (b) "Domestic partnership" means a domestic partnership as
38 defined in NRS 122A.040.

39 (c) "Nominated person" means a person, whether or not a
40 relative, whom a protected person or proposed protected person:

41 (1) Nominates for the appointment as guardian for the
42 protected person or proposed protected person in a will, trust or
43 other written instrument that is part of the established estate plan of
44 the protected person or proposed protected person and was executed



1 by the protected person or proposed protected person while he or
2 she was not incapacitated.

3 (2) Requests for the appointment as guardian for the
4 protected person or proposed protected person in a request to
5 nominate a guardian that is executed in accordance with
6 NRS 159.0753.

7 (d) "Relative" means a person who is 18 years of age or older
8 and who is related to the protected person or proposed protected
9 person by blood, adoption, marriage or domestic partnership within
10 the third degree of consanguinity or affinity.

11 **Sec. 4.** NRS 159.185 is hereby amended to read as follows:

12 159.185 1. The court may remove a guardian if the court
13 determines that:

14 (a) The guardian has become mentally incapacitated, unsuitable
15 or otherwise incapable of exercising the authority and performing
16 the duties of a guardian as provided by law;

17 (b) The guardian is no longer qualified to act as a guardian
18 pursuant to NRS 159.0613;

19 (c) The guardian has filed for bankruptcy within the previous 5
20 years;

21 (d) The guardian of the estate has mismanaged the estate of the
22 protected person;

23 (e) The guardian has negligently failed to perform any duty as
24 provided by law or by any order of the court and:

25 (1) The negligence resulted in injury to the protected person
26 or the estate of the protected person; or

27 (2) There was a substantial likelihood that the negligence
28 would result in injury to the protected person or the estate of the
29 protected person;

30 (f) The guardian has intentionally failed to perform any duty as
31 provided by law or by any lawful order of the court, regardless of
32 injury;

33 (g) The guardian has violated any right of the protected person
34 that is set forth in this chapter;

35 (h) The guardian has violated a court order or committed an
36 abuse of discretion in making a determination pursuant to paragraph
37 (b) of subsection 1 or subsection 3 of NRS 159.332;

38 (i) The guardian has violated any provision of NRS 159.331 to
39 159.338, inclusive, or a court order issued pursuant to NRS 159.333;

40 (j) The best interests of the protected person will be served by
41 the appointment of another person as guardian; or

42 (k) The guardian is a private professional guardian who is no
43 longer qualified as a private professional guardian pursuant to NRS
44 159.0595 . ~~for 159A.0595.~~



1 2. A guardian may not be removed if the sole reason for
2 removal is the lack of money to pay the compensation and expenses
3 of the guardian.

4 **Sec. 5.** Chapter 159A of NRS is hereby amended by adding
5 thereto the provisions set forth as sections 6 and 7 of this act.

6 **Sec. 6.** *“Agency which provides child welfare services” has*
7 *the meaning ascribed to it in NRS 432B.030.*

8 **Sec. 7.** *The court may not appoint joint guardians unless:*

9 *1. The court finds that the welfare and best interest of the*
10 *proposed protected minor requires such an appointment; and*

11 *2. The joint guardians agree, by written stipulation or at a*
12 *hearing, to:*

13 *(a) A division of the duties and responsibilities associated with*
14 *the guardianship; and*

15 *(b) A plan for visitation between the proposed protected minor*
16 *and one or both parents of the proposed protected minor.*

17 **Sec. 8.** NRS 159A.013 is hereby amended to read as follows:
18 159A.013 As used in this chapter, unless the context otherwise
19 requires, the words and terms defined in NRS ~~[159A.014]~~
20 **159A.0145** to 159A.0265, inclusive, **and section 6 of this act** have
21 the meanings ascribed to them in those sections.

22 **Sec. 9.** NRS 159A.034 is hereby amended to read as follows:
23 159A.034 1. Except as otherwise provided in this section, by
24 specific statute or as ordered by the court, a petitioner in a
25 guardianship proceeding shall give notice of the time and place of
26 the hearing on any petition filed in the guardianship proceeding to:

27 (a) ~~[Any] The~~ protected minor . ~~[who is 14 years of age or older,~~
28 ~~regardless of whether the protected minor is considered to have the~~
29 ~~capacity to understand or appreciate the contents of the petition.]~~

30 (b) The parent or legal guardian of ~~[any] the~~ protected minor .
31 ~~[who is less than 14 years of age.]~~

32 (c) All known relatives of the protected minor who are within
33 the second degree of consanguinity.

34 (d) ~~[Any other interested person or the person’s attorney who~~
35 ~~has filed a request for notice in the guardianship proceedings and~~
36 ~~has served a copy of the request upon the guardian. The request for~~
37 ~~notice must state the interest of the person filing the request and the~~
38 ~~person’s name and address, or that of his or her attorney.~~

39 ~~—(e)]~~ The guardian, if the petitioner is not the guardian.

40 ~~[(f)] (e)~~ Any person ~~[or care provider]~~ who is providing care for
41 the protected minor, except that if the person ~~[or care provider]~~ is
42 not related to the protected minor, ~~[such] the~~ person ~~[or care~~
43 ~~provider]~~ must not receive copies of any inventory or accounting.

44 (f) *Any person previously appointed as a guardian for the*
45 *protected minor.*



1 (g) The Director of the Department of Health and Human
2 Services if the protected minor has received or is receiving benefits
3 from Medicaid.

4 (h) Those persons entitled to notice if a proceeding were brought
5 in the protected minor's home state.

6 2. The petitioner shall give notice not later than 10 days before
7 the date set for the hearing:

8 (a) By mailing a copy of the notice by certified, registered or
9 ordinary first-class mail to the residence, office or post office
10 address of each person required to be notified pursuant to this
11 section;

12 (b) By personal service; or

13 (c) In any other manner ordered by the court, upon a showing of
14 good cause.

15 3. Except as otherwise provided in this subsection, if none of
16 the persons entitled to notice of a hearing on a petition pursuant to
17 this section can, after due diligence, be served by certified mail or
18 personal service and this fact is proven by affidavit to the
19 satisfaction of the court, service of the notice ~~must~~ *may* be made
20 ~~by publication~~ in ~~the~~ *any* manner ~~provided~~ *prescribed* by the
21 Nevada Rules of Civil Procedure ~~[-]~~, *including, without limitation,*
22 *by electronic transmission*. In all such cases, the notice must be
23 ~~published~~ *served* not later than 10 days before the date set for the
24 hearing. If, after the appointment of a guardian, a search for
25 relatives of the protected minor listed in paragraph (c) of subsection
26 1 fails to find any such relative, the court may waive the notice ~~by~~
27 ~~publication~~ required by this subsection.

28 4. For good cause shown, the court may waive the requirement
29 of giving notice.

30 5. A person entitled to notice pursuant to this section may
31 waive such notice. Such a waiver must be in writing and filed with
32 the court.

33 6. On or before the date set for the hearing, the petitioner shall
34 file with the court proof of giving notice to each person entitled to
35 notice pursuant to this section.

36 **Sec. 10.** NRS 159A.041 is hereby amended to read as follows:

37 159A.041 A court having before it any guardianship matter for
38 a minor whose home state is this State may transfer the matter to
39 another county in the interest of the minor or, if not contrary to the
40 interest of the minor, for the convenience of the guardian. A petition
41 for the transfer, setting forth the reasons therefor, may be filed in the
42 guardianship proceeding. If the court is satisfied that the transfer is
43 in the interest of the minor or, if not contrary to the interest of the
44 minor, for the convenience of the guardian, the court shall make an
45 order of transfer and cause a transcript of the proceedings in the



1 matter ~~[] and~~ all original papers filed in such proceedings ~~[and the~~
2 ~~original bond filed by the guardian,]~~ to be certified by the clerk of
3 the court originally hearing the matter and sent to the clerk of the
4 court of the other county. Upon receipt of the transcript ~~[] and~~
5 papers , ~~[and bond,]~~ and the filing of them for record, the court of
6 the other county has complete jurisdiction of the matter, and
7 thereafter all proceedings must be as though they were commenced
8 in that court.

9 **Sec. 11.** NRS 159A.044 is hereby amended to read as follows:

10 159A.044 1. Except as otherwise provided in NRS 127.045, a
11 proposed protected minor, a governmental agency, a nonprofit
12 corporation or any interested person may petition the court for the
13 appointment of a guardian.

14 2. To the extent the petitioner knows or reasonably may
15 ascertain or obtain, the petition must include, without limitation:

16 (a) The name and address of the petitioner.

17 (b) The name, date of birth and current address of the proposed
18 protected minor.

19 (c) A copy of one of the following forms of identification of the
20 proposed protected minor which must be placed in the records
21 relating to the guardianship proceeding and, except as otherwise
22 provided in NRS 239.0115 or as otherwise required to carry out a
23 specific statute, maintained in a confidential manner:

24 (1) A social security number;

25 (2) A birth certificate;

26 (3) A valid driver's license number;

27 (4) A valid identification card number;

28 (5) A valid passport number;

29 (6) A valid permanent resident card number; or

30 (7) A valid tribal identification card number.

31 ↪ If the information required pursuant to this paragraph is not
32 included with the petition, the information must be provided to the
33 court not later than 120 days after the appointment of a guardian or
34 as otherwise ordered by the court.

35 (d) The date on which the proposed protected minor will attain
36 the age of majority and:

37 (1) Whether there is a current order concerning custody and,
38 if so, the state in which the order was issued; and

39 (2) Whether the petitioner anticipates that the proposed
40 protected minor will need guardianship after attaining the age of
41 majority.

42 (e) Whether the proposed protected minor is a resident or
43 nonresident of this State.

44 (f) The names and addresses of the relatives of the proposed
45 protected minor who are within the second degree of consanguinity.



1 (g) The name, date of birth and current address of the proposed
2 guardian. ~~If the proposed guardian is a private professional~~
3 ~~guardian, the petition must include proof that the guardian meets the~~
4 ~~requirements of NRS 159A.0595. If the proposed guardian is not a~~
5 ~~private professional guardian, the petition must include a]~~

6 (h) A statement that the *proposed* guardian currently is not
7 receiving compensation for services as a guardian to more than one
8 protected person who is not related to the person by blood or
9 marriage.

10 ~~[(h)]~~ (i) *A description of the relationship between the proposed*
11 *guardian and the proposed protected minor.*

12 (j) *The name of each person who resides with the proposed*
13 *guardian and a description of the relationship between any such*
14 *person and:*

15 (1) *The proposed guardian; and*

16 (2) *The proposed protected minor.*

17 (k) A copy of one of the following forms of identification of the
18 proposed guardian which must be placed in the records relating to
19 the guardianship proceeding and, except as otherwise provided in
20 NRS 239.0115 or as otherwise required to carry out a specific
21 statute, maintained in a confidential manner:

22 (1) A social security number;

23 (2) A birth certificate;

24 (3) A valid driver's license number;

25 (4) A valid identification card number;

26 (5) A valid passport number;

27 (6) A valid permanent resident card number; or

28 (7) A valid tribal identification card number.

29 ~~[(k)]~~ (l) *Whether the proposed guardian has ever been*
30 *investigated for child abuse or neglect or is being investigated for*
31 *child abuse or neglect.*

32 (m) Whether the proposed guardian has ever been convicted of a
33 felony and, if so, information concerning the crime for which the
34 proposed guardian was convicted and whether the proposed
35 guardian was placed on probation or parole.

36 ~~[(j)]~~ (n) A summary of the reasons why a guardian is needed
37 and any available documentation demonstrating the need for a
38 guardianship, including, without limitation, any orders or other
39 information from a court concerning the custody of *or visitation*
40 *with* the proposed protected minor.

41 ~~[(k)]~~ (o) A general description and the probable value of the
42 property of the proposed protected minor and any income to which
43 the proposed protected minor is or will be entitled, if the petition is
44 for the appointment of a guardian of the estate.



1 ~~[(p)]~~ (p) The name and address of any person ~~[or care provider]~~
2 having the care, custody or control of the proposed protected minor.

3 ~~[(m)]~~ (q) If a petitioner is not a parent of the proposed protected
4 minor, a declaration explaining the relationship of the petitioner to
5 the proposed protected minor or to the proposed protected minor's
6 parents and the interest, if any, of that petitioner in the appointment.

7 ~~[(n)]~~ (r) Requests for any of the specific powers set forth in
8 NRS ~~[159A.165 to 159A.175, inclusive,]~~ **159A.169, 159A.171 or**
9 **159A.175** necessary to enable the guardian to carry out the duties of
10 the guardianship.

11 ~~[(o)]~~ (s) If the guardianship is sought as the result of an
12 investigation of a report of abuse or neglect of the proposed
13 protected minor, whether the referral was from a law enforcement
14 agency or a state or county agency.

15 ~~[(p)]~~ (t) Whether the proposed protected minor or the proposed
16 guardian is a party to any pending criminal **action, delinquency**
17 **proceeding** or civil ~~[litigation-~~

18 ~~-(q)]~~ **action.**
19 (u) Whether the guardianship is sought for the purpose of
20 initiating litigation.

21 ~~[(+)]~~ (v) Whether the proposed guardian has filed for or received
22 protection under the federal bankruptcy laws within the immediately
23 preceding 7 years.

24 (w) **A statement concerning the suitability of the proposed**
25 **guardian to provide for the basic needs of the proposed protected**
26 **minor, including, without limitation, food, clothing, shelter,**
27 **medical care and education.**

28 (x) **The expected length of the guardianship.**

29 (y) **The expected amount of parental involvement in the life of**
30 **the proposed protected minor if a guardian is appointed.**

31 **Sec. 12.** NRS 159A.0445 is hereby amended to read as
32 follows:

33 159A.0445 **1.** Upon the filing of a petition for the
34 appointment of a guardian, the ~~[court may require a]~~ proposed
35 guardian ~~[to]~~ **shall** file **with the court** a proposed preliminary care
36 plan and budget.

37 **2. A proposed preliminary care plan and budget must**
38 **include, without limitation, information concerning:**

39 (a) **The responsibilities of the proposed guardian;**

40 (b) **The responsibilities of one or both parents of the proposed**
41 **protected minor;**

42 (c) **Custody and visitation with respect to the proposed**
43 **protected minor;**

44 (d) **The expected length of the guardianship; and**



1 (e) *The manner in which major decisions regarding the*
2 *proposed protected minor will be made.*

3 3. The format of ~~[such]~~ a proposed preliminary care plan and
4 budget and the timing of the filing thereof must be specified by a
5 rule approved by the Supreme Court.

6 **Sec. 13.** NRS 159A.045 is hereby amended to read as follows:
7 159A.045 1. ~~[On or after the date of the filing of a petition to~~
8 ~~appoint a guardian:~~

9 ~~—(a) The] Except as otherwise provided in subsection 2, in any~~
10 ~~guardianship proceeding, the~~ court may appoint an attorney to
11 represent the protected minor or proposed protected minor . ~~[-and]~~

12 2. *The court shall appoint an attorney to represent a*
13 *protected minor or proposed protected minor in a guardianship*
14 *proceeding if:*

15 (a) *The protected minor or proposed protected minor is 12*
16 *years of age or older;*

17 (b) ~~[The]~~ *A parent of the protected minor or proposed*
18 *protected minor objects to the appointment of a guardian;*

19 (c) *Competing petitions for the appointment of a guardian are*
20 *filed; or*

21 (d) *Any contested issue is litigated in the guardianship*
22 *proceeding.*

23 3. An attorney ~~[must]~~ *who is appointed pursuant to this*
24 *section:*

25 (a) *Shall* represent the protected minor or proposed protected
26 minor until relieved of that duty by court order ~~[-~~

27 ~~—2. The attorney is entitled to reasonable compensation from the~~
28 ~~estate of the protected minor or proposed protected minor. If the~~
29 ~~court finds that a person has unnecessarily or unreasonably caused~~
30 ~~the appointment of an attorney, the court may order the person to~~
31 ~~pay to the estate of the protected minor or proposed protected minor~~
32 ~~all or part of the expenses associated with the appointment of the~~
33 ~~attorney.~~

34 ~~—3. An attorney who is appointed pursuant to subsection 1 may]~~
35 ~~;~~ *and*

36 (b) *May* not serve as a guardian ad litem or an advocate for the
37 best interests of a protected minor or proposed protected minor.

38 **Sec. 14.** NRS 159A.0455 is hereby amended to read as
39 follows:

40 159A.0455 1. The court may appoint a guardian ad litem or
41 an advocate for the best interests of a protected minor or proposed
42 protected minor who is the subject of guardianship proceedings
43 conducted pursuant to this chapter if the court believes that the
44 minor could benefit from that appointment.



1 2. The court may not appoint an attorney as a guardian ad litem
2 or an advocate for the best interests of a protected minor or
3 proposed protected minor unless:

4 (a) The court believes that an attorney who represents the
5 protected minor or proposed protected minor is unable to provide
6 information which is required by the court to make a determination
7 on the best interests of the minor; *or*

8 (b) ~~[No volunteer is available to serve as an advocate; or~~
9 ~~—(c)]~~ Extraordinary circumstances exist in which an attorney may
10 assist the court as an advocate.

11 3. A guardian ad litem or an advocate for the best interests of a
12 protected minor or proposed protected minor who is appointed
13 pursuant to subsection 1:

14 (a) Is an officer of the court;

15 (b) Does not represent the protected minor or proposed protected
16 minor;

17 (c) Shall not offer legal advice;

18 (d) Is not a party to the case;

19 (e) Shall advocate for the best interests of the protected minor or
20 proposed protected minor;

21 (f) Shall provide information to the court in accordance with
22 applicable court rule; and

23 (g) Shall serve until relieved of that duty by court order.

24 ~~[4.—A guardian ad litem or an advocate for the best interests of~~
25 ~~a protected minor or proposed protected minor is entitled to~~
26 ~~reasonable compensation from the estate of the protected minor or~~
27 ~~proposed protected minor. If the protected minor or proposed~~
28 ~~protected minor is indigent, the court may order such compensation~~
29 ~~to be paid by the county. If the court finds that a person has~~
30 ~~unnecessarily or unreasonably caused the appointment of a guardian~~
31 ~~ad litem or an advocate for the best interests of a protected minor or~~
32 ~~proposed protected minor, the court may order the person to pay to~~
33 ~~the estate of the protected minor or proposed protected minor all or~~
34 ~~part of the expenses associated with the appointment of the guardian~~
35 ~~ad litem or advocate for the best interests of the protected minor or~~
36 ~~proposed protected minor.]~~

37 **Sec. 15.** NRS 159A.047 is hereby amended to read as follows:

38 159A.047 1. Except as otherwise provided in NRS
39 159A.0475, ~~[159A.049,]~~ 159A.052 and 159A.053, upon the filing of
40 a petition under NRS 159A.044, the clerk shall issue a citation
41 setting forth a time and place for the hearing and directing the
42 persons ~~[or care provider]~~ referred to in subsection 2 to appear and
43 show cause why a guardian should not be appointed for the
44 proposed protected minor.



1 2. A citation issued under subsection 1, together with a copy of
2 the petition filed under NRS 159A.044, must be served upon:

3 (a) A proposed protected minor ; ~~[who is 14 years of age or~~
4 ~~older, regardless of whether the proposed protected minor is~~
5 ~~considered to have the capacity to understand or appreciate the~~
6 ~~contents of the citation and petition;]~~

7 (b) All known relatives of the proposed protected minor who
8 are:

9 (1) ~~[Fourteen]~~ *Twelve* years of age or older; and

10 (2) Within the second degree of consanguinity;

11 (c) The parents and custodian of the proposed protected minor;

12 (d) Any person ~~[or officer of a care provider]~~ having the care,
13 custody or control of the proposed protected minor;

14 (e) The proposed guardian, if the petitioner is not the proposed
15 guardian; and

16 (f) The Director of the Department of Health and Human
17 Services if the proposed protected minor has received or is receiving
18 any benefits from Medicaid.

19 3. A person who serves notice upon a proposed protected
20 minor pursuant to paragraph (a) of subsection 2 shall file with the
21 court an affidavit stating that he or she served notice upon the
22 proposed protected minor in accordance with the provisions of
23 NRS 159A.0475.

24 **Sec. 16.** NRS 159A.0475 is hereby amended to read as
25 follows:

26 159A.0475 1. A copy of the citation issued pursuant to NRS
27 159A.047, together with a copy of the petition filed under NRS
28 159A.044, must be served ~~[-~~

29 ~~—(a) Except as otherwise ordered by the court, on a proposed~~
30 ~~protected minor who is 14 years of age or older by personal service~~
31 ~~in the manner provided pursuant to the Nevada Rules of Civil~~
32 ~~Procedure at least 10 days before the date set for the hearing; and~~

33 ~~—(b) On] on~~ each person required to be served pursuant to NRS
34 159A.047 ~~[other than a proposed protected minor]~~ by:

35 ~~[(1)]~~ (a) Certified mail, with a return receipt requested, at
36 least 20 days before the hearing; or

37 ~~[(2)]~~ (b) Personal service in the manner provided pursuant to
38 the Nevada Rules of Civil Procedure at least 10 days before the date
39 set for the hearing.

40 2. If none of the persons on whom the citation and petition is to
41 be served can, after due diligence, be served by certified mail or
42 personal service, as applicable, and this fact is proven by affidavit or
43 the satisfaction of the court, service of the citation ~~[must]~~ *may*
44 be made ~~[by publication]~~ in ~~[the]~~ *any* manner ~~[provided]~~ *prescribed* by
45 the Nevada Rules of Civil Procedure ~~[-]~~ , *including, without*



1 *limitation, by electronic transmission.* In all such cases, the citation
2 must be ~~published~~ *served* at least ~~20~~ *10* days before the date set
3 for the hearing.

4 3. A citation and petition need not be served on a person ~~for an~~
5 ~~officer of the care provider~~ who has signed the petition or a written
6 waiver of service of the citation and petition or who makes a general
7 appearance.

8 4. The court may find that notice is sufficient if:

9 (a) The citation and petition have been served by personal
10 service on the proposed protected minor and an affidavit of such
11 service has been filed with the court pursuant to subsection 3 of
12 NRS 159A.047;

13 (b) The citation and petition have been served by certified mail,
14 with a return receipt requested, or by personal service on the ~~care~~
15 ~~provider or~~ guardian required to be served pursuant to NRS
16 159A.047; and

17 (c) At least one relative of the proposed protected minor who is
18 required to be served pursuant to NRS 159A.047 has been served, as
19 evidenced by the return receipt or the certificate of service. If the
20 court finds that at least one relative of the proposed protected minor
21 has not received notice that is sufficient, the court will require
22 *service of* the citation ~~to be published~~ pursuant to subsection 2.

23 **Sec. 17.** NRS 159A.0483 is hereby amended to read as
24 follows:

25 159A.0483 *1.* A protected minor or proposed protected minor
26 who is the subject of proceedings held pursuant to this chapter
27 ~~may~~ *shall be deemed to be a party to the proceeding.*

28 *2. The protected minor or proposed protected minor:*

29 (a) *May* be represented by an attorney at all stages of the
30 proceedings ~~. If the protected minor or proposed protected minor is~~
31 *; and*

32 (b) *Must be* represented by an attorney ~~, the attorney has the~~
33 ~~same authority and rights as an attorney representing a party to the~~
34 ~~proceedings.~~ *at all stages of any proceeding for which*
35 *representation is required pursuant to NRS 159A.045.*

36 **Sec. 18.** NRS 159A.0486 is hereby amended to read as
37 follows:

38 159A.0486 *1.* A court may find that a petitioner is a
39 vexatious litigant if a person, other than the *proposed protected*
40 *minor or* protected minor:

41 (a) Files a petition which is without merit or intended to harass
42 or annoy the guardian ~~;~~ *or parent of a protected minor or*
43 *proposed protected minor;* and



1 (b) Has previously filed pleadings in a guardianship proceeding
2 that were without merit or intended to harass or annoy the guardian
3 ~~[] or parent of a protected minor or proposed protected minor.~~

4 2. If a court finds a person is a vexatious litigant pursuant to
5 subsection 1, the court may impose sanctions on the petitioner . ~~[in
6 an amount sufficient to reimburse the estate of the protected minor
7 for all or part of the expenses incurred by the estate of the protected
8 minor to defend the petition, to respond to the petition and for any
9 other pecuniary losses which are associated with the petition.]~~

10 **Sec. 19.** NRS 159A.052 is hereby amended to read as follows:

11 159A.052 1. A petitioner may request the court to appoint a
12 temporary guardian for a proposed protected minor who is in need
13 of immediate medical attention which he or she cannot obtain
14 without the appointment of a temporary guardian. To support the
15 request, the petitioner must set forth in a petition and present to the
16 court under oath:

17 (a) Documentation which shows that the proposed protected
18 minor needs immediate medical attention and, without the
19 appointment of a temporary guardian, cannot obtain that medical
20 attention. ~~[Such documentation must include, without limitation, a
21 copy of the birth certificate of the proposed protected minor or other
22 documentation verifying the age of the proposed protected minor.]~~

23 (b) Facts which show that:

24 (1) The petitioner has tried in good faith to notify the persons
25 entitled to notice pursuant to NRS 159A.047 by telephone or in
26 writing before the filing of the petition;

27 (2) The proposed protected minor would be exposed to an
28 immediate risk of physical harm if the petitioner were to provide
29 notice to the persons entitled to notice pursuant to NRS 159A.047
30 before the court determines whether to appoint a temporary
31 guardian; or

32 (3) Giving notice to the persons entitled to notice pursuant to
33 NRS 159A.047 is not feasible under the circumstances.

34 2. The court may appoint a temporary guardian to serve for 10
35 days if the court:

36 (a) Finds reasonable cause to believe that the proposed protected
37 minor is in need of immediate medical attention which he or she
38 cannot obtain without the appointment of a temporary guardian; and

39 (b) Is satisfied that the petitioner has tried in good faith to notify
40 the persons entitled to notice pursuant to NRS 159A.047 or that
41 giving notice to those persons is not feasible under the
42 circumstances, or determines that such notice is not required
43 pursuant to subparagraph (2) of paragraph (b) of subsection 1.

44 3. Except as otherwise provided in subsection 4, after the
45 appointment of a temporary guardian, the petitioner shall attempt in



1 good faith to notify the persons entitled to notice pursuant to NRS
2 159A.047, including, without limitation, notice of any hearing to
3 extend the temporary guardianship. If the petitioner fails to make
4 such an effort, the court may terminate the temporary guardianship.

5 4. If, before the appointment of a temporary guardian, the court
6 was satisfied that giving notice to the persons entitled to notice
7 pursuant to NRS 159A.047 was not feasible under the circumstances
8 or determined that such notice was not required pursuant to
9 subparagraph (2) of paragraph (b) of subsection 1, the petitioner
10 shall notify the persons entitled to notice pursuant to NRS 159A.047
11 without undue delay, but not later than 48 hours after the
12 appointment of the temporary guardian or not later than 48 hours
13 after the petitioner discovers the existence, identity and location of
14 the persons entitled to notice pursuant to that section. If the
15 petitioner fails to provide such notice, the court may terminate the
16 temporary guardianship.

17 5. Not later than 10 days after the date of the appointment of a
18 temporary guardian pursuant to subsection 2, the court shall hold a
19 hearing to determine the need to extend the temporary guardianship.
20 Except as otherwise provided in subsection 7, if the court finds by
21 clear and convincing evidence that the protected minor continues to
22 be in need of immediate medical attention which he or she cannot
23 obtain without the extension of the temporary guardianship, the
24 court may, pursuant to subsection 8, extend the temporary
25 guardianship until a general guardian is appointed.

26 6. If the court appoints a temporary guardian or extends a
27 temporary guardianship pursuant to this section, the court shall limit
28 the powers of the temporary guardian to those necessary to respond
29 to the need for immediate medical attention.

30 7. The court may not extend a temporary guardianship pursuant
31 to subsection 5 beyond the initial period of 10 days unless the
32 petitioner demonstrates that:

33 (a) The provisions of NRS 159A.0475 have been satisfied; or

34 (b) Notice *in any manner prescribed* by ~~publication pursuant~~
35 ~~to~~ the Nevada Rules of Civil Procedure, *including, without*
36 *limitation, by electronic transmission*, is currently being
37 undertaken.

38 8. The court may extend the temporary guardianship, for good
39 cause shown, for not more than two successive 60-day periods.

40 **Sec. 20.** NRS 159A.053 is hereby amended to read as follows:

41 159A.053 1. A petitioner may request that the court appoint a
42 temporary guardian for the person or the estate, or both, of a
43 proposed protected minor. ~~[by filing a verified petition.]~~



1 2. ~~[The petition]~~ *To support the request, the petitioner* must
2 ~~[state]~~ *set forth in a petition and present to the court under oath*
3 facts which ~~[establish]~~ :

4 (a) *Establish* good cause for the appointment of a temporary
5 guardian ; and ~~[which show]~~

6 (b) *Show* that:

7 ~~[(a)]~~ (1) The petitioner has tried in good faith to notify the
8 persons entitled to notice pursuant to NRS 159A.047 by telephone
9 or in writing before the filing of the petition;

10 ~~[(b)]~~ (2) The proposed protected minor would be exposed to an
11 immediate risk of physical, emotional or financial harm if the
12 petitioner were to provide notice to the persons entitled to notice
13 pursuant to NRS 159A.047 before the court determines whether to
14 appoint a temporary guardian; or

15 ~~[(c)]~~ (3) Giving notice to the persons entitled to notice pursuant
16 to NRS 159A.047 is not feasible under the circumstances.

17 3. A petition which seeks an ex parte appointment of a
18 temporary guardian must be accompanied by an affidavit which
19 explains the emergency that requires a temporary guardian to be
20 appointed before a hearing.

21 4. If no parent of the proposed protected minor has had the
22 care, custody and control of the minor for the 6 months immediately
23 preceding the petition, temporary guardianship of the person of the
24 minor is presumed to be in the best interest of the minor.

25 5. The court may, upon that petition or other showing as it may
26 require, appoint a temporary guardian of the person or the estate, or
27 both, of the proposed protected minor.

28 6. Except as otherwise provided in subsection 7, after the
29 appointment of a temporary guardian, the petitioner shall attempt in
30 good faith to notify the persons entitled to notice pursuant to NRS
31 159A.047, including, without limitation, notice of any hearing to
32 extend the temporary guardianship. If the petitioner fails to make
33 such an effort, the court may terminate the temporary guardianship.

34 7. If, before the appointment of a temporary guardian, the court
35 was satisfied that giving notice to the persons entitled to notice
36 pursuant to NRS 159A.047 was not feasible under the circumstances
37 or determined that such notice was not required pursuant to
38 *subparagraph (2) or (3) of* paragraph (b) ~~[or (c)]~~ of subsection 2,
39 the petitioner shall notify the persons entitled to notice pursuant to
40 NRS 159A.047 without undue delay, but not later than 48 hours
41 after the appointment of the temporary guardian or not later than 48
42 hours after the petitioner discovers the existence, identity and
43 location of the persons entitled to notice pursuant to that section. If
44 the petitioner fails to provide such notice, the court may terminate
45 the temporary guardianship.



1 8. Not later than 10 days after the date of an ex parte
2 appointment of a temporary guardian pursuant to subsection 5, the
3 court shall hold a hearing to determine the need to extend the
4 temporary guardianship. Except as otherwise provided in subsection
5 9, if the court finds by clear and convincing evidence that the
6 protected minor continues to be in need of a temporary guardian, the
7 court may, pursuant to subsection 10, extend the temporary
8 guardianship until a general guardian is appointed.

9 9. The court may not extend a temporary guardianship pursuant
10 to subsection 8 beyond the initial period of 10 days unless the
11 petitioner demonstrates that:

12 (a) The provisions of NRS 159A.0475 have been satisfied; or

13 (b) Notice *in any manner prescribed* by ~~publication pursuant~~
14 ~~to~~ the Nevada Rules of Civil Procedure, *including, without*
15 *limitation, by electronic transmission*, is currently being
16 undertaken.

17 10. The court may extend the temporary guardianship, for good
18 cause shown, for not more than two successive 60-day periods,
19 unless extraordinary circumstances necessitate a longer duration for
20 the temporary guardianship.

21 11. If for any reason a guardian who is appointed for a
22 protected minor cannot perform the duties of a guardian, the court
23 may, upon a petition filed to request temporary guardianship for the
24 minor, appoint a temporary guardian to exercise the powers of a
25 guardian until another guardian is appointed for the minor.

26 **Sec. 21.** NRS 159A.0535 is hereby amended to read as
27 follows:

28 159A.0535 1. ~~[A]~~ *Except as otherwise provided in this*
29 *subsection, a* proposed protected minor who is found in this State
30 must attend the hearing for the appointment of a guardian. ~~[unless:~~

31 ~~—(a) A certificate signed by a physician or psychiatrist who is~~
32 ~~licensed to practice in this State specifically states the condition of~~
33 ~~the proposed protected minor, the reasons why the proposed~~
34 ~~protected minor is unable to appear in court and whether the~~
35 ~~proposed protected minor's attendance at the hearing would be~~
36 ~~detrimental to the physical or mental health of the proposed~~
37 ~~protected minor; or~~

38 ~~—(b) A certificate signed by any other person the court finds~~
39 ~~qualified to execute a certificate states the condition of the proposed~~
40 ~~protected minor, the reasons why the proposed protected minor is~~
41 ~~unable to appear in court and whether the proposed protected~~
42 ~~minor's attendance at the hearing would be detrimental to the~~
43 ~~physical or mental health of the proposed protected minor.~~

44 ~~—2. A]~~ *The court may, for good cause shown, waive the*
45 *attendance of a proposed protected minor. If the court waives the*



1 *attendance of a* proposed protected minor ~~[found in this State who~~
2 ~~cannot attend the hearing for the appointment of a guardian as set~~
3 ~~forth in a certificate]~~ pursuant to *this* subsection ~~[1]~~, *the proposed*
4 *protected minor* may appear by telephone or by videoconference or
5 any other means that uses audio-video communication.

6 ~~[3. The court may prescribe the form in which a certificate~~
7 ~~required by this section must be filed. If the certificate consists of~~
8 ~~separate parts, each part must be signed by the person who is~~
9 ~~required to sign the certificate.~~

10 ~~—4.]~~ 2. If the proposed protected minor is not in this State, the
11 proposed protected minor must attend the hearing only if the court
12 determines that the attendance of the proposed protected minor is
13 necessary in the interests of justice.

14 ~~[5.]~~ 3. As used in this section, “audio-video communication”
15 means communication by which a person is able to see, hear and
16 communicate with another person in real time using electronic
17 means.

18 **Sec. 22.** NRS 159A.055 is hereby amended to read as follows:

19 159A.055 1. The petitioner has the burden of proving by
20 clear and convincing evidence that the appointment of a guardian of
21 the person, of the estate, or of the person and estate is necessary ~~[1]~~
22 *and in the best interests of the proposed protected minor.*

23 2. If ~~[it appears to]~~ the court ~~[that the allegations of the petition~~
24 ~~are sufficient and]~~ *finds by clear and convincing evidence* that *the*
25 *appointment of* a guardian ~~[should be appointed for]~~ *is necessary*
26 *and in the best interests of* the proposed protected minor, the court
27 shall enter an order appointing a guardian. ~~[The]~~

28 3. *In ruling on a petition pursuant to this section, the court*
29 *shall consider:*

30 (a) *The ability of the parent or parents to provide for the basic*
31 *needs of the proposed protected minor, including, without*
32 *limitation, food, shelter, clothing, education and medical care,*
33 *taking into consideration any special needs of the proposed*
34 *protected minor. In assessing the ability of the parent or parents to*
35 *provide medical care for the proposed protected minor, the court*
36 *shall consider whether the physical or mental health of the parent*
37 *who has the care, custody or control of the proposed protected*
38 *minor renders the parent consistently unable to care for the*
39 *immediate and continuing physical or psychological needs of the*
40 *proposed protected minor for extended periods of time.*

41 (b) *Whether the parent or parents have engaged in the*
42 *habitual use of alcohol or any controlled substance during the*
43 *previous 6 months, except the use of cannabis in accordance with*
44 *the provisions of chapter 678C of NRS.*



1 (c) Whether the parent or parents have been convicted of a
2 crime of moral turpitude, a crime involving domestic violence or a
3 crime involving the abuse, neglect, exploitation, isolation or
4 abandonment of a child, his or her spouse, his or her parent or
5 any other adult.

6 (d) Whether the parent or parents have been convicted of a
7 felony in this State or any other jurisdiction.

8 (e) Whether the parent, parents or other person has engaged
9 in one or more acts of domestic violence against the proposed
10 protected minor, a parent of the proposed protected minor or any
11 other person who resides with the proposed protected minor.

12 (f) Whether the proposed protected minor has been under the
13 care, custody or control of either parent at any time during the
14 immediately preceding 6 months.

15 4. If a parent of a proposed protected minor objects to the
16 appointment of a guardian, the court must conduct a full
17 evidentiary hearing before appointing a guardian.

18 5. An order appointing a guardian must:

19 (a) Set forth with specificity the findings of fact and
20 conclusions of law upon which the order is based;

21 (b) Specify whether the guardian appointed is guardian of the
22 person, of the estate, or of the person and estate;

23 ~~[(b)]~~ (c) Specify whether the proposed protected minor is a
24 resident or nonresident of this State;

25 ~~[(c) Specify the amount of the bond to be executed and filed by
26 the guardian;]~~

27 (d) Designate the names and addresses, so far as may be
28 determined, of ~~[-~~

29 ~~—(1) The] the~~ relatives of the proposed protected minor upon
30 whom notice must be served pursuant to NRS 159A.047; ~~[-and~~

31 ~~—(2) Any other interested person;]~~ and

32 (e) Specify whether the proposed protected minor will require a
33 guardianship after reaching 18 years of age.

34 ~~[-]~~ 6. A notice of entry of the court order must be sent to ~~[-~~

35 ~~—(a) The] the~~ relatives of the proposed protected minor upon
36 whom notice must be served pursuant to NRS 159A.047. ~~[-; and~~

37 ~~—(b) Any other interested person.]~~

38 **Sec. 23.** NRS 159A.057 is hereby amended to read as follows:

39 159A.057 1. Where the appointment of a guardian is sought
40 for two or more proposed protected minors who are children of a
41 common parent, it is not necessary that separate petitions ~~[-, bonds]~~
42 and other papers be filed with respect to each proposed protected
43 minor or protected minors.

44 2. If a guardian is appointed for such proposed protected
45 minors, the guardian:



1 (a) Shall keep separate accounts of the estate of each protected
2 minor;

3 (b) May make investments for each protected minor;

4 (c) May compromise and settle claims against one or more
5 protected minors; and

6 (d) May sell, lease, mortgage or otherwise manage the property
7 of one or more protected minors.

8 3. The guardianship may be terminated with respect to less
9 than all the protected minors in the same manner as provided by law
10 with respect to a guardianship of a single protected minor.

11 **Sec. 24.** NRS 159A.061 is hereby amended to read as follows:

12 159A.061 1. The parents of a proposed protected minor, or
13 either parent, if qualified and suitable, are preferred over all others
14 for appointment as guardian for the person or estate or person and
15 estate of the proposed protected minor. The appointment of a parent
16 as guardian for the person or estate of a proposed protected minor
17 must not conflict with a valid order for custody of the proposed
18 protected minor.

19 2. ~~Except as otherwise provided in subsection 4, if~~ *If* a parent
20 of a proposed protected minor files a petition seeking appointment
21 as guardian for the proposed protected minor, the parent is presumed
22 to be suitable to serve as guardian for the proposed protected minor
23 ~~if~~ *unless:*

24 *(a) The parent is unable to provide for any or all of the basic*
25 *needs of the proposed protected minor, including, without*
26 *limitation:*

- 27 *(1) Food;*
- 28 *(2) Shelter;*
- 29 *(3) Clothing;*
- 30 *(4) Medical care; and*
- 31 *(5) Education;*

32 *(b) Because of action or inaction, the parent poses a*
33 *significant safety risk of either physical or emotional danger to the*
34 *proposed protected minor; or*

35 *(c) The proposed protected minor has not been in the care,*
36 *custody or control of the parent for the 6 months immediately*
37 *preceding the filing of the petition.*

38 3. In determining whether ~~the parents of~~ a proposed
39 ~~protected minor, or either parent, or any other person who seeks~~
40 ~~appointment as~~ guardian for the proposed protected minor is
41 qualified and suitable, the court shall consider, if applicable and
42 without limitation:

43 (a) ~~Which parent has physical custody of the proposed~~
44 ~~protected minor;~~



1 ~~—(b)~~ The ability of the ~~[parents, parent or other person]~~ *proposed*
2 *guardian* to provide for the basic needs of the proposed protected
3 minor, including, without limitation, food, shelter, clothing and
4 medical care, taking into consideration any special needs of the
5 proposed protected minor;

6 ~~[(e)]~~ (b) Whether the ~~[parents, parent or other person]~~ *proposed*
7 *guardian* has engaged in the habitual use of alcohol or any
8 controlled substance during the previous 6 months, except the use
9 of cannabis in accordance with the provisions of chapter 678C of
10 NRS;

11 ~~[(d)]~~ (c) Whether the ~~[parents, parent or other person]~~ *proposed*
12 *guardian* has been convicted of a crime of moral turpitude, a crime
13 involving domestic violence or a crime involving the abuse, neglect,
14 exploitation, isolation or abandonment of a child, his or her spouse,
15 his or her parent or any other adult;

16 ~~[(e)]~~ (d) Whether the ~~[parents, parent or other person]~~ *proposed*
17 *guardian* has been convicted in this State or any other jurisdiction
18 of a felony; and

19 ~~[(f)]~~ (e) Whether the ~~[parents, parent or other person]~~ *proposed*
20 *guardian* has engaged in one or more acts of domestic violence
21 against the proposed protected minor, a parent of the proposed
22 protected minor or any other person who resides with the proposed
23 protected minor.

24 4. ~~[A parent of a proposed protected minor is presumed to be~~
25 ~~unsuitable to care for the proposed protected minor if:~~

26 ~~—(a) The parent is unable to provide for any or all of the basic~~
27 ~~needs of the proposed protected minor, including, without~~
28 ~~limitation:~~

29 ~~—(1) Food;~~

30 ~~—(2) Shelter;~~

31 ~~—(3) Clothing;~~

32 ~~—(4) Medical care; and~~

33 ~~—(5) Education;~~

34 ~~—(b) Because of action or inaction, the parent poses a significant~~
35 ~~safety risk of either physical or emotional danger to the proposed~~
36 ~~protected minor; or~~

37 ~~—(c) The proposed protected minor has not been in the care,~~
38 ~~custody and control of the parent for the 6 months immediately~~
39 ~~preceding the filing of the petition. The presumption created by this~~
40 ~~paragraph is a rebuttable presumption.~~

41 ~~—5.]~~ Subject to the preference set forth in subsection 1 and except
42 as otherwise provided in *this* subsection ~~[7.]~~ *and subsection 6,* the
43 court shall appoint as guardian the qualified person who is most
44 suitable and is willing to serve. *If the proposed protected minor is a*
45 *minor who is 14 years of age or older, the minor must consent to*



1 *the appointment of the guardian. If the minor does not consent to*
2 *the appointment of the person who is most suitable and willing to*
3 *serve, the court shall appoint as guardian the next most suitable*
4 *person who is qualified and willing to serve.*

5 ~~[6.]~~ 5. In determining which qualified person is most suitable,
6 the court shall, in addition to considering any applicable factors set
7 forth in ~~[subsections 2,]~~ *subsection 3* , ~~[and 4,]~~ give consideration,
8 among other factors, to:

9 (a) Any nomination of a guardian for the proposed protected
10 minor contained in a will or other written instrument executed by a
11 parent of the proposed protected minor.

12 (b) ~~[Any request made by the proposed protected minor, if he or~~
13 ~~she is 14 years of age or older, for the appointment of a person as~~
14 ~~guardian for the proposed protected minor.]~~

15 ~~—(c)]~~ The relationship by blood or adoption of the proposed
16 guardian to the proposed protected minor. ~~[In—considering~~
17 ~~preferences of appointment, the court may consider relatives of the~~
18 ~~half blood equally with those of the whole blood. The court may~~
19 ~~consider relatives in the following order of preference:~~

20 ~~— (1) Parent.~~

21 ~~— (2) Adult sibling.~~

22 ~~— (3) Grandparent.~~

23 ~~— (4) Uncle or aunt.~~

24 ~~—(d) Any recommendation made by a master of the court or~~
25 ~~special master pursuant to NRS 159A.0615.~~

26 ~~—(e)]~~ (c) Any recommendation made by:

27 (1) An agency which provides child welfare services, an
28 agency which provides child protective services or a similar agency;
29 or

30 (2) A guardian ad litem or court appointed special advocate
31 who represents the proposed protected minor.

32 ~~[(f)]~~ (d) Any request for the appointment of any other interested
33 person that the court deems appropriate.

34 ~~[7.]~~ 6. The court may award temporary guardianship pursuant
35 to this section ~~[, supported by findings of suitability,]~~ pending a
36 trial or evidentiary hearing if that appointment is supported by
37 findings.

38 ~~[8.— Notwithstanding the presumption set forth in subsection 4,~~
39 ~~in]~~

40 7. *In* the event of competing petitions for the appointment of
41 guardianship of a proposed protected minor ~~[, any finding of~~
42 ~~unsuitability of a parent of the proposed protected minor:]~~ :



1 (a) *The court must conduct a full evidentiary hearing before*
2 *appointing a guardian; and*

3 (b) *Any finding concerning the suitability of a proposed*
4 *guardian must be [found] supported by clear and convincing*
5 *evidence. [after a hearing on the merits or an evidentiary hearing-*
6 *—9.] 8. In determining [whether to appoint a guardian of the*
7 *person or estate of a proposed protected minor and] who should be*
8 *appointed, the court must always act in the best interests of the*
9 *proposed protected minor.*

10 [10.] 9. A court shall not refuse to appoint a person as a
11 guardian of the person or estate of a proposed protected minor solely
12 because the person:

13 (a) Is deaf, is blind or has another physical disability; or

14 (b) Is the holder of a valid registry identification card.

15 [11.] 10. As used in this section:

16 (a) ~~“Agency which provides child welfare services” has the~~
17 ~~meaning ascribed to it in NRS 432B.030.~~

18 ~~—(b)] “Blind” has the meaning ascribed to it in NRS 426.082.~~

19 [(e)] (b) “Holder of a valid registry identification card” means a
20 person who holds a valid registry identification card as defined in
21 NRS 678C.080 that identifies the person as:

22 (1) Exempt from state prosecution for engaging in the
23 medical use of cannabis; or

24 (2) A designated primary caregiver as defined in
25 NRS 678C.040.

26 **Sec. 25.** NRS 159A.065 is hereby amended to read as follows:

27 159A.065 1. Except as otherwise provided by *this section or*
28 *other* law, every guardian shall, before entering upon his or her
29 duties as guardian, ~~[execute and file in the guardianship proceeding~~
30 ~~a bond, with sufficient surety or sureties.]~~ *establish a blocked*
31 *account* in such amount as the court determines necessary for the
32 protection of the protected minor and the estate of the protected
33 minor . ~~[, and conditioned upon the faithful discharge by the~~
34 ~~guardian of his or her authority and duties according to law. The~~
35 ~~bond must be approved by the clerk. Sureties must be jointly and~~
36 ~~severally liable with the guardian and with each other.]~~

37 2. ~~[If a banking corporation, as defined in NRS 657.016, doing~~
38 ~~business in this State, is appointed guardian of the estate of a~~
39 ~~protected minor, no bond is required of the guardian, unless~~
40 ~~specifically required by the court.~~

41 ~~—3.— Joint guardians may unite in a bond to the protected minor~~
42 ~~or protected minors, or each may give a separate bond.~~



1 ~~—4.]~~ If there are no assets of the protected minor, ~~[no bond is~~
2 ~~required of]~~ the guardian ~~[]~~ *is not required to establish a blocked*
3 *account.*

4 ~~[5.]~~ 3. If a person has been nominated to be guardian in a will,
5 power of attorney or other written instrument that has been
6 acknowledged before two disinterested witnesses or acknowledged
7 before a notary public and the will, power of attorney or other
8 written instrument provides that ~~[no bond is to be required of]~~ the
9 *person nominated to be guardian [] in the will, power attorney or*
10 *other written instrument is not required to establish a blocked*
11 *account, the person is not required to establish a blocked account*
12 *and* the court may direct letters of guardianship to issue to the
13 guardian after the guardian:

14 (a) Takes and subscribes the oath of office; and

15 (b) Files the appropriate documents which contain the full legal
16 name and address of the guardian.

17 ~~[6.—In lieu of executing and filing a bond, the guardian may~~
18 ~~request that access to certain assets be blocked. The court may grant~~
19 ~~the request and order letters of guardianship to issue to the guardian~~
20 ~~if sufficient evidence is filed with the court to establish that such~~
21 ~~assets are being held in a manner that prevents the guardian from~~
22 ~~accessing the assets without a specific court order.]~~

23 **Sec. 26.** NRS 159A.073 is hereby amended to read as follows:

24 159A.073 ~~[1.]~~ Every guardian, before entering upon his or
25 her duties as guardian and before letters of guardianship may issue,
26 shall:

27 ~~[(a)]~~ 1. Take and subscribe the official oath which must:

28 ~~[(1)]~~ (a) Be endorsed on the letters of guardianship; and

29 ~~[(2)]~~ (b) State that the guardian will well and faithfully
30 perform the duties of guardian according to law.

31 ~~[(b)]~~ 2. File in the proceeding the appropriate documents
32 which include, without limitation, the full legal name of the
33 guardian and the residence and post office addresses of the guardian.

34 ~~[(c) Except as otherwise provided in subsection 2, make]~~

35 3. *Make* and file in the proceeding a verified acknowledgment
36 of the duties and responsibilities of a guardian. The
37 acknowledgment must set forth:

38 ~~[(1)]~~ (a) A summary of the duties, functions and
39 responsibilities of a guardian, including, without limitation, the duty
40 to:

41 ~~[(1)]~~ (1) Act in the best interest of the protected minor at
42 all times.

43 ~~[(2)]~~ (2) Provide the protected minor with medical,
44 surgical, dental, psychiatric, psychological, hygienic or other care



1 and treatment as needed, with adequate food and clothing and with
2 safe and appropriate housing.

3 ~~{(III)}~~ (3) Protect, preserve and manage the income,
4 assets and estate of the protected minor and utilize the income,
5 assets and estate of the protected minor solely for the benefit of the
6 protected minor.

7 ~~{(IV)}~~ (4) Maintain the assets of the protected minor in
8 the name of the protected minor or the name of the guardianship.
9 The assets of the protected minor must not be commingled with the
10 assets of *the guardian or* any third party.

11 ~~{(V)}~~ (5) Provide notification of the death of the
12 protected minor in accordance with NRS 159A.0809.

13 ~~{(2)}~~ (b) A summary of the statutes, regulations, rules and
14 standards governing the duties of a guardian.

15 ~~{(3)}~~ (c) A list of actions regarding the protected minor that
16 require the prior approval of the court.

17 ~~{(4)}~~ (d) A statement of the need for accurate recordkeeping
18 and the filing of annual reports with the court regarding the finances
19 and well-being of the protected minor.

20 ~~{2. The court may exempt a public guardian or private
21 professional guardian from filing an acknowledgment in each case
22 and, in lieu thereof, require the public guardian or private
23 professional guardian to file a general acknowledgment covering
24 all guardianships to which the guardian may be appointed by the
25 court.}~~

26 **Sec. 27.** NRS 159A.075 is hereby amended to read as follows:
27 159A.075 When a guardian has taken the official oath, ~~{and
28 filed a bond as provided in this chapter.}~~ the court shall order letters
29 of guardianship to issue to the guardian. Letters of guardianship may
30 be in the following form:

31
32 State of Nevada }
33 }ss.
34 County of }

35
36 On (month) (day), (year), the
37 Judicial District Court, County, State of Nevada,
38 appointed (name of guardian)
39 (guardian of the person or estate or person
40 and estate) for (name of protected minor), a
41 minor, that the named guardian has qualified and has the
42 authority and shall perform the duties of
43 (guardian of
44 the person or estate or person and estate) for the named
45 protected minor as provided by law.



In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of the court at my office on (month) (day), (year).

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 28. NRS 159A.076 is hereby amended to read as follows:

159A.076 1. The court may grant a summary administration if, at any time, it appears to the court that after payment of all claims and expenses of the guardianship the value of the protected minor’s property does not exceed \$10,000.

2. If the court grants a summary administration, the court may:

(a) Authorize the guardian of the estate who is authorized to manage the protected minor’s property to convert the property to cash and sell any of the property, with or without notice, as the court may direct. After the payment of all claims and the expenses of the guardianship, the guardian shall deposit the money in savings accounts or invest the money as ~~provided~~ *authorized* in NRS 159A.117, and hold the investment and all interest, issues, dividends and profits for the benefit of the protected minor. The court may dispense with annual accountings and all other proceedings required by this chapter.

(b) Terminate the guardianship of the estate and direct the guardian to deliver the protected minor’s property to the custodial parent or parents, guardian or custodian of the protected minor to hold, invest or use as the court may order.

3. Whether the court grants a summary administration at the time the guardianship is established or at any other time, the guardian shall file an inventory and record of value with the court.

4. If, at any time, the net value of the estate of the protected minor exceeds \$10,000:

(a) The guardian shall file an amended inventory and accounting with the court; *and*

(b) The guardian shall file annual accountings . ~~[-; and~~
~~—(c) The court may require the guardian to post a bond.]~~

Sec. 29. NRS 159A.079 is hereby amended to read as follows:

159A.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the protected minor, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care,



1 maintenance, education and support of the protected minor,
2 including, without limitation, the following:

3 (a) Supplying the protected minor with food, clothing, shelter
4 and all incidental necessities, including locating an appropriate
5 residence for the protected minor based on the financial situation
6 and needs of the protected minor, including, without limitation, any
7 medical needs or needs relating to his or her care.

8 (b) Taking reasonable care of any clothing, furniture, vehicles
9 and other personal effects of the protected minor and commencing a
10 proceeding if any property of the protected minor is in need of
11 protection.

12 (c) Authorizing medical, surgical, dental, psychiatric,
13 psychological, hygienic or other remedial care and treatment for the
14 protected minor.

15 (d) Seeing that the protected minor is properly trained and
16 educated and that the protected minor has the opportunity to learn a
17 trade, occupation or profession.

18 *(e) Ensuring that the protected minor maintains a relationship*
19 *with his or her parents in a manner that complies with any order*
20 *relating to custody or visitation.*

21 2. In the performance of the duties enumerated in subsection 1
22 by a guardian of the person, due regard must be given to the extent
23 of the estate of the protected minor. A guardian of the person may
24 be required to incur expenses on behalf of the protected minor if the
25 estate of the protected minor is insufficient to reimburse the
26 guardian.

27 3. A guardian of the person is the protected minor's personal
28 representative for purposes of the Health Insurance Portability and
29 Accountability Act of 1996, Public Law 104-191, and any
30 applicable regulations. The guardian of the person has authority to
31 obtain information from any government agency, medical provider,
32 business, creditor or third party who may have information
33 pertaining to the protected minor's health care or health insurance.

34 4. A guardian of the person may, subject to the provisions of
35 subsection 6 and NRS 159A.0807, establish and change the
36 residence of the protected minor at any place within this State. The
37 guardian shall select the least restrictive appropriate residence which
38 is available and necessary to meet the needs of the protected minor
39 and which is financially feasible.

40 5. A guardian of the person shall petition the court for an order
41 authorizing the guardian to change the residence of the protected
42 minor to a location outside of this State. The guardian must show
43 that changing the residence of the protected minor to a location
44 outside of this State is in the best interest of the protected minor or
45 that there is no appropriate residence available for the protected



1 minor in this State. The court shall retain jurisdiction over
2 the guardianship unless the guardian files for termination of the
3 guardianship pursuant to NRS 159A.1905 or 159A.191 or the
4 jurisdiction of the guardianship is transferred to the other state. Not
5 later than 6 months after changing the residence of a protected
6 minor to a location outside of this State, the guardian shall file a
7 petition for guardianship in the state of the protected minor's
8 residence.

9 6. A guardian of the person must file a notice with the court of
10 his or her intent to move a protected minor to or place a protected
11 minor in a *facility that provides residential treatment or care,*
12 *including, without limitation, a* secured residential long-term care
13 facility, pursuant to subsection 4 of NRS 159A.0807 unless : ~~the~~
14 ~~secured residential long-term care facility is in this State and;~~

15 (a) An emergency condition exists pursuant to subsection 5 of
16 NRS 159A.0807;

17 (b) The court has previously granted the guardian authority to
18 move the protected minor to or place the protected minor in such a
19 facility based on findings made when the court appointed the
20 guardian; or

21 (c) The move or placement is made pursuant to a written
22 recommendation by a licensed physician, ~~fa physician employed by~~
23 ~~the Department of Veterans Affairs,]~~ a licensed social worker or an
24 employee of a county or state office for protective services.

25 7. This section does not relieve a parent or other person of any
26 duty required by law to provide for the care, support and
27 maintenance of any dependent.

28 **Sec. 30.** NRS 159A.0807 is hereby amended to read as
29 follows:

30 159A.0807 1. Every protected minor has the right, if
31 possible, to:

32 (a) Have his or her preferences followed; and

33 (b) Age in his or her own surroundings or, if not possible, in the
34 least restrictive environment suitable to his or her unique needs and
35 abilities.

36 2. Except as otherwise provided in subsection 5, a proposed
37 protected minor must not be moved until a guardian is appointed.

38 3. Except as otherwise provided in this section and subsections
39 5 and 6 of NRS 159A.079, the guardian shall notify all interested
40 persons in accordance with subsection 4 before the protected minor:

41 (a) Is admitted to a *facility that provides residential treatment*
42 *or care, including, without limitation, a* secured residential long-
43 term care facility;



1 (b) Changes his or her residence, including, without limitation,
2 to or from one [secured] residential [long-term] *treatment or* care
3 facility to another; or

4 (c) Will reside at a location other than his or her residence for
5 more than 3 days.

6 4. Except as otherwise provided in this section and subsections
7 5 and 6 of NRS 159A.079, a guardian shall file with the court a
8 notice of his or her intent to move the protected minor and shall
9 serve notice upon all interested persons not less than 10 days before
10 moving the protected minor. If no objection to the move is received
11 from any interested person within 10 days after receiving the notice,
12 the guardian may move the protected minor without court
13 permission.

14 5. If an emergency condition exists, including, without
15 limitation, the health or safety of the protected minor is at risk of
16 imminent harm or the protected minor has been hospitalized and
17 will be unable to return to his or her residence for a period of more
18 than 24 hours, the guardian may take any temporary action needed
19 without the permission of the court and shall file notice with the
20 court and serve notice upon all interested persons as soon as
21 practicable after taking such action.

22 6. Except as otherwise provided in this subsection, any notice
23 provided to a court, an interested person or person of natural
24 affection pursuant to this section or NRS 159A.0809 must include
25 the current location of the protected minor. The guardian shall not
26 provide any contact information to an interested person or person of
27 natural affection if an order of protection has been issued against the
28 interested person or person of natural affection on behalf of the
29 protected minor.

30 7. A guardian is not required to provide notice to an interested
31 person or person of natural affection in accordance with this section
32 or NRS 159A.0809 if:

33 (a) The interested person or person of natural affection informs
34 the guardian in writing that the person does not wish to receive such
35 notice; or

36 (b) The protected minor or a court order has expressly
37 prohibited the guardian from providing notice to the interested
38 person or person of natural affection.

39 **Sec. 31.** NRS 159A.0809 is hereby amended to read as
40 follows:

41 159A.0809 1. Except as otherwise provided in NRS
42 159A.0807, a guardian shall immediately notify all interested
43 persons and persons of natural affection:

44 (a) If the guardian reasonably believes that the death of the
45 protected minor is likely to occur within the next 30 days and such



1 belief is based on information from a psychologist, physician or
2 other health care provider of the protected minor or a person
3 otherwise qualified to provide such a medical opinion, including,
4 without limitation, a health care provider employed by a hospice or
5 by a hospital. ~~{of the Department of Veterans Affairs.}~~

6 (b) Upon the death of the protected minor.

7 (c) Upon obtaining any information relating to the burial or
8 cremation of the protected minor.

9 2. The guardian shall provide notification pursuant to
10 paragraph (b) of subsection 1:

11 (a) In person or by telephone to the family members of the
12 protected minor or, if the protected minor does not have any family
13 members or does not have a relationship with any family members,
14 the person of natural affection designated to receive such
15 notification;

16 (b) By electronic communication to any family member of the
17 protected minor or person of natural affection who has opted to
18 receive notification by electronic communication; and

19 (c) In writing to all other interested persons and persons of
20 natural affection not given notice pursuant to paragraph (a) or (b).

21 **Sec. 32.** NRS 159A.081 is hereby amended to read as follows:

22 159A.081 1. A guardian of the person shall make and file in
23 the guardianship proceeding for review of the court a written report
24 on the condition of the protected minor and the exercise of authority
25 and performance of duties by the guardian:

26 (a) Annually, not later than 60 days after the anniversary date of
27 the appointment of the guardian;

28 (b) Within 10 days after changing the residence of a protected
29 minor; and

30 (c) At such other times as the court may order.

31 2. A report filed pursuant to paragraph (b) of subsection 1
32 must:

33 (a) Include a copy of the written recommendation upon which
34 the transfer was made; and

35 (b) Be served, without limitation, on the protected minor and
36 any attorney for the protected minor.

37 3. The court may prescribe the form and contents for filing a
38 report described in subsection 1. Such a report must include, without
39 limitation:

40 (a) The physical condition of the protected minor;

41 (b) The place of residence of the protected minor;

42 (c) The name of all other persons living with the protected
43 minor unless the protected minor is residing at a secured residential
44 long-term care facility, group home, supportive living facility,
45 assisted living facility or other facility for long-term care; ~~{and}~~



1 (d) *The frequency of visitation between the protected minor*
2 *and the parent or parents of the protected minor; and*

3 (e) Any other information required by the court.

4 4. The guardian of the person shall give to the guardian of the
5 estate, if any, a copy of each report not later than 30 days after the
6 date the report is filed with the court.

7 5. The court is not required to hold a hearing or enter an order
8 regarding the report.

9 6. As used in this section, "facility for long-term care" has the
10 meaning ascribed to it in NRS 427A.028.

11 **Sec. 33.** NRS 159A.083 is hereby amended to read as follows:

12 159A.083 1. A guardian of the estate shall:

13 ~~1.1~~ (a) Protect, preserve, manage and dispose of the estate of
14 the protected minor according to law and for the best interests of the
15 protected minor ~~1.1~~;

16 (b) *Deposit any cash proceeds from the sale of the personal*
17 *property of the protected minor pursuant to NRS 159A.154 in the*
18 *blocked account established pursuant to NRS 159A.065, if such an*
19 *account is established;*

20 (c) *Responsibly invest and reinvest the property of the*
21 *protected minor pursuant to NRS 159A.117;*

22 (d) *File an annual financial accounting pursuant to the*
23 *provisions of NRS 159A.177 to 159A.183, inclusive; and*

24 (e) *Have such other authority and perform such other duties*
25 *as are provided by law.*

26 2. ~~1.1~~ Upon approval of the court, a guardian of the
27 estate may:

28 (a) *Spend money from* the estate of the protected minor ~~for~~
29 ~~the proper care, maintenance, education and support of the protected~~
30 ~~minor having due regard for other income or property available to~~
31 ~~support] if necessary to meet any extraordinary needs of~~ the
32 protected minor ~~1.1~~;

33 ~~—3. Have such other authority and perform such other duties as~~
34 ~~are provided by law.];~~

35 (b) *Manage any property right on behalf of the protected*
36 *minor;*

37 (c) *Establish:*

38 (1) *A special needs trust;*

39 (2) *A trust for the benefit of the protected minor which is*
40 *payable over the lifetime of the minor or over a reasonable shorter*
41 *period of time; and*

42 (3) *A structured settlement for the proceeds of litigation*
43 *which is payable over the lifetime of the protected minor or over a*
44 *reasonable shorter period of time; and*

45 (d) *Take any other action authorized by law.*



1 3. *As used in this section, "estate of the protected minor"*
2 *does not include any payment assigned to a guardian for the*
3 *support of the protected minor, including, without limitation, child*
4 *support payments that are processed pursuant to Part D of Title IV*
5 *of the Social Security Act and supplemental security income*
6 *benefits.*

7 **Sec. 34.** NRS 159A.085 is hereby amended to read as follows:

8 159A.085 1. Not later than 60 days after the date of the
9 appointment of a guardian of the estate or, if necessary, such further
10 time as the court may allow, the guardian shall make and file in the
11 guardianship proceeding a verified inventory of all of the property
12 of the protected minor which comes to the possession or knowledge
13 of the guardian, including, without limitation, the existence of any
14 trust of which the protected minor is currently a beneficiary who is
15 receiving or is entitled to receive distributions.

16 2. A temporary guardian of the estate shall file an inventory
17 with the court by not later than the date on which the temporary
18 guardian files a final accounting as required pursuant to
19 NRS 159A.177.

20 3. The guardian shall take and subscribe an oath, which must
21 be endorsed or attached to the inventory, before any person
22 authorized to administer oaths, that the inventory contains a true
23 statement of:

24 (a) All of the estate of the protected minor which has come into
25 the possession of the guardian;

26 (b) All of the money that belongs to the protected minor; and

27 (c) All of the just claims of the protected minor against the
28 guardian.

29 4. A copy of the inventory filed with the court and a notice of
30 the filing must be served on the protected minor, his or her attorney
31 and any guardian ad litem representing the protected minor.

32 5. Whenever any property of the protected minor not
33 mentioned in the inventory comes to the possession or knowledge of
34 a guardian of the estate, the guardian shall:

35 (a) Make and file in the proceeding a verified supplemental
36 inventory not later than 30 days after the date the property comes to
37 the possession or knowledge of the guardian; or

38 (b) Include the property in the next accounting.

39 6. The court may order which of the two methods described in
40 subsection 5 the guardian shall follow.

41 7. ~~The court may order all or any part of the property of the~~
42 ~~protected minor appraised as provided in NRS 159A.0865 and~~
43 ~~159A.305.~~



1 ~~—8.]~~ If the guardian neglects or refuses to file the inventory within
2 the time required pursuant to subsection 1, the court may, for good
3 cause shown and upon such notice as the court deems appropriate:

4 (a) Revoke the letters of guardianship and the guardian is liable
5 ~~[on the bond]~~ for any loss or injury to the estate caused by the
6 neglect of the guardian; or

7 (b) Enter a judgment for any loss or injury to the estate caused
8 by the neglect of the guardian.

9 **Sec. 35.** NRS 159A.103 is hereby amended to read as follows:

10 159A.103 A guardian of the estate shall pay from the
11 guardianship estate ~~[pursuant to NRS 159A.105, 159A.107 and~~
12 ~~159A.109]~~ all just claims against the protected minor, the estate or
13 the guardian as such, ~~[whether accruing before or after the~~
14 ~~appointment of the guardian and whether arising in contract, in tort~~
15 ~~or otherwise.]~~ *in the same manner as the manner prescribed by*
16 *chapter 159 of NRS for the payment of claims by the guardian of*
17 *the estate of a protected person.*

18 **Sec. 36.** NRS 159A.112 is hereby amended to read as follows:

19 159A.112 1. If a guardian of the estate has not been
20 appointed, a guardian of the person may:

21 (a) Institute proceedings to compel any person under a duty to
22 support the protected minor or to pay for the welfare of the
23 protected minor to perform that duty; and

24 (b) Receive money and tangible property deliverable to the
25 protected minor . ~~[and apply such money and property for the~~
26 ~~support, care and education of the protected minor. The]~~ *Except as*
27 *otherwise provided in subsection 2, the* guardian shall not use any
28 money from the estate of the protected minor to cover the cost of
29 any ~~[room]~~ :

30 (1) *Room* and board that the guardian or the spouse, parent
31 or child of the guardian furnishes to the protected minor ~~[unless a~~
32 ~~charge for the service is approved by a court order, after notice to at~~
33 ~~least one adult relative in the nearest degree of consanguinity to the~~
34 ~~protected minor in which there is an adult.];~~ *or*

35 (2) *Care, maintenance, education or support provided to*
36 *the protected minor.*

37 2. *Upon approval of the court, a guardian of the estate may*
38 *expend money from the estate of the protected minor for the care,*
39 *maintenance, education or support of the protected minor if*
40 *necessary to meet any extraordinary needs of the protected minor.*

41 3. The guardian shall exercise care to conserve any ~~[excess]~~
42 money ~~[for the needs]~~ of the protected minor.

43 ~~[2.—If a guardian of the estate has been appointed, any money~~
44 ~~received by the guardian of the person that is in excess of the money~~
45 ~~expended to pay for the support, care and education of the protected~~



1 ~~minor must be paid to the guardian of the estate for management of~~
2 ~~the estate. The guardian of the person shall account to the guardian~~
3 ~~of the estate for any money expended.~~

4 ~~—3. A guardian of the person of a protected minor for whom a~~
5 ~~guardian of the estate also has been appointed may receive~~
6 ~~reasonable sums for any room and board furnished to the protected~~
7 ~~minor if the guardian of the person presents a claim to the guardian~~
8 ~~of the estate pursuant to NRS 159A.107 and 159A.109.~~

9 ~~—4. A guardian of the person may request the guardian of the~~
10 ~~estate to make a payment from the estate of the protected minor to~~
11 ~~another person or entity for the care and maintenance of the~~
12 ~~protected minor in accordance with NRS 159A.107 and 159A.109.]~~

13 **Sec. 37.** NRS 159A.113 is hereby amended to read as follows:

14 159A.113 1. Before taking any of the following actions, the
15 guardian of the estate shall petition the court for an order
16 authorizing the guardian to:

17 (a) Invest the property of the protected minor pursuant to
18 NRS 159A.117.

19 (b) ~~[(b)] Borrow money for the protected minor pursuant to~~
20 ~~NRS 159A.121.~~

21 ~~—(c) Except as otherwise provided in NRS 159A.079, enter into~~
22 ~~contracts for the protected minor or complete the performance of~~
23 ~~contracts of the protected minor pursuant to NRS 159A.123.~~

24 ~~—(d) Make gifts from the protected minor's estate pursuant to~~
25 ~~NRS 159A.125.~~

26 ~~—(e)] Sell, lease or place in trust any property of the protected~~
27 ~~minor pursuant to NRS 159A.127.~~

28 ~~[(f)] (c)~~ Exchange or partition the protected minor's property
29 pursuant to NRS 159A.175.

30 ~~[(g)] (d)~~ Exercise or release the power of the protected minor as
31 a donee of a power of appointment.

32 ~~[(h)] (e)~~ Exercise the right of the protected minor to take under
33 or against a will.

34 ~~[(i)] (f)~~ Transfer to a trust created by the protected minor any
35 property unintentionally omitted from the trust.

36 ~~[(j)] (g)~~ Submit a revocable trust or an irrevocable trust to the
37 jurisdiction of the court if:

38 (1) The protected minor is the grantor and sole beneficiary of
39 the income of the trust; or

40 (2) The trust was created by the court.

41 ~~[(k)] (h)~~ Pay any claim by the Department of Health and
42 Human Services to recover benefits for Medicaid correctly paid to
43 or on behalf of the protected minor.



1 ~~[(i)]~~ (i) Transfer money in a protected minor's blocked account
2 to the Nevada Higher Education Prepaid Tuition Trust Fund created
3 pursuant to NRS 353B.140.

4 2. Before taking any of the following actions, unless the
5 guardian has been otherwise ordered by the court to petition the
6 court for permission to take specified actions or make specified
7 decisions in addition to those described in subsection 1, the guardian
8 may petition the court for an order authorizing the guardian to:

9 (a) Obtain advice, instructions and approval of any other
10 proposed act of the guardian relating to the protected minor's
11 property.

12 (b) Take any other action which the guardian deems would be in
13 the best interests of the protected minor.

14 3. The petition must be signed by the guardian and contain:

15 (a) The name, age, residence and address of the protected minor.

16 (b) A concise statement as to the condition of the protected
17 minor's estate.

18 (c) A concise statement as to the advantage to the protected
19 minor of or the necessity for the proposed action.

20 (d) The terms and conditions of any proposed sale, lease,
21 partition, trust, exchange or investment, and a specific description of
22 any property involved.

23 4. Any of the matters set forth in subsection 1 may be
24 consolidated in one petition, and the court may enter one order
25 authorizing or directing the guardian to do one or more of those acts.

26 ~~[(5.) A petition filed pursuant to paragraph (c) of subsection 1
27 may be consolidated in and filed with the petition for the
28 appointment of the guardian, and if the guardian is appointed, the
29 court may enter additional orders authorizing the guardian to enter
30 contracts for the protected minor or complete contracts of the
31 protected minor.]~~

32 **Sec. 38.** NRS 159A.117 is hereby amended to read as follows:

33 159A.117 ~~[(1.)~~ Upon approval of the court by order, a
34 guardian of the estate may:

35 ~~[(a)]~~ 1. Invest the property of the protected minor, make loans
36 and accept security therefor, in the manner and to the extent
37 authorized by the court.

38 ~~[(b)]~~ 2. Exercise options of the protected minor to purchase or
39 exchange securities or other property.

40 ~~[(2.) A guardian of the estate may, without securing the prior
41 approval of the court, invest the property of the protected minor in
42 the following:~~

43 ~~—(a) Savings accounts in any bank, credit union, savings and loan
44 association or savings bank in this State, to the extent that the
45 deposits are insured by the Federal Deposit Insurance Corporation;~~



~~the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 672.755.~~

~~(b) Interest bearing obligations of or fully guaranteed by the United States.~~

~~(c) Interest bearing obligations of the United States Postal Service.~~

~~(d) Interest bearing obligations of the Federal National Mortgage Association.~~

~~(e) Interest bearing general obligations of this State.~~

~~(f) Interest bearing general obligations of any county, city or school district of this State.~~

~~(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.~~

~~3. A guardian of the estate for two or more protected persons may invest the property of two or more of the protected persons in property in which each protected person whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each protected person in the investment and in the income, profits or proceeds therefrom.~~

~~4. A guardian of the estate may access or manage a guardianship account via the Internet on a secured website established by the bank, credit union or broker holding the account.]~~

Sec. 39. NRS 159A.127 is hereby amended to read as follows:

159A.127 A guardian of the estate, with prior approval of the court by order, may sell, lease or place in trust any of the property of the protected minor:

1. For the purpose of paying claims against the protected minor ~~[.]~~ or the ~~[guardianship]~~ estate. ~~[or the guardian of the estate.]~~

2. For the purpose of providing for the proper care, maintenance, education and support of the extraordinary needs of the protected minor.

3. For the purpose of investing the proceeds.

4. To obtain income through rentals or royalties.

5. For any other purpose that is in the best interests of the protected minor.

Sec. 40. NRS 159A.179 is hereby amended to read as follows:

159A.179 1. An account made and filed by a guardian of the estate must include, without limitation, the following information:

(a) The period covered by the account.

(b) The assets of the protected minor at the beginning and end of the period covered by the account, including the beginning and ending balances of any accounts.

(c) All cash receipts and disbursements during the period covered by the account, including, without limitation, any disbursements for the support of the protected minor or other



1 expenses incurred by the estate during the period covered by the
2 account.

3 (d) All claims filed and the action taken regarding the account.

4 (e) Any changes in the protected minor's property due to sales,
5 exchanges, investments, acquisitions, gifts, mortgages or other
6 transactions which have increased, decreased or altered the
7 protected minor's property holdings as reported in the original
8 inventory or the preceding account, including, without limitation,
9 any income received during the period covered by the account.

10 (f) Any other information the guardian considers necessary to
11 show the condition of the affairs of the protected minor.

12 (g) Any other information required by the court.

13 2. All expenditures included in the account must be itemized.

14 3. If the account is for the estates of two or more protected
15 persons, it must show the interest of each protected person in the
16 receipts, disbursements and property.

17 4. Receipts or vouchers for all expenditures must be
18 ~~retained~~ :

19 (a) *Retained* by the guardian for examination by the court or an
20 interested person ~~[A public guardian shall produce such receipts or
21 vouchers upon the request of the court, the protected minor to whom
22 the receipt or voucher pertains, the attorney of such a protected
23 minor or any interested person. All other guardians shall file such
24 receipts or vouchers] ; and~~

25 (b) *Filed* with the court if:

26 ~~[(a)]~~ (1) The receipt or voucher is for an amount greater than
27 \$250, unless such a requirement is waived by the court; or

28 ~~[(b)]~~ (2) The court orders the filing.

29 5. On the court's own motion or on ex parte application by an
30 interested person which demonstrates good cause, the court may:

31 (a) Order production of the receipts or vouchers that support the
32 account; and

33 (b) Examine or audit the receipts or vouchers that support the
34 account.

35 6. If a receipt or voucher is lost or for good reason cannot be
36 produced on settlement of an account, payment may be proved by
37 the oath of at least one competent witness. The guardian must be
38 allowed expenditures if it is proven that:

39 (a) The receipt or voucher for any disbursement has been lost or
40 destroyed so that it is impossible to obtain a duplicate of the receipt
41 or voucher; and

42 (b) Expenses were paid in good faith and were valid charges
43 against the estate.



1 **Sec. 41.** NRS 159A.183 is hereby amended to read as follows:
2 159A.183 ~~[1.]~~ Subject to the discretion and approval of the
3 court , ~~[and except as otherwise provided in subsection 5,]~~ a
4 guardian must be allowed ~~[-~~

5 —(a) Reasonable compensation for the guardian’s services;

6 —(b) Necessary and reasonable] *to receive reimbursement for*
7 expenses incurred in exercising the authority and performing the
8 duties of a guardian ~~[-and~~

9 —(c) Reasonable expenses incurred in retaining accountants,
10 attorneys, appraisers or other professional services.

11 —2. Reasonable compensation and services must be based upon
12 similar services performed for persons who are not under a legal
13 disability. In determining whether compensation is reasonable, the
14 court may consider:

15 —(a) The nature of the guardianship;

16 —(b) The type, duration and complexity of the services required;
17 and

18 —(c) Any other relevant factors.

19 —3. In the absence of an order of the court pursuant to this
20 chapter shifting the responsibility of the payment of compensation
21 and expenses, the payment of compensation and expenses must be
22 paid from the estate of the protected minor. In evaluating the ability
23 of a protected minor to pay such compensation and expenses, the
24 court may consider:

25 —(a) The nature, extent and liquidity of the protected minor’s
26 assets;

27 —(b) The disposable net income of the protected minor;

28 —(c) Any foreseeable expenses; and

29 —(d) Any other factors that are relevant to the duties of the
30 guardian pursuant to NRS 159A.079 or 159A.083.

31 —4. Any compensation or expenses, including, without
32 limitation, attorney’s fees, must not be paid from the estate of the
33 protected minor unless and until the payment of such fees is
34 approved by the court pursuant to this section or NRS 159A.344, as
35 applicable.

36 —5. A guardian is not allowed compensation or expenses,
37 including, without limitation, attorney’s fees, for services incurred
38 by the guardian as a result of a petition to have him or her removed
39 as guardian if the court removes the guardian.], *if such expenses*
40 *are necessary to meet any extraordinary needs of the protected*
41 *minor.*

42 **Sec. 42.** NRS 159A.185 is hereby amended to read as follows:

43 159A.185 ~~[1.]~~ The court may remove a guardian if the court
44 determines that:



1 ~~[(a)]~~ 1. The guardian has become mentally incapacitated,
2 unsuitable or otherwise incapable of exercising the authority and
3 performing the duties of a guardian as provided by law;

4 ~~[(b)]~~ 2. The guardian is no longer qualified to act as a guardian
5 pursuant to NRS 159A.061;

6 ~~[(c)]~~ 3. The guardian has filed for bankruptcy within the
7 previous 5 years;

8 ~~[(d)]~~ 4. The guardian of the estate has mismanaged the estate of
9 the protected minor;

10 ~~[(e)]~~ 5. The guardian has negligently failed to perform any duty
11 as provided by law or by any order of the court and:

12 ~~[(1)]~~ (a) The negligence resulted in injury to the protected
13 minor or the estate of the protected minor; or

14 ~~[(2)]~~ (b) There was a substantial likelihood that the
15 negligence would result in injury to the protected minor or the estate
16 of the protected minor;

17 ~~[(f)]~~ 6. The guardian has intentionally failed to perform any
18 duty as provided by law or by any lawful order of the court,
19 regardless of injury;

20 ~~[(g)]~~ 7. The guardian has violated any right of the protected
21 minor that is set forth in this chapter ~~[(h)]~~ *or any right afforded to the
22 protected minor by the United States Constitution or the Nevada
23 Constitution; or*

24 ~~[(h)]~~ 8. The best interests of the protected minor will be served
25 by the appointment of another person as guardian. ~~[(i)]~~ ~~or~~

26 ~~—(i) The guardian is a private professional guardian who is no
27 longer qualified as a private professional guardian pursuant to
28 NRS 159A.0595.~~

29 ~~—2. A guardian may not be removed if the sole reason for
30 removal is the lack of money to pay the compensation and expenses
31 of the guardian.]~~

32 **Sec. 43.** NRS 159A.1852 is hereby amended to read as
33 follows:

34 159A.1852 A guardian who, after appointment:

35 1. Is convicted of a gross misdemeanor or felony in any state;

36 *or*

37 2. ~~[(Files for or receives protection as an individual or as a
38 principal of any entity under the federal bankruptcy laws;~~

39 ~~—3. Has a driver's license suspended, revoked or cancelled for
40 nonpayment of child support;~~

41 ~~—4. Is suspended for misconduct or disbarred from:~~

42 ~~—(a) The practice of law;~~

43 ~~—(b) The practice of accounting; or~~

44 ~~—(c) Any other profession which:~~



~~(1) Involves or may involve the management or sale of money, investments, securities or real property; or~~

~~(2) Requires licensure in this State or any other state; or~~

~~5.]~~ Has a judgment entered against him or her for misappropriation of funds or assets from any person or entity in any state,

↳ shall immediately inform the court of the circumstances of those events. The court may remove the guardian and appoint a successor guardian, unless the court finds that it is in the best interest of the protected minor to allow the guardian to continue in his or her appointment.

Sec. 44. NRS 159A.1853 is hereby amended to read as follows:

159A.1853 1. The following persons may petition the court to have a guardian removed:

(a) The protected minor;

(b) Any relative who is within the second degree of consanguinity to the protected minor;

(c) ~~[A public guardian; or]~~ *Any attorney for the protected minor;*

(d) *An agency which provides child welfare services; or*

(e) Any other interested person.

2. The petition must:

(a) State with particularity the reasons for removing the guardian; and

(b) Show cause for the removal.

3. If the court denies the petition for removal, the petitioner shall not file a subsequent petition unless a material change of circumstances warrants a subsequent petition.

4. If the court finds that the petitioner did not file a petition for removal in good faith or in furtherance of the best interests of the protected minor, the court may ~~[-~~

~~(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the protected minor; and~~

~~(b) Impose]~~ *impose* sanctions on the petitioner . ~~[in an amount sufficient to reimburse the estate of the protected minor for all or part of the expenses incurred by the estate of the protected minor in responding to the petition and for any other pecuniary losses which are associated with the petition.]~~

Sec. 45. NRS 159A.1855 is hereby amended to read as follows:

159A.1855 1. If a petition to have a guardian removed is filed with the court, the court shall issue a citation to the petitioner. The petitioner shall serve the citation on the guardian and on all other interested persons.



1 2. The citation must require the guardian to appear and show
2 cause why the court should not remove the guardian.

3 3. If it appears that the protected minor or estate may suffer
4 loss or injury during the time required for service of the citation on
5 the guardian, on the court's own motion or on petition, the court
6 may:

7 (a) Suspend the powers of the guardian by issuing a 30-day
8 temporary restraining order or an injunction;

9 (b) Compel the guardian to surrender the protected minor to a
10 temporary guardian for not more than 30 days; and

11 (c) Compel the guardian to surrender the assets of the estate to a
12 temporary guardian ~~[or to the public guardian]~~ until the date set for
13 the hearing.

14 **Sec. 46.** NRS 159A.187 is hereby amended to read as follows:

15 159A.187 1. When a guardian dies or is removed by order of
16 the court, the court, upon the court's own motion or upon a petition
17 filed by any interested person, may appoint another guardian in the
18 same manner and subject to the same requirements as are provided
19 by law for an original appointment of a guardian.

20 2. If a guardian of the person is appointed for a protected minor
21 pursuant to this section, the protected minor must be served with the
22 petition. If the protected minor does not object to the appointment,
23 the protected minor is not required to attend the hearing.

24 *3. If a guardian dies or is removed by order of the court and*
25 *no legally qualified guardian or temporary substitute guardian is*
26 *willing to serve, the court shall notify an agency which provides*
27 *child welfare services concerning the matter.*

28 **Sec. 47.** NRS 159A.1871 is hereby amended to read as
29 follows:

30 159A.1871 1. The court at any time may appoint a successor
31 guardian to serve immediately or when a designated event occurs.

32 2. A person entitled under NRS 159A.044 to petition the court
33 to appoint a guardian may petition the court to appoint a successor
34 guardian.

35 3. A successor guardian appointed to serve when a designated
36 event occurs may act as guardian when:

37 (a) The event occurs; and

38 (b) The successor has taken the official oath ~~[and filed a bond as~~
39 ~~provided in this chapter.]~~ and letters of guardianship have been
40 issued.

41 4. A successor guardian has the predecessor's powers unless
42 otherwise provided by the court.



1 **Sec. 48.** NRS 159A.1905 is hereby amended to read as
2 follows:

3 159A.1905 1. A protected minor, the guardian or another
4 person may petition the court for the termination or modification of
5 a guardianship. The petition must state or contain:

6 (a) The name and address of the petitioner.

7 (b) The relationship of the petitioner to the protected minor.

8 (c) The name, age and address of the protected minor, if the
9 protected minor is not the petitioner, or the date of death of the
10 protected minor if the protected minor is deceased.

11 (d) The name and address of the guardian, if the guardian is not
12 the petitioner.

13 (e) The reason for termination or modification.

14 (f) Whether the termination or modification is sought for a
15 guardianship of the person, of the estate, or of the person and estate.

16 (g) A general description and the value of the remaining
17 property of the protected minor and the proposed disposition of that
18 property.

19 2. Upon the filing of the petition, the court shall appoint an
20 attorney to represent the protected minor if:

21 (a) The protected minor is unable to retain an attorney; ~~for~~ *and*

22 (b) The court determines that the appointment is necessary to
23 protect the interests of the protected minor.

24 3. ~~The~~ *Except as otherwise provided in NRS 159A.1915, the*
25 petitioner has the burden of proof to show by clear and convincing
26 evidence that the termination or modification of the guardianship of
27 the person, of the estate, or of the person and estate is in the best
28 interests of the protected minor.

29 4. The court shall issue a citation requiring all interested
30 persons to appear and show cause why termination or modification
31 of the guardianship should not be granted. The court shall serve the
32 citation on the guardian and the petitioner. The petitioner shall serve
33 the citation on all interested persons.

34 5. If the court finds that the petitioner did not file a petition for
35 termination or modification in good faith or in furtherance of the
36 best interests of the protected minor, the court may ~~is~~:

37 ~~—(a) Disallow the petitioner from petitioning the court for~~
38 ~~attorney's fees from the estate of the protected minor; and~~

39 ~~—(b) Impose~~ *impose* sanctions on the petitioner in an amount
40 sufficient to reimburse the estate of the protected minor for all or
41 part of the expenses and for any other pecuniary losses which are
42 incurred by the estate of the protected minor and associated with the
43 petition.



1 **Sec. 49.** NRS 159A.191 is hereby amended to read as follows:
2 159A.191 1. A guardianship of the person, of the estate, or of
3 the person and estate is terminated:

- 4 (a) By the death of the protected minor;
5 (b) Upon the protected minor's change of domicile to a place
6 outside this State and the transfer of jurisdiction to the court having
7 jurisdiction in the new domicile;
8 (c) Upon order of the court, if the court determines that the
9 guardianship no longer is necessary;
10 (d) On the date on which the protected minor reaches 18 years
11 of age; or
12 (e) On the date on which the protected minor graduates from
13 high school or becomes 19 years of age, whichever occurs sooner,
14 if:

- 15 (1) The protected minor will be older than 18 years of age
16 upon graduation from high school; and
17 (2) The protected minor and the guardian consent to continue
18 the guardianship and the consent is filed with the court at least 14
19 days before the date on which the protected minor will become 18
20 years of age.

- 21 2. A guardianship of the estate is terminated:
22 (a) If the court removes the guardian or accepts the resignation
23 of the guardian and does not appoint a successor guardian;
24 (b) If the court determines that the guardianship is not necessary
25 and orders the guardianship terminated; or
26 (c) By the death of the protected minor, subject to the provisions
27 of NRS 159A.193.

28 3. If the guardianship is of the person and estate, the court may
29 order the guardianship terminated as to the person, the estate, or the
30 person and estate.

31 4. The guardian shall notify the court, all interested parties, the
32 trustee, and the named executor or appointed personal representative
33 of the estate of the protected minor of the death of the protected
34 minor within 30 days after the death.

35 5. Immediately upon the death or emancipation of the protected
36 minor:

- 37 (a) The guardian of the estate shall have no authority to act for
38 the protected minor except to wind up the affairs of the guardianship
39 pursuant to NRS 159A.193 ; ~~[-, and to distribute the property of the~~
40 ~~protected minor as provided in NRS 159A.195 and 159A.197;]~~ and
41 (b) No person has standing to file a petition pursuant to
42 NRS 159A.078.

43 6. A hearing may be held not later than 90 days before a
44 protected minor reaches the age of majority to determine whether:

- 45 (a) Guardianship is needed beyond the age of majority;



1 (b) The protected minor desires an additional year of
2 guardianship beyond the age of majority; and

3 (c) The guardian should be notified of any requirements of the
4 guardianship which require compliance before termination of the
5 guardianship.

6 7. If, at a hearing conducted pursuant to subsection 6, a court
7 makes a determination that, upon reaching the age of majority, a
8 protected minor would be deemed incapacitated, as defined in NRS
9 159.019, a petition may be filed in accordance with the provisions of
10 chapter 159 of NRS to seek guardianship for the protected minor
11 pursuant to that chapter to take effect when the protected minor
12 reaches the age of majority. The protected minor has the right to be
13 represented by counsel if guardianship is sought pursuant to this
14 subsection.

15 **Sec. 50.** NRS 159A.1915 is hereby amended to read as
16 follows:

17 159A.1915 1. If ~~[, before a protected minor is emancipated,]~~
18 a parent of the protected minor petitions the court for the
19 termination of a guardianship ~~[of the protected minor,]~~ *to which* the
20 parent ~~[has the burden of proof to show]~~ *consented when the*
21 *guardianship was created, the court shall enter an order*
22 *terminating the guardianship, unless the protected minor or*
23 *guardian files an objection within 30 days after receiving notice of*
24 *the petition. If a protected minor or guardian objects to a petition*
25 *within 30 days after receiving such notice, the matter must be set*
26 *for a hearing. At the hearing, the protected minor or guardian, as*
27 *applicable, must prove by clear and convincing evidence that ~~[-~~*
28 ~~*-(a) There*~~ *continuation of the guardianship is necessary and*
29 *in the best interests of the protected minor. If the court makes*
30 *such a finding, the court shall dismiss the petition for the*
31 *termination of the guardianship.*

32 2. *If a parent of the protected minor petitions the court for*
33 *the termination of a guardianship to which the parent objected*
34 *when the guardianship was created, the matter must be set for a*
35 *hearing. At the hearing, the parent of the protected minor must*
36 *prove, by clear and convincing evidence, that:*

37 (a) *There* has been a material change of circumstances since the
38 time the guardianship was created ~~[-The parent must show that, as~~
39 ~~*part of the change of circumstances, the]*~~ ;

40 (b) *The* parent ~~[has been restored to suitability as described in~~
41 ~~*NRS 159A.061.]*~~ *is able to provide for all of the basic needs of the*
42 *protected minor;*

43 ~~*[(b) Except as otherwise provided in subsection 2,]*~~

44 (c) *The parent does not pose a significant safety risk to the*
45 *protected minor; and*



1 (d) *The* welfare of the protected minor would be substantially
2 enhanced by the termination of the guardianship and the placement
3 of the protected minor with the parent.

4 ~~[2.] 3. If the parent [consented to the guardianship when it was~~
5 ~~created, the parent is required to make only that showing set forth in~~
6 ~~paragraph (a)] satisfies the requirements of subsection [1.] 2, the~~
7 ~~court shall enter an order terminating the guardianship.~~

8 **Sec. 51.** NRS 159A.199 is hereby amended to read as follows:

9 159A.199 1. Upon the filing of receipts and vouchers
10 showing compliance with the orders of the court in winding up the
11 affairs of the guardianship, the court shall enter an order discharging
12 the guardian. ~~[and exonerating the bond of the guardian.]~~

13 2. A guardian is not relieved of liability for his or her term as
14 guardian until an order of discharge is entered and filed with the
15 court.

16 **Sec. 52.** NRS 159A.204 is hereby amended to read as
17 follows:

18 159A.204 1. To transfer jurisdiction of a guardianship to
19 this State, the guardian or other interested party must petition the
20 court of this State for guardianship pursuant to NRS 159A.044 to
21 accept guardianship in this State. The petition must include:

22 (a) A certified copy of the other state's provisional order of
23 transfer;

24 (b) Proof that the protected minor is physically present in, or is
25 reasonably expected to move permanently to, this State;

26 (c) A copy of one of the forms of identification of the protected
27 minor set forth in paragraph (c) of subsection 2 of NRS 159A.044;
28 and

29 (d) A copy of one of the forms of identification of the guardian
30 set forth in paragraph ~~[(h)] (k)~~ of subsection 2 of NRS 159A.044.

31 2. Upon the filing of a petition, the clerk of the court shall issue
32 a citation setting forth a time and place for a hearing in accordance
33 with NRS 159A.047.

34 3. Upon completion of the hearing, the court shall issue a
35 provisional order granting a petition filed under subsection 1,
36 unless:

37 (a) An objection is made and the objector establishes that
38 transfer of the proceeding would be contrary to the best interests of
39 the protected minor; or

40 (b) The guardian or petitioner is not qualified for appointment as
41 a guardian in this State pursuant to NRS 159A.061.

42 4. The court shall issue a final order granting guardianship
43 upon filing of a final order issued by the other state terminating
44 proceedings in that state and transferring the proceedings to this
45 State. The court shall determine whether the guardianship needs to



1 be modified to conform to the laws of this State and, if so, order any
2 such modifications.

3 5. In granting a petition under this section, the court shall
4 recognize a guardianship order from the other state.

5 **Sec. 53.** NRS 159A.2025 is hereby amended to read as
6 follows:

7 159A.2025 1. If a guardian has been appointed in another
8 state and a petition for the appointment of a guardian is not pending
9 in this State, the guardian appointed in the other state, after giving
10 notice to the appointing court of an intent to register and the reason
11 for registration, may petition the court to register the guardianship
12 order in this State by filing as a foreign judgment in a court, in any
13 appropriate county of this State:

- 14 (a) Certified copies of the order and letters of office;
15 (b) A copy of one of the forms of identification of the protected
16 minor set forth in paragraph (c) of subsection 2 of NRS 159A.044;
17 and
18 (c) A copy of one of the forms of identification of the guardian
19 set forth in paragraph ~~(b)~~ (k) of subsection 2 of NRS 159A.044.

20 2. Upon the filing of a petition, the clerk of the court shall issue
21 a citation setting forth a time and place for a hearing in accordance
22 with NRS 159A.047.

23 3. Upon completion of the hearing, if there is no contest to the
24 petition, the court shall issue an order granting a petition filed under
25 subsection 1.

26 **Sec. 54.** NRS 159A.315 is hereby amended to read as follows:

27 159A.315 1. If the court finds, after examination of a person
28 cited pursuant to NRS 159A.305, that the person has committed an
29 act:

- 30 (a) Set forth in paragraph (a) of subsection 1 of NRS 159A.305,
31 the court may order the person to return the asset or the value of the
32 asset to the guardian of the estate; or
33 (b) Set forth in paragraph (b) of subsection 1 of NRS 159A.305,
34 the court may order the person to return the asset or provide
35 information concerning the location of the asset to the guardian of
36 the estate.

37 2. The court may hold a person who is cited pursuant to NRS
38 159A.305 in contempt of court and deal with the person accordingly
39 if the person:

- 40 (a) Refuses to appear and submit to examination or to testify
41 regarding the matter complained of in the petition; or
42 (b) Fails to comply with an order of the court issued pursuant to
43 subsection 1.

44 3. An order of the court pursuant to subsection 1 is prima facie
45 evidence of the right of the proposed protected minor or the estate of



1 the protected minor to the asset described in the order in any action
2 that may be brought for the recovery thereof, and any judgment
3 recovered therein must be double the value of the asset, and
4 damages in addition thereof equal to the value of such property.

5 4. If the person who is cited pursuant to NRS 159A.305
6 appears and, upon consideration of the petition, the court finds that
7 the person is not liable or responsible to the proposed protected
8 minor or the estate of the protected minor, the court may order ~~f:~~

9 ~~—(a) The proposed protected minor or the estate of the protected~~
10 ~~minor to pay the attorney’s fees and costs of the respondent; or~~

11 ~~—(b) If the court finds that the petitioner unnecessarily or~~
12 ~~unreasonably filed the petition,] the petitioner personally to pay the~~
13 attorney’s fees and costs of the respondent.

14 **Sec. 55.** NRS 159A.346 is hereby amended to read as follows:

15 159A.346 1. If a guardian violates any right of a protected
16 minor that is set forth in this chapter, a court may take any
17 appropriate action, including, without limitation:

18 (a) Issuing an order that certain actions be taken or discontinued;

19 (b) ~~Disallowing any fees payable to the guardian;~~

20 ~~—(c)~~ After notice and a hearing, issuing an order compensating a
21 protected minor or the estate of a protected minor for any injury,
22 death or loss of money or property caused by the actions of the
23 guardian or the failure of the guardian to take appropriate action;

24 ~~[(d)]~~ (c) Removing the guardian pursuant to NRS 159A.185; or

25 ~~[(e)]~~ (d) Taking any other action that is proper under the
26 circumstances.

27 2. If any action by a guardian is deemed to be deliberately
28 harmful or fraudulent or to have been committed with malice, the
29 court may also impose:

30 (a) Twice the actual damages incurred by the protected minor;
31 and

32 (b) Attorney’s fees and costs.

33 **Sec. 56.** NRS 160.090 is hereby amended to read as follows:

34 160.090 1. Before making an appointment under the
35 provisions of this chapter, the court shall establish to its satisfaction
36 that the person whose appointment as guardian is sought is a fit and
37 proper person to be appointed.

38 2. Upon the appointment being made, the guardian shall,
39 except as otherwise provided in this section, execute and file a bond
40 to be approved by the court in an amount not less than the value of
41 the personal property of the estate plus the anticipated annual
42 income. Thereafter, the amount of the bond must be equal to the
43 total value of the personal estate plus the annual income. The bond
44 must be in the form and be conditioned as required of guardians



1 appointed pursuant to the provisions of chapter 159 ~~for 159A~~ of
2 NRS. The premiums on all such bonds must be paid from the estate.

3 3. If a banking corporation as defined in NRS 657.016, or a
4 trust company, as defined by NRS 669.070, doing business in this
5 state is appointed guardian of the estate of a ward, no bond is
6 required of the guardian unless the court by specific order requires a
7 bond.

8 4. If the court orders that the estate and income, or a part
9 thereof, be deposited in a banking corporation, as defined in NRS
10 657.016, or trust company, as defined by NRS 669.070, doing
11 business in this state and that such estate and income, or any part
12 thereof, must not be withdrawn without authorization of the court,
13 then the amount of the guardian's bond must be reduced in an
14 amount equal to the amount of the estate and income on deposit
15 with the banking corporation, and the surety on the bonds must be
16 exonerated from any loss to the estate in connection with the
17 deposit.

18 5. Where a bond is tendered by a guardian with personal
19 sureties, the sureties shall file with the court a certificate under oath
20 which describes the property owned, both real and personal, and
21 contains a statement that they are each worth the sum named in the
22 bond as the penalty thereof over and above all their debts and
23 liabilities and exclusive of property exempt from execution.

24 **Sec. 57.** NRS 253.150 is hereby amended to read as follows:

25 253.150 1. The board of county commissioners of each
26 county shall establish the office of public guardian.

27 2. The board of county commissioners shall:

28 (a) Appoint a public guardian, who serves at the pleasure of the
29 board, for a term of 4 years from the day of appointment;

30 (b) Designate an elected or appointed county officer as ex
31 officio public guardian;

32 (c) Pursuant to the mechanism set forth in NRS 244.1507,
33 designate another county officer to execute the powers and duties of
34 the public guardian;

35 (d) Except in a county whose population is 100,000 or more,
36 contract with a private professional guardian to act as public
37 guardian; or

38 (e) Contract with the board of county commissioners of a
39 neighboring county in the same judicial district to designate as
40 public guardian the public guardian of the neighboring county.

41 3. The compensation of a public guardian appointed or
42 designated pursuant to subsection 2 must be fixed by the board of
43 county commissioners and paid out of the county general fund.



1 4. As used in this section, “private professional guardian” has
2 the meaning ascribed to it in NRS 159.024, ~~[and 159A.024,]~~ except
3 that the term does not include:

4 (a) A banking corporation, as defined in NRS 657.016, or an
5 organization permitted to act as a fiduciary pursuant to NRS
6 662.245 if it is appointed as guardian of an estate only.

7 (b) A trust company, as defined in NRS 669.070.

8 (c) A court-appointed attorney licensed to practice law in this
9 State.

10 (d) A trustee under a deed of trust.

11 (e) A fiduciary under a court trust.

12 **Sec. 58.** NRS 253.160 is hereby amended to read as follows:

13 253.160 1. Upon taking office, a public guardian shall file
14 with the county clerk a general bond in an amount fixed by the
15 board of county commissioners payable to the State of Nevada with
16 sureties approved by the board of county commissioners. The
17 premium for the bond shall be paid from the general funds of the
18 county and be conditioned upon the public guardian’s faithful
19 performance of his or her duties.

20 2. The general bond and oath of office of a public guardian are
21 in lieu of the bonds and oaths required of private guardians.

22 3. The oath and bond of an elected or appointed public officer
23 designated public guardian or designated to execute the powers and
24 duties of the public guardian pursuant to paragraph (b) or (c) of
25 subsection 2 of NRS 253.150 are in lieu of the bonds and oaths
26 required of private guardians. The court may require such a designee
27 to execute a separate bond for any guardianship in the manner
28 prescribed in NRS 159.065. ~~[or 159A.065.]~~

29 **Sec. 59.** NRS 253.190 is hereby amended to read as follows:

30 253.190 A guardian shall:

31 1. Keep financial and other appropriate records concerning all
32 cases in which he or she is appointed as an individual guardian; and

33 2. Retain:

34 (a) All such financial records for each case for at least 7 years
35 after the date of the transaction that is recorded in the record; and

36 (b) All other records for each case for at least 7 years after the
37 termination of the guardianship pursuant to ~~[chapters]~~ *chapter* 159
38 ~~[and 159A]~~ of NRS.

39 **Sec. 60.** NRS 253.200 is hereby amended to read as follows:

40 253.200 1. A resident of Nevada is eligible to have the public
41 guardian of the county in which he or she resides appointed as his or
42 her temporary individual guardian pursuant to NRS 159.0523 or
43 159.0525. ~~[or to mitigate the risk of financial harm to a proposed
44 protected minor pursuant to NRS 159A.053.]~~



1 2. An adult resident of Nevada is eligible to have the public
2 guardian of a county appointed as his or her permanent or general
3 individual guardian if the proposed protected person is a resident of
4 that county and:

5 (a) The proposed protected person has no nominated person,
6 relative or friend suitable and willing to serve as his or her guardian;
7 or

8 (b) The proposed protected person has a guardian who the court
9 determines must be removed pursuant to NRS 159.185.

10 3. A person qualified pursuant to subsection 1 or 2, or anyone
11 on his or her behalf, may petition the district court of the county in
12 which he or she resides to make the appointment.

13 4. Before a petition for the appointment of the public guardian
14 as a guardian may be filed pursuant to subsection 3, a copy of the
15 petition and copies of all accompanying documents to be filed must
16 be delivered to the public guardian or a deputy public guardian.

17 5. Any petition for the appointment of the public guardian as a
18 guardian filed pursuant to subsection 3 must include a statement
19 signed by the public guardian or deputy public guardian and in
20 substantially the following form:

21
22 The undersigned is the Public Guardian or a Deputy
23 Public Guardian of County. The undersigned
24 certifies that he or she has received a copy of this petition and
25 all accompanying documents to be filed with the court.
26

27 6. A petition for the appointment of the public guardian as
28 permanent or general guardian must be filed separately from a
29 petition for the appointment of a temporary guardian.

30 7. If a person other than the public guardian served as
31 temporary guardian before the appointment of the public guardian as
32 permanent or general guardian, the temporary guardian must file an
33 accounting and report with the court in which the petition for the
34 appointment of a public guardian was filed within 30 days of the
35 appointment of the public guardian as permanent or general
36 guardian.

37 8. In addition to NRS 159.099 , ~~[and 159A.099.]~~ a county is
38 not liable on any written or oral contract entered into by the public
39 guardian of the county for or on behalf of a protected person.

40 9. For the purposes of this section:

41 (a) Except as otherwise provided in paragraph (b), the county of
42 residence of a person is the county to which the person moved with
43 the intent to reside for an indefinite period.

44 (b) The county of residence of a person placed in institutional
45 care is the county that was the county of residence of the person



1 before the person was placed in institutional care by a guardian or
2 agency or under power of attorney.

3 10. As used in this section, "nominated person" has the
4 meaning ascribed to it in NRS 159.0613.

5 **Sec. 61.** NRS 432B.290 is hereby amended to read as follows:

6 432B.290 1. Information maintained by an agency which
7 provides child welfare services must be maintained by the agency
8 which provides child welfare services as required by federal law as a
9 condition of the allocation of federal money to this State.

10 2. Except as otherwise provided in this section and NRS
11 432B.165, 432B.175 and 432B.513, information maintained by an
12 agency which provides child welfare services may, at the discretion
13 of the agency which provides child welfare services, be made
14 available only to:

15 (a) A physician, if the physician has before him or her a child
16 who the physician has reasonable cause to believe has been abused
17 or neglected;

18 (b) A person authorized to place a child in protective custody, if
19 the person has before him or her a child who the person has
20 reasonable cause to believe has been abused or neglected and the
21 person requires the information to determine whether to place the
22 child in protective custody;

23 (c) An agency, including, without limitation, an agency in
24 another jurisdiction, responsible for or authorized to undertake the
25 care, treatment or supervision of:

26 (1) The child; or

27 (2) The person responsible for the welfare of the child;

28 (d) A district attorney or other law enforcement officer who
29 requires the information in connection with an investigation or
30 prosecution of the abuse or neglect of a child;

31 (e) Except as otherwise provided in paragraph (f), a court other
32 than a juvenile court, for in camera inspection only, unless the court
33 determines that public disclosure of the information is necessary for
34 the determination of an issue before it;

35 (f) A court, as defined in NRS 159A.015, to determine whether
36 a guardian or successor guardian of a child should be appointed
37 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,
38 inclusive;

39 (g) A person engaged in bona fide research or an audit, but
40 information identifying the subjects of a report must not be made
41 available to the person;

42 (h) The attorney and the guardian ad litem of the child, if the
43 information is reasonably necessary to promote the safety,
44 permanency and well-being of the child;



1 (i) A person who files or intends to file a petition for the
2 appointment of a guardian or successor guardian of a child pursuant
3 to chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive,
4 if the identity of the person responsible for reporting the abuse or
5 neglect of the child to a public agency is kept confidential and the
6 information is reasonably necessary to promote the safety,
7 permanency and well-being of the child;

8 (j) The proposed guardian or proposed successor guardian of a
9 child over whom a guardianship is sought pursuant to chapter 159A
10 of NRS or NRS 432B.466 to 432B.468, inclusive, if the identity of
11 the person responsible for reporting the abuse or neglect of the child
12 to a public agency is kept confidential and the information is
13 reasonably necessary to promote the safety, permanency and well-
14 being of the child;

15 (k) A grand jury upon its determination that access to these
16 records and the information is necessary in the conduct of its official
17 business;

18 (l) A federal, state or local governmental entity, or an agency of
19 such an entity, or a juvenile court, that needs access to the
20 information to carry out its legal responsibilities to protect children
21 from abuse and neglect;

22 (m) A person or an organization that has entered into a written
23 agreement with an agency which provides child welfare services to
24 provide assessments or services and that has been trained to make
25 such assessments or provide such services;

26 (n) A team organized pursuant to NRS 432B.350 for the
27 protection of a child;

28 (o) A team organized pursuant to NRS 432B.405 to review the
29 death of a child;

30 (p) A multidisciplinary team, as defined in NRS 432B.4014;

31 (q) A parent or legal guardian of the child and an attorney of a
32 parent or guardian of the child, including, without limitation, the
33 parent or guardian of a child over whom a guardianship is sought
34 pursuant to chapter 159A of NRS or NRS 432B.466 to 432B.468,
35 inclusive, if the identity of the person responsible for reporting the
36 abuse or neglect of the child to a public agency is kept confidential
37 and the information is reasonably necessary to promote the safety,
38 permanency and well-being of the child and is limited to
39 information concerning that parent or guardian;

40 (r) The child over whom a guardianship is sought pursuant to
41 chapter 159A of NRS or NRS 432B.466 to 432B.468, inclusive, if:

42 (1) The child is ~~14~~ 12 years of age or older; and

43 (2) The identity of the person responsible for reporting the
44 abuse or neglect of the child to a public agency is kept confidential



1 and the information is reasonably necessary to promote the safety,
2 permanency and well-being of the child;

3 (s) The persons or agent of the persons who are the subject of a
4 report, if the information is reasonably necessary to promote the
5 safety, permanency and well-being of the child and is limited to
6 information concerning those persons;

7 (t) An agency that is authorized by law to license foster homes
8 or facilities for children or to investigate persons applying for
9 approval to adopt a child, if the agency has before it an application
10 for that license or is investigating an applicant to adopt a child;

11 (u) Upon written consent of the parent, any officer of this State
12 or a city or county thereof or Legislator authorized by the agency or
13 department having jurisdiction or by the Legislature, acting within
14 its jurisdiction, to investigate the activities or programs of an agency
15 which provides child welfare services if:

16 (1) The identity of the person making the report is kept
17 confidential; and

18 (2) The officer, Legislator or a member of the family of the
19 officer or Legislator is not the person alleged to have committed the
20 abuse or neglect;

21 (v) The Division of Parole and Probation of the Department of
22 Public Safety for use pursuant to NRS 176.135 in making a
23 presentence investigation and report to the district court or pursuant
24 to NRS 176.151 in making a general investigation and report;

25 (w) Any person who is required pursuant to NRS 432B.220 to
26 make a report to an agency which provides child welfare services or
27 to a law enforcement agency;

28 (x) A local advisory board to expedite proceedings for the
29 placement of children created pursuant to NRS 432B.604;

30 (y) The panel established pursuant to NRS 432B.396 to evaluate
31 agencies which provide child welfare services;

32 (z) An employer in accordance with subsection 3 of
33 NRS 432.100;

34 (aa) A team organized or sponsored pursuant to NRS 217.475 or
35 228.495 to review the death of the victim of a crime that constitutes
36 domestic violence;

37 (bb) The Committee on Domestic Violence appointed pursuant
38 to NRS 228.470; or

39 (cc) The Committee to Review Suicide Fatalities created by
40 NRS 439.5104.

41 3. An agency investigating a report of the abuse or neglect of a
42 child shall, upon request, provide to a person named in the report as
43 allegedly causing the abuse or neglect of the child:

44 (a) A copy of:



1 (1) Any statement made in writing to an investigator for the
2 agency by the person named in the report as allegedly causing the
3 abuse or neglect of the child; or

4 (2) Any recording made by the agency of any statement
5 made orally to an investigator for the agency by the person named in
6 the report as allegedly causing the abuse or neglect of the child; or

7 (b) A written summary of the allegations made against the
8 person who is named in the report as allegedly causing the abuse or
9 neglect of the child. The summary must not identify the person
10 responsible for reporting the alleged abuse or neglect or any
11 collateral sources and reporting parties.

12 4. Except as otherwise provided by subsection 6, before
13 releasing any information maintained by an agency which provides
14 child welfare services pursuant to this section, an agency which
15 provides child welfare services shall take whatever precautions it
16 determines are reasonably necessary to protect the identity and
17 safety of any person who reports child abuse or neglect and to
18 protect any other person if the agency which provides child welfare
19 services reasonably believes that disclosure of the information
20 would cause a specific and material harm to an investigation of the
21 alleged abuse or neglect of a child or the life or safety of any person.

22 5. The provisions of this section must not be construed to
23 require an agency which provides child welfare services to disclose
24 information maintained by the agency which provides child welfare
25 services if, after consultation with the attorney who represents the
26 agency, the agency determines that such disclosure would cause a
27 specific and material harm to a criminal investigation.

28 6. A person who is the subject of a report of child abuse or
29 neglect made pursuant to this chapter that is assigned a disposition
30 other than substantiated pursuant to NRS 432B.305 and who
31 believes that the report was made in bad faith or with malicious
32 intent may petition a district court to order the agency which
33 provides child welfare services to release information maintained by
34 the agency which provides child welfare services. The petition must
35 specifically set forth the reasons supporting the belief that the report
36 was made in bad faith or with malicious intent. The petitioner shall
37 provide notice to the agency which provides child welfare services
38 so that the agency may participate in the action through its counsel.
39 The district court shall review the information which the petitioner
40 requests to be released and the petitioner shall be allowed to present
41 evidence in support of the petition. If the court determines that there
42 is a reasonable question of fact as to whether the report was made in
43 bad faith or with malicious intent and that the disclosure of the
44 identity of the person who made the report would not be likely to
45 endanger the life or safety of the person who made the report, the



1 court shall provide a copy of the information to the petitioner and
2 the original information is subject to discovery in a subsequent civil
3 action regarding the making of the report.

4 7. If an agency which provides child welfare services receives
5 any information that is deemed confidential by law, the agency
6 which provides child welfare services shall maintain the
7 confidentiality of the information as prescribed by applicable law.

8 8. Pursuant to this section, a person may authorize the release
9 of information maintained by an agency which provides child
10 welfare services about himself or herself, but may not waive the
11 confidentiality of such information concerning any other person.

12 9. An agency which provides child welfare services may
13 provide a summary of the outcome of an investigation of the alleged
14 abuse or neglect of a child to the person who reported the suspected
15 abuse or neglect.

16 10. Except as otherwise provided in this subsection, any person
17 who is provided with information maintained by an agency which
18 provides child welfare services and who further disseminates the
19 information or makes the information public is guilty of a gross
20 misdemeanor. This subsection does not apply to:

21 (a) A district attorney or other law enforcement officer who uses
22 the information solely for the purpose of initiating legal
23 proceedings;

24 (b) An employee of the Division of Parole and Probation of the
25 Department of Public Safety making a presentence investigation and
26 report to the district court pursuant to NRS 176.135 or making a
27 general investigation and report pursuant to NRS 176.151; or

28 (c) An employee of a juvenile justice agency who provides the
29 information to the juvenile court.

30 11. An agency which provides child welfare services may
31 charge a fee for processing costs reasonably necessary to prepare
32 information maintained by the agency which provides child welfare
33 services for release pursuant to this section.

34 12. An agency which provides child welfare services shall
35 adopt rules, policies or regulations to carry out the provisions of this
36 section.

37 13. As used in this section, "juvenile justice agency" means the
38 Youth Parole Bureau or a director of juvenile services.

39 **Sec. 62.** NRS 628B.080 is hereby amended to read as follows:

40 628B.080 1. "Private professional guardian" has the meaning
41 ascribed to it in NRS 159.024. ~~[and 159A.024.]~~

42 2. For the purposes of this chapter, the term does not include an
43 entity that serves as a private professional guardian but is exempt
44 pursuant to NRS 159.0595 ~~[, 159A.0595]~~ or 628B.110 from the
45 requirement to have a license issued pursuant to this chapter.



1 **Sec. 63.** NRS 628B.090 is hereby amended to read as follows:
2 628B.090 1. "Private professional guardian company" means
3 a business entity, including, without limitation, a sole
4 proprietorship, partnership, limited-liability company or
5 corporation, that is licensed pursuant to the provisions of this
6 chapter to engage in the business of a private professional guardian,
7 whether appointed by a court or hired by a private party.

8 2. For the purposes of this chapter, the term does not include a
9 business entity which engages in the business of a private
10 professional guardian but which is exempt pursuant to NRS
11 159.0595 [~~159A.0595~~] or 628B.110 from the requirement to have a
12 license issued pursuant to this chapter.

13 **Sec. 64.** NRS 628B.310 is hereby amended to read as follows:

14 628B.310 1. An applicant for a license to engage in the
15 business of a private professional guardian in this State must file
16 with the Commissioner an application on a form prescribed by the
17 Commissioner, which must contain or be accompanied by such
18 information as is required.

19 2. A nonrefundable fee of not more than \$750 must accompany
20 the application. The applicant must also pay such reasonable
21 additional expenses incurred in the process of investigation as the
22 Commissioner deems necessary.

23 3. The application must contain:

24 (a) The name of the applicant and the name under which the
25 applicant does business or expects to do business, if different.

26 (b) The complete business and residence addresses of the
27 applicant.

28 (c) The character of the business sought to be carried on.

29 (d) The address of any location where business will be
30 transacted.

31 (e) In the case of a firm or partnership, the full name and
32 residence address of each member or partner and the manager.

33 (f) In the case of a corporation or voluntary association, the
34 name and residence address of each director and officer and the
35 manager.

36 (g) The name and residence address of each person who will be
37 employed by the applicant as a private professional guardian
38 pursuant to paragraph (a) of subsection 1 of NRS 159.0595.

39 (h) A statement by the applicant acknowledging that the
40 applicant is required to comply with the provisions of NRS
41 159.0595 [~~and 159A.0595~~] if issued a license.

42 (i) Any other information reasonably related to the applicant's
43 qualifications for the license which the Commissioner determines to
44 be necessary.



1 4. Each application for a license must have attached to it a
2 financial statement showing the assets, liabilities and net worth of
3 the applicant and each person who will be employed by the
4 applicant as a private professional guardian pursuant to paragraph
5 (a) of subsection 1 of NRS 159.0595.

6 5. If the applicant is a corporation or limited-liability company,
7 the articles of incorporation or articles of organization must contain:

8 (a) The name adopted by the private professional guardian
9 company, which must distinguish it from any other private
10 professional guardian company formed or incorporated in this State
11 or engaged in the business of a private professional guardian in this
12 State; and

13 (b) The purpose for which it is formed.

14 6. The Commissioner shall deem an application to be
15 withdrawn if the Commissioner has not received all information and
16 fees required to complete the application within 6 months after the
17 date the application is submitted to the Commissioner. If an
18 application is deemed to be withdrawn pursuant to this subsection or
19 if an applicant otherwise withdraws an application, the
20 Commissioner may not issue a license to the applicant unless the
21 applicant submits a new application and pays the required fees.

22 7. The Commissioner shall adopt regulations establishing the
23 amount of the fees required pursuant to this section, subject to the
24 following limitations:

25 (a) An initial fee of not more than \$1,500 for a license to
26 transact the business of a private professional guardian; and

27 (b) A fee of not more than \$300 for each branch office that is
28 authorized by the Commissioner.

29 8. All money received by the Commissioner pursuant to this
30 section must be placed in the Investigative Account for Financial
31 Institutions created by NRS 232.545.

32 **Sec. 65.** NRS 628B.330 is hereby amended to read as follows:

33 628B.330 1. Within 90 days after the application for a license
34 is filed, the Commissioner shall investigate the facts of the
35 application and the other requirements of this chapter to determine:

36 (a) That each person who will serve as a sole proprietor, partner
37 of a partnership, member of a limited-liability company or director
38 or officer of a corporation, any person acting in a managerial
39 capacity or in a capacity in which he or she is authorized to make
40 discretionary decisions on behalf of the applicant and any person
41 who will be employed by the applicant as a private professional
42 guardian pursuant to paragraph (a) of subsection 1 of NRS
43 159.0595, as applicable:

44 (1) Has a good reputation for honesty, trustworthiness and
45 integrity and displays competence to engage in the business of a



1 private professional guardian in a manner which safeguards the
2 interests of the general public. The applicant must submit
3 satisfactory proof of those qualifications, including, without
4 limitation, evidence that the applicant has passed an examination for
5 private professional guardians specified by the Commissioner.

6 (2) Has not been convicted of, or entered a plea of guilty or
7 nolo contendere to, a felony or any crime involving fraud,
8 misrepresentation, material omission, misappropriation, conversion
9 or moral turpitude.

10 (3) Has not made a false statement of material fact on the
11 application.

12 (4) Has not been a sole proprietor or an officer or member of
13 the board of directors for an entity whose license issued pursuant to
14 the provisions of this chapter was suspended or revoked within the
15 10 years immediately preceding the date of the application if, in
16 the reasonable judgment of the Commissioner, there is evidence that
17 the sole proprietor, officer or member materially contributed to the
18 actions resulting in the suspension or revocation of the license.

19 (5) Has not been a sole proprietor or an officer or member of
20 the board of directors for an entity whose license as a private
21 professional guardian company which was issued by any other state,
22 district or territory of the United States or any foreign country was
23 suspended or revoked within the 10 years immediately preceding the
24 date of the application if, in the reasonable judgment of the
25 Commissioner, there is evidence that the sole proprietor, officer or
26 member materially contributed to the actions resulting in the
27 suspension or revocation of the license.

28 (6) Has not violated any of the provisions of this chapter or
29 any regulations adopted pursuant thereto.

30 (b) That the financial status of each sole proprietor, partner,
31 member or director and officer of the corporation, each person
32 acting in a managerial capacity or in a capacity in which he or she is
33 authorized to make discretionary decisions on behalf of the
34 applicant and each person who will be employed by the applicant as
35 a private professional guardian pursuant to paragraph (a) of
36 subsection 1 of NRS 159.0595 indicates fiscal responsibility
37 consistent with his or her position.

38 (c) That the name of the proposed business complies with all
39 applicable statutes.

40 (d) That, except as otherwise provided in NRS 628B.540, the
41 initial surety bond is not less than the amount required by NRS
42 159.065. ~~for 159A.065.~~

43 2. In rendering a decision on an application for a license, the
44 Commissioner shall consider, without limitation:



1 (a) The proposed markets to be served and, if they extend
2 outside this State, any exceptional risk, examination or supervision
3 concerns associated with those markets;

4 (b) Whether the proposed organizational and equity structure
5 and the amount of initial equity or fidelity and surety bonds of the
6 applicant appear adequate in relation to the proposed business and
7 markets, including, without limitation, the average level of assets
8 under guardianship projected for each of the first 3 years of
9 operation; and

10 (c) Whether the applicant has planned suitable annual audits
11 conducted by qualified outside auditors of its books and records and
12 its fiduciary activities under applicable accounting rules and
13 standards as well as suitable internal audits.

14 **Sec. 66.** NRS 628B.540 is hereby amended to read as follows:

15 628B.540 1. The Commissioner may require a private
16 professional guardian company to maintain equity, fidelity and
17 surety bonds in amounts that are more than the minimum required
18 initially or at any subsequent time based on the Commissioner's
19 assessment of the risks associated with the business plan of the
20 private professional guardian or other information contained in the
21 application, the Commissioner's investigation of the application or
22 any examination of or filing by the private professional guardian
23 company thereafter, including, without limitation, any examination
24 before the opening of the business. In making such a determination,
25 the Commissioner may consider, without limitation:

26 (a) The nature and type of business to be conducted by the
27 private professional guardian company;

28 (b) The nature and liquidity of assets proposed to be held in the
29 account of the private professional guardian company;

30 (c) The amount of fiduciary assets projected to be under the
31 management or administration of the private professional guardian
32 company;

33 (d) The type of fiduciary assets proposed to be held and any
34 proposed depository of such assets;

35 (e) The complexity of the fiduciary duties and degree of
36 discretion proposed to be undertaken by the private professional
37 guardian company;

38 (f) The competence and experience of the proposed management
39 of the private professional guardian company;

40 (g) The extent and adequacy of proposed internal controls;

41 (h) The proposed presence of annual audits by an independent
42 certified public accountant, and the scope and frequency of such
43 audits, whether they result in an opinion of the accountant and any
44 qualifications to the opinion;



1 (i) The reasonableness of business plans for retaining or
2 acquiring additional equity capital;

3 (j) The adequacy of fidelity and surety bonds and any additional
4 insurance proposed to be obtained by the private professional
5 guardian company for the purpose of protecting its fiduciary assets;

6 (k) The success of the private professional guardian company in
7 achieving the financial projections submitted with its application for
8 a license; and

9 (l) The fulfillment by the private professional guardian company
10 of its representations and its descriptions of its business structures
11 and methods and management set forth in its application for a
12 license.

13 2. A private professional guardian company shall require
14 fidelity bonds in the amount of at least \$25,000 on each natural
15 person who acts in any capacity within the private professional
16 guardian company to indemnify the company against loss due to any
17 dishonest, fraudulent or criminal act or omission by a person upon
18 whom a bond is required pursuant to this section who acts alone or
19 in combination with any other person. A bond required pursuant to
20 this section may be in any form and may be paid for by the private
21 professional guardian company.

22 3. A private professional guardian company shall obtain
23 suitable insurance against burglary, robbery, theft and other hazards
24 to which it may be exposed in the operation of its business.

25 4. A private professional guardian company shall obtain
26 suitable surety bonds in accordance with NRS 159.065 . ~~for~~
27 ~~159A.065, as applicable.]~~

28 5. The surety bond obtained pursuant to subsection 4 must be
29 in a form approved by a court of competent jurisdiction and the
30 Division and conditioned that the applicant conduct his or her
31 business in accordance with the requirements of this chapter. The
32 bond must be made and executed by the principal and a surety
33 company authorized to write bonds in this State.

34 6. A private professional guardian company shall at least
35 annually prescribe the amount or penal sum of the bonds or policies
36 of the company and designate the sureties and underwriters thereof,
37 after considering all known elements and factors constituting a risk
38 or hazard. The action must be recorded in the minutes kept by the
39 private professional guardian company and reported to the
40 Commissioner.

41 7. The bond must cover all matters placed with the private
42 professional guardian company during the term of the license or a
43 renewal thereof.

44 8. An action may not be brought upon any bond after 2 years
45 from the revocation or expiration of the license.



1 9. After 2 years, all liability of the surety or sureties upon the
2 bond ceases if no action is commenced upon the bond.

3 **Sec. 67.** NRS 628B.560 is hereby amended to read as follows:

4 628B.560 1. Except as otherwise provided in NRS 159.076 ,
5 ~~[and 159A.076]~~ a private professional guardian company shall
6 maintain a separate guardianship account for each protected person
7 into which all money received for the benefit of the protected person
8 must be deposited, unless otherwise ordered by the court for a
9 substantiated reason. Each guardianship account must be maintained
10 in an insured bank or credit union located in this State, be held in a
11 name which is sufficient to distinguish it from the personal or
12 general checking account of the private professional guardian
13 company and be designated as a guardianship account. Each
14 guardianship account must at all times account for all money
15 received for the benefit of the protected person and account for all
16 money dispersed for the benefit of the protected person, and no
17 disbursement may be made from the account except as authorized
18 under chapter 159 ~~[or 159A]~~ of NRS or as authorized by court order.

19 2. Each private professional guardian company shall keep a
20 record of all money deposited in each guardianship account
21 maintained for a protected person, which must clearly indicate the
22 date and from whom the money was received, the date the money
23 was deposited, the dates of withdrawals of money and other
24 pertinent information concerning the transactions. Records kept
25 pursuant to this subsection must be maintained for at least 6 years
26 after the completion of the last transaction concerning the account.
27 The records must be maintained at the premises in this State at
28 which the private professional guardian company is authorized to
29 conduct business.

30 3. The Commissioner or his or her designee may conduct an
31 examination of the guardianship accounts and records relating to
32 protected persons of each private professional guardian company
33 licensed pursuant to this chapter at any time to ensure compliance
34 with the provisions of this chapter.

35 4. During the first year a private professional guardian
36 company is licensed in this State, the Commissioner or his or her
37 designee may conduct any examinations deemed necessary to
38 ensure compliance with the provisions of this chapter.

39 5. If there is evidence that a private professional guardian
40 company has violated a provision of this chapter, the Commissioner
41 or his or her designee may conduct additional examinations to
42 determine whether a violation has occurred.

43 6. Each private professional guardian company shall authorize
44 the Commissioner or his or her designee to examine all books,



1 records, papers and effects of the private professional guardian
2 company.

3 7. If the Commissioner determines that the records of a private
4 professional guardian company are not maintained in accordance
5 with subsections 1 and 2, the Commissioner may require the private
6 professional guardian company to submit, within 60 days, an
7 audited financial statement prepared from the records of the private
8 professional guardian company by a certified public accountant who
9 holds a certificate to engage in the practice of public accounting in
10 this State. The Commissioner may grant a reasonable extension of
11 time for the submission of the financial statement if an extension is
12 requested before the statement is due.

13 8. Upon the request of the Division, a private professional
14 guardian company must provide to the Division copies of any
15 documents reviewed during an examination conducted by the
16 Commissioner or his or her designee pursuant to subsection 4, 5 or
17 6. If the copies are not provided, the Commissioner may subpoena
18 the documents.

19 9. For each examination of the books, papers, records and
20 effects of a private professional guardian company that is required
21 or authorized pursuant to this chapter, the Commissioner shall
22 charge and collect from the private professional guardian company a
23 fee for conducting the examination and preparing a report of the
24 examination based upon the rate established and, if applicable,
25 adjusted pursuant to NRS 658.101. Failure to pay the fee within 30
26 days after receipt of the bill is grounds for revoking the license of
27 the private professional guardian company.

28 10. All money collected under this section must be deposited in
29 the State Treasury pursuant to the provisions of NRS 658.091.

30 **Sec. 68.** NRS 159A.014, 159A.024, 159A.0345, 159A.049,
31 159A.059, 159A.0595, 159A.0615, 159A.0617, 159A.067,
32 159A.069, 159A.071, 159A.0755, 159A.086, 159A.0865,
33 159A.087, 159A.0895, 159A.097, 159A.099, 159A.105, 159A.107,
34 159A.109, 159A.111, 159A.121, 159A.123, 159A.125, 159A.132,
35 159A.134, 159A.136, 159A.1365, 159A.1375, 159A.138,
36 159A.1385, 159A.1415, 159A.142, 159A.1425, 159A.144,
37 159A.1455, 159A.146, 159A.1465, 159A.1475, 159A.148,
38 159A.1495, 159A.1505, 159A.1515, 159A.152, 159A.1535,
39 159A.154, 159A.156, 159A.157, 159A.159, 159A.161, 159A.163,
40 159A.165, 159A.1653, 159A.1657, 159A.166, 159A.1663,
41 159A.1667, 159A.167, 159A.184, 159A.195, 159A.197, 159A.203,
42 159A.342 and 159A.344 are hereby repealed.



LEADLINES OF REPEALED SECTIONS

159A.014 “Care provider” defined.

159A.024 “Private professional guardian” defined.

159A.0345 Court authorized to alter requirements concerning publication of notice or citation.

159A.049 Appointment without issuance of citation.

159A.059 Qualifications of guardian.

159A.0595 Private professional guardians.

159A.0615 Appointment of master of court or special master to identify person most qualified and suitable to serve as guardian; hearing; recommendation.

159A.0617 Court or master of court or special master authorized to allow certain persons to testify at hearing to determine person most qualified and suitable to serve as guardian.

159A.067 Bond: Court may require increase, decrease or other change; exoneration of former sureties.

159A.069 Bond: Filing; remedy for breach.

159A.071 Bond: Limitations on action.

159A.0755 Disposition of estate having value not exceeding by more than \$10,000 aggregate amount of unpaid expenses of and claims against estate.

159A.086 Guardian of estate to cause appraisal or valuation of assets of guardianship estate; record or statement in lieu of appraisal.

159A.0865 Certification of appraiser, certified public accountant or expert in valuation; form of appraisal or valuation; purchase by appraiser, certified public accountant or expert in valuation without disclosure prohibited; penalties.

159A.087 Recording letters of guardianship.

159A.0895 Assets retained to pay expenses of funeral and disposal of remains of protected minor: Amount exempt from all claims; placement in account or trust; reversion of excess to estate of protected minor.

159A.097 Voidable contracts and transactions of protected minor.

159A.099 Liability of guardian of estate on contracts for protected minor.

159A.105 Payment of claims of guardian and claims arising from contracts of guardian; report of claims and payment.



- 159A.107 Presentment and verification of claims.
159A.109 Examination and allowance or rejection of claims
by guardian.
159A.111 Recourse of claimant when claim rejected or not
acted upon.
159A.121 Borrowing money for protected minor.
159A.123 Contracts of protected minor.
159A.125 Gifts from estate of protected minor.
159A.132 Property of protected minor subject to sale.
159A.134 Selling real property of protected minor.
159A.136 Order requiring guardian to sell real property of
estate.
159A.1365 Application of money from sale of real property
of protected minor that is subject to mortgage or other lien.
159A.1375 Sale of real property of protected minor to
holder of mortgage or lien on such property.
159A.138 Sale of equity of estate in real property of
protected minor that is subject to mortgage or lien and of
property that is subject to mortgage or lien.
159A.1385 Contract for sale of real property of protected
minor authorized; limitation on commission; liability of
guardian and estate.
159A.1415 Presentation of offer to purchase real property
to court for confirmation; division of commission for sale of
such property.
159A.142 Sale of interest of protected minor in real
property owned jointly with one or more persons.
159A.1425 Notice of sale of real property of protected
minor: When required; manner of providing; waiver; content.
159A.144 Sale of real property of guardianship estate:
Requirements for establishing date; manner of making offers.
159A.1455 Confirmation by court of sale of real property of
guardianship estate.
159A.146 Hearing to confirm sale of real property:
Considerations; conditions for confirmation; actions of court if
sale is not confirmed; continuance; circumstances in which sale
is confirmed without bidding.
159A.1465 Conveyance of real property of guardianship
estate to purchaser upon confirmation of sale by court.
159A.1475 Sale of real property made upon credit.
159A.148 Neglect or refusal of purchaser of real property
to comply with terms of sale.
159A.1495 Fraudulent sale of real property of protected
minor by guardian.



159A.1505 Periods of limitation for actions to recover or set aside sale of real property.

159A.1515 Sale of personal property of protected minor by guardian without notice.

159A.152 Sale of security of protected minor by guardian.

159A.1535 Notice of sale of personal property of protected minor.

159A.154 Place and manner of sale of personal property of protected minor; report by guardian; first right of refusal of family members.

159A.156 Sale of interest in personal property pledged to protected minor and choses in action of estate of protected minor.

159A.157 Lease of property of protected minor.

159A.159 Contract with broker to secure lessee.

159A.161 Petition for approval of lease: Content; conditions for approval.

159A.163 Agreement for rental or bailment of personal property.

159A.165 Lease of mining claim or mineral rights; option to purchase.

159A.1653 Petition to enter into agreement; setting date of hearing; notice.

159A.1657 Hearing on petition; court order; recording of court order.

159A.166 Bond and actions required upon court order to enter into agreement.

159A.1663 Neglect or refusal of purchaser of mining claim or of option holder to comply with terms of agreement.

159A.1667 Petition for confirmation of proceedings concerning agreement: When required; notice; hearing.

159A.167 Special sale of property of protected minor or surrender of interest therein.

159A.184 Accounting by certain care providers.

159A.195 Disposition of claims of creditor after termination of guardianship by death of protected minor.

159A.197 Delivery of physical possession of property of protected minor; petition to modify title to such property; handling property of deceased protected minor.

159A.203 Delivering property or paying obligations to foreign guardian.

159A.342 Determination as to whether guardian has already been appointed upon application by person to be designated as guardian.



159A.344 Payment of attorney’s fees and costs incurred as result of representation by attorney in guardianship proceeding: Liability; petition for payment from guardianship estate; procedure upon filing petition.

③



