

SENATE BILL NO. 410—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

MARCH 15, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to public administrators and public guardians.
(BDR 20-548)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to county officers; revising the circumstances under which a public administrator is required to petition a court for letters of administration; prohibiting certain public administrators from acting as guardians of proposed wards if the office of public guardian has been established in their respective counties; allowing the appointment of a public guardian for a person who is under 60 years of age; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 253.0415 is hereby amended to read as follows:
2 253.0415 **1.** The public administrator shall:
3 ~~**1.—Investigate:**~~
4 (a) ***Investigate:***
5 ***(1)*** The financial status of any proposed ward ~~H~~ for whom he has
6 been requested to serve as guardian, to determine whether he is eligible to
7 serve in that capacity.
8 ~~**(b)**~~ ***(2)*** Whether there is any qualified person ~~H~~ who is willing and
9 able to serve as guardian for a ward or administrator of the estate of an
10 intestate decedent, to determine whether he is eligible to serve in that
11 capacity.
12 ~~**(2)**~~ ***(b)*** Petition the court for appointment as guardian of the person and
13 estate of any ward if, after investigation, the public administrator finds that
14 he is eligible to serve. ~~**[This]**~~ ***Except as otherwise provided in subsection***

1 **2, this** petition for appointment as guardian must be made by the public
2 administrator regardless of the amount of assets in the guardianship estate if
3 no other qualified person having a prior right is willing and able to serve.

4 ~~{3.}~~ (c) Except as otherwise provided in NRS 253.0403 ~~{}~~ **and**
5 **253.0425**, petition the court for letters of administration of the estate of a
6 person dying intestate if, after investigation, the public administrator finds
7 that there is no other qualified person having a prior right who is willing
8 and able to serve . ~~{, and the estate does not exceed \$25,000 in gross~~
9 ~~value.}~~

10 ~~{4.}~~ (d) Upon court order, act as:

11 ~~{(a)}~~ (1) Guardian of the person and estate of an adult ward; or

12 ~~{(b)}~~ (2) Administrator of the estate of a person dying intestate,
13 regardless of the amount of assets in the estate of the ward or decedent if no
14 other qualified person is willing and able to serve.

15 **2. The public administrator is not eligible to serve as a guardian of**
16 **the person and estate of a ward if the board of county commissioners of**
17 **his county has established the office of public guardian pursuant to NRS**
18 **253.150, unless the board has designated the public administrator as ex**
19 **officio public guardian.**

20 **Sec. 2.** NRS 253.200 is hereby amended to read as follows:

21 253.200 1. A resident of Nevada ~~{who is 60 years of age or older}~~ is
22 eligible to have the public guardian appointed as his individual guardian if
23 he:

24 (a) Has no relative or friend able and willing to serve as his guardian; or

25 (b) Lacks sufficient assets to provide the requisite compensation to a
26 private guardian.

27 2. A person so qualified, or anyone on his behalf, may petition the
28 district court of the county in which he resides to make the appointment.

29 **Sec. 3.** This act becomes effective upon passage and approval.