

Assembly Bill No. 365—Assemblymen Buckley, Horne, Conklin,  
Ohrenschall, Anderson, Carpenter, Claborn, Mortenson and  
Oceguera (by request)

CHAPTER.....

AN ACT relating to guardianship; making various changes to  
provisions regarding guardianship; providing penalties; and  
providing other matters properly relating thereto.

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

**Section 1.** Chapter 159 of NRS is hereby amended by adding  
thereto the provisions set forth as sections 2 to 47.5, inclusive, of  
this act.

**Sec. 2.** *“Citation” means a document issued by the clerk of  
the court, as authorized by statute or ordered by the court,  
requiring a person to appear, directing a person to act or conduct  
himself in a specified way, or notifying a person of a hearing.*

**Sec. 3.** *1. If the court has reason to believe that  
guardianship proceedings may be pending in another state  
concerning a ward or proposed ward, the court may order  
communication with the court in the other state:*

*(a) To determine the involvement or interest of each  
jurisdiction;*

*(b) To promote cooperation, expand the exchange of  
information and provide any other form of assistance; and*

*(c) To determine the appropriate jurisdiction for the  
proceedings.*

*2. As used in this section, “guardianship” includes, without  
limitation, a conservatorship.*

**Sec. 4.** *1. On or after the date of the filing of a petition to  
appoint a guardian:*

*(a) The court may appoint a person to represent the ward or  
proposed ward as a guardian ad litem; and*

*(b) The guardian ad litem must represent the ward or proposed  
ward as a guardian ad litem until relieved of that duty by court  
order.*

*2. Upon the appointment of the guardian ad litem, the court  
shall set forth in the order of appointment the duties of the  
guardian ad litem.*

*3. The guardian ad litem is entitled to reasonable  
compensation from the estate of the ward or proposed ward. If the  
court finds that a person has unnecessarily or unreasonably  
caused the appointment of a guardian ad litem, the court may  
order the person to pay to the estate of the ward or proposed ward*

*all or part of the expenses associated with the appointment of the guardian ad litem.*

**Sec. 5.** *1. Except as otherwise provided in subsection 2, the guardian of an estate shall cause an appraisal or valuation of any asset of a guardianship estate to be conducted by a disinterested appraiser, certified public accountant or expert in valuation and file the appraisal or valuation with the court.*

*2. In lieu of an appraisal, the guardian may file:*

*(a) A verified record of value of an asset where the value of the asset can be determined with reasonable certainty, including, without limitation:*

*(1) Money, deposits in banks, bonds, policies of life insurance or securities for money, when equal in value to cash; and*

*(2) Personal property, including, without limitation, household goods, if the combined value of the personal property does not exceed \$5,000.*

*(b) A statement of the assessed value of real property as determined by the county assessor for tax purposes, except that if the real property is to be sold, the guardian must file an appraisal.*

**Sec. 6.** *1. Before appraising or valuing any asset of the guardianship estate, each appraiser, certified public accountant or expert in valuation shall certify that the appraiser, accountant or expert will truthfully, honestly and impartially appraise or value the property according to the best of his knowledge and ability. The certification must be included in the appraisal or valuation and filed with the court.*

*2. The appraisal or valuation must list each asset that has a value of more than \$100 separately with a statement of the value of the asset opposite the asset.*

*3. An appraiser, certified public accountant or expert in valuation who performs an appraisal or valuation of a guardianship estate is entitled to reasonable compensation for the appraisal or valuation and may be paid by the guardian out of the estate at any time after the appraisal or valuation is completed.*

*4. An appraiser, certified public accountant or expert in valuation who directly or indirectly purchases any asset of an estate without full disclosure to and approval by the court is guilty of a misdemeanor. A sale made in violation of the provisions of this subsection is void, and the asset sold may be recovered by the guardian, ward or proposed ward.*

**Sec. 7.** *1. If a guardian, interested person, ward or proposed ward petitions the court upon oath alleging:*

*(a) That a person has or is suspected to have concealed, converted to his own use, conveyed away or otherwise disposed of any money, good, chattel or effect of the ward; or*

*(b) That the person has in his possession or knowledge any deed, conveyance, bond, contract or other writing which contains evidence of, or tends to disclose the right, title or interest of the ward or proposed ward in or to, any real or personal property, or any claim or demand,*

*the judge may cause the person to be cited to appear before the district court to answer, upon oath, upon the matter of the petition.*

*2. If the person cited does not reside in the county where letters of guardianship have been issued pursuant to NRS 159.075, the person may be cited and examined before the district court of the county where the person resides, or before the court that issued the citation. Each party to the petition may produce witnesses, and such witnesses may be examined by either party.*

**Sec. 8.** *1. If the court finds, after examination of a person cited pursuant to section 7 of this act, that the person has committed an act:*

*(a) Set forth in paragraph (a) of subsection 1 of section 7 of this act, the court may order the person to return the asset or the value of the asset to the guardian of the estate; or*

*(b) Set forth in paragraph (b) of subsection 1 of section 7 of this act, the court may order the person to return the asset or provide information concerning the location of the asset to the guardian of the estate.*

*2. The court may hold a person who is cited pursuant to section 7 of this act in contempt of court and deal with him accordingly if the person:*

*(a) Refuses to appear and submit to examination or to testify regarding the matter complained of in the petition; or*

*(b) Fails to comply with an order of the court issued pursuant to subsection 1.*

*3. An order of the court pursuant to subsection 1 is prima facie evidence of the right of the proposed ward or the estate of the ward to the asset described in the order in any action that may be brought for the recovery thereof, and any judgment recovered therein must be double the value of the asset, and damages in addition thereof equal to the value of such property.*

*4. If the person who is cited pursuant to section 7 of this act appears and, upon consideration of the petition, the court finds that the person is not liable or responsible to the estate of the ward or proposed ward, the court may order:*

*(a) The estate of the ward or proposed ward to pay the attorney's fees and costs of the respondent; or*

*(b) If the court finds that the petitioner unnecessarily or unreasonably filed the petition, the petitioner personally to pay the attorney's fees and costs of the respondent.*

**Sec. 9.** *If the guardian neglects or refuses to sell any real property of the estate when it is necessary or in the best interests of the ward, an interested person may petition the court for an order requiring the guardian to sell the property. The court shall set the petition for a hearing, and the petitioner shall serve notice on the guardian at least 10 days before the hearing.*

**Sec. 10.** *If real property of the estate of a ward is sold that is subject to a mortgage or other lien which is a valid claim against the estate, the money from the sale must be applied in the following order:*

- 1. To pay the necessary expenses of the sale.*
- 2. To satisfy the mortgage or other lien, including, without limitation, payment of interest and any other lawful costs and charges. If the mortgagee or other lienholder cannot be found, the money from the sale may be paid as ordered by the court and the mortgage or other lien shall be deemed to be satisfied.*
- 3. To the estate of the ward, unless the court orders otherwise.*

**Sec. 11.** *At a sale of real property that is subject to a mortgage or lien, the holder of the mortgage or lien may become the purchaser. The receipt for the amount owed to the holder from the proceeds of the sale is a payment pro tanto.*

**Sec. 12.** *1. In the manner required by this chapter for the sale of like property, a guardian may sell:*

*(a) The equity of the estate in any real property that is subject to a mortgage or lien; and*

*(b) The property that is subject to the mortgage or lien.*

*2. If a claim has been filed upon the debt secured by the mortgage or lien, the court shall not confirm the sale unless the holder of the claim files a signed and acknowledged document which releases the estate from all liability upon the claim.*

**Sec. 13.** *1. A guardian may enter into a written contract with any bona fide agent, broker or multiple agents or brokers to secure a purchaser for any real property of the estate. Such a contract may grant an exclusive right to sell the property to the agent, broker or multiple agents or brokers.*

*2. The guardian shall provide for the payment of a commission upon the sale of the real property which:*

*(a) Must be paid from the proceeds of the sale;*

*(b) Must be fixed in an amount not to exceed:*

*(1) Ten percent for unimproved real property; or*

*(2) Seven percent for improved real property; and*

*(c) Must be authorized by the court by confirmation of the sale.*

*3. Upon confirmation of the sale by the court, the contract for the sale becomes binding and enforceable against the estate.*

4. A guardian may not be held personally liable and the estate is not liable for the payment of any commission set forth in a contract entered into with an agent or broker pursuant to this section until the sale is confirmed by the court, and then is liable only for the amount set forth in the contract.

**Sec. 14.** 1. When an offer to purchase real property of a guardianship estate is presented to the court for confirmation:

- (a) Other persons may submit higher bids to the court; and
- (b) The court may confirm the highest bid.

2. Upon confirmation of a sale of real property by the court, the commission for the sale must be divided between the listing agent or broker and the agent or broker who secured the purchaser to whom the sale was confirmed, if any, in accordance with the contract with the listing agent or broker.

**Sec. 15.** 1. If a ward owns real property jointly with one or more other persons, the interest owned by the ward may be sold to one or more joint owners of the property only if:

- (a) The guardian files a petition with the court to confirm the sale pursuant to NRS 159.134; and
- (b) The court confirms the sale.

2. The court shall confirm the sale only if:

- (a) The net amount of the proceeds from the sale to the estate of the ward is not less than 90 percent of the fair market value of the portion of the property to be sold; and
- (b) Upon confirmation, the estate of the ward will be released from all liability for any mortgage or lien on the property.

**Sec. 16.** 1. Except as otherwise provided in this section and except for a sale pursuant to section 15 of this act, a guardian may sell the real property of a ward only after notice of the sale is published in:

- (a) A newspaper that is published in the county in which the property, or some portion of the property, is located; or
- (b) If a newspaper is not published in that county:
  - (1) In a newspaper of general circulation in the county; or
  - (2) In such other newspaper as the court orders.

2. Except as otherwise provided in this section and except for a sale of real property pursuant to section 15 of this act:

- (a) The notice of a public auction for the sale of real property must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.
- (b) The notice of a private sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.

3. For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.

4. *The court may waive the requirement of publication pursuant to this section if:*

- (a) The guardian is the sole devisee or heir of the estate; or*
- (b) All devisees or heirs of the estate consent to the waiver in writing.*

5. *Publication for the sale of real property is not required pursuant to this section if the property to be sold is reasonably believed to have a value of \$5,000 or less. In lieu of publication, the guardian shall post notice of the sale in three of the most public places in the county in which the property, or some portion of the property, is located for at least 14 days before:*

- (a) The date of the sale at public auction; or*
- (b) The date on which offers will be accepted for a private sale.*

6. *Any notice published or posted pursuant to this section must include, without limitation:*

*(a) For a public auction:*

*(1) A description of the real property which reasonably identifies the property to be sold; and*

*(2) The date, time and location of the auction.*

*(b) For a private sale:*

*(1) A description of the real property which reasonably identifies the property to be sold; and*

*(2) The date, time and location that offers will be accepted.*

**Sec. 17.** 1. *Except for a sale pursuant to section 15 of this act, a public auction for the sale of real property must be held:*

*(a) In the county in which the property is located or, if the real property is located in two or more counties, in either county;*

*(b) Between the hours of 9 a.m. and 5 p.m.; and*

*(c) On the date specified in the notice, unless the sale is postponed.*

2. *If, on or before the date and time set for the public auction, the guardian determines that the auction should be postponed:*

*(a) The auction may be postponed for not more than 3 months after the date first set for the auction; and*

*(b) Notice of the postponement must be given by a public declaration at the place first set for the sale on the date and time that was set for the sale.*

**Sec. 18.** 1. *Except for the sale of real property pursuant to section 15 of this act, a sale of real property of a guardianship estate at a private sale:*

*(a) Must not occur before the date stated in the notice.*

*(b) Except as otherwise provided in this paragraph, must not occur sooner than 14 days after the date of the first publication or posting of the notice. For good cause shown, the court may shorten the time in which the sale may occur to not sooner than 8 days after the date of the first publication or posting of the notice.*

*If the court so orders, the notice of the sale and the sale may be made to correspond with the court order.*

*(c) Must occur not later than 1 year after the date stated in the notice.*

*2. The offers made in a private sale:*

*(a) Must be in writing; and*

*(b) May be delivered to the place designated in the notice or to the guardian at any time:*

*(1) After the date of the first publication or posting of the notice; and*

*(2) Before the date on which the sale is to occur.*

**Sec. 19.** *1. Except as otherwise provided in subsection 2, the court shall not confirm a sale of real property of a guardianship estate at a private sale unless:*

*(a) The court is satisfied that the amount offered represents the fair market value of the property to be sold; and*

*(b) The real property has been appraised within 1 year before the date of the sale. If the real property has not been appraised within this period, a new appraisal must be conducted pursuant to sections 5 and 6 of this act at any time before the sale or confirmation by the court of the sale.*

*2. The court may waive the requirement of an appraisal and allow the guardian to rely on the assessed value of the real property for purposes of taxation in obtaining confirmation by the court of the sale.*

**Sec. 20.** *1. At the hearing to confirm the sale of real property, the court shall:*

*(a) Consider whether the sale is necessary or in the best interest of the estate of the ward; and*

*(b) Examine the return on the investment and the evidence submitted in relation to the sale.*

*2. The court shall confirm the sale and order conveyances to be executed if it appears to the court that:*

*(a) Good reason existed for the sale;*

*(b) The sale was conducted in a legal and fair manner;*

*(c) The amount of the offer or bid is not disproportionate to the value of the property; and*

*(d) It is unlikely that an offer or bid would be made which exceeds the original offer or bid:*

*(1) By at least 5 percent if the offer or bid is less than \$100,000; or*

*(2) By at least \$5,000 if the offer or bid is \$100,000 or more.*

*3. The court shall not confirm the sale if the conditions in this section are not satisfied.*

*4. If the court does not confirm the sale, the court:*



(a) *May order a new sale;*  
(b) *May conduct a public auction in open court; or*  
(c) *May accept a written offer or bid from a responsible person and confirm the sale to the person if the written offer complies with the laws of this state and exceeds the original bid:*

- (1) By at least 5 percent if the bid is less than \$100,000; or*
- (2) By at least \$5,000 if the bid is \$100,000 or more.*

5. *If the court does not confirm the sale and orders a new sale:*

(a) *Notice must be given in the manner set forth in section 16 of this act; and*

(b) *The sale must be conducted in all other respects as though no previous sale has taken place.*

6. *If a higher offer or bid is received by the court during the hearing to confirm the sale, the court may continue the hearing rather than accept the offer or bid as set forth in paragraph (c) of subsection 4 if the court determines that the person who made the original offer or bid was not notified of the hearing and that the person who made the original offer or bid may wish to increase his bid. This subsection does not grant a right to a person to have a continuance granted and may not be used as a ground to set aside an order confirming a sale.*

**Sec. 21.** 1. *If the court confirms a sale of real property of a guardianship estate, the guardian shall execute a conveyance of the property to the purchaser.*

2. *The conveyance must include a reference to the court order confirming the sale, and a certified copy of the court order must be recorded in the office of the recorder of the county in which the property, or any portion of the property, is located.*

3. *A conveyance conveys all the right, title and interest of the ward in the property on the date of the sale, and if, before the date of the sale, by operation of law or otherwise, the ward has acquired any right, title or interest in the property other than or in addition to that of the ward at the time of the sale, that right, title or interest also passes by the conveyance.*

**Sec. 22.** 1. *If a sale of real property is made upon credit, the guardian shall take:*

(a) *The note or notes of the purchaser for the unpaid portion of the sale; and*

(b) *A mortgage on the property to secure the payment of the notes.*

2. *The mortgage may contain a provision for release of any part of the property if the court approves the provision.*

**Sec. 23.** 1. *After confirmation of the sale of real property, if the purchaser neglects or refuses to comply with the terms of the*



*sale, the court may set aside the order of confirmation and order the property to be resold:*

- (a) On motion of the guardian; and*
- (b) After notice is given to the purchaser.*

*2. If the amount realized on the resale of the property is insufficient to cover the bid and the expenses of the previous sale, the original purchaser is liable to the estate of the ward for the deficiency.*

**Sec. 24.** *A guardian who fraudulently sells any real property of a ward in a manner inconsistent with the provisions of this chapter is liable for double the value of the property sold, as liquidated damages, to be recovered in an action by or on behalf of the ward.*

**Sec. 25.** *The periods of limitation prescribed in NRS 11.260 apply to all actions:*

- 1. For the recovery of real property sold by a guardian in accordance with the provisions of this chapter; and*
- 2. To set aside a sale of real property.*

**Sec. 26.** *1. A guardian may sell perishable property and other personal property of the ward without notice, and title to the property passes without confirmation by the court if the property:*

- (a) Will depreciate in value if not disposed of promptly; or*
- (b) Will incur loss or expense by being kept.*

*2. The guardian is responsible for the actual value of the personal property unless the guardian obtains confirmation by the court of the sale.*

**Sec. 27.** *A guardian may sell any security of the ward if:*

- 1. The guardian petitions the court for confirmation of the sale;*
- 2. The clerk sets the date of the hearing;*
- 3. The guardian gives notice in the manner required pursuant to section 43 of this act unless, for good cause shown, the court shortens the period within which notice must be given or dispenses with notice; and*
- 4. The court confirms the sale.*

**Sec. 28.** *1. Except as otherwise provided in sections 26 and 27 of this act, a guardian may sell the personal property of the ward only after notice of the sale is published in:*

- (a) A newspaper that is published in the county in which the property, or some portion of the property, is located; or*
- (b) If a newspaper is not published in that county:*
  - (1) In a newspaper of general circulation in the county; or*
  - (2) In such other newspaper as the court orders.*

*2. Except as otherwise provided in this section:*

(a) *The notice of a public sale must be published not less than three times before the date of the sale, over a period of 14 days and 7 days apart.*

(b) *The notice of a private sale must be published not less than three times before the date on which offers will be accepted, over a period of 14 days and 7 days apart.*

3. *For good cause shown, the court may order fewer publications and shorten the time of notice, but must not shorten the time of notice to less than 8 days.*

4. *The notice must include, without limitation:*

(a) *For a public sale:*

(1) *A description of the personal property to be sold; and*

(2) *The date, time and location of the sale.*

(b) *For a private sale:*

(1) *A description of the personal property to be sold; and*

(2) *The date, time and location that offers will be accepted.*

**Sec. 29.** 1. *The guardian may sell the personal property of a ward by public sale at:*

(a) *The residence of the ward;*

(b) *The courthouse door; or*

(c) *Any other location designated by the guardian.*

2. *The guardian may sell the personal property by public sale only if the property is made available for inspection at the time of the sale, unless the court orders otherwise.*

3. *Personal property may be sold at a public or private sale for cash or upon credit.*

**Sec. 30.** *The following interests of the estate of the ward may be sold in the same manner as other personal property:*

1. *An interest in a partnership;*

2. *An interest in personal property that has been pledged to the ward; and*

3. *Choses in action.*

**Sec. 31.** 1. *To enter into an agreement to sell or to give an option to purchase a mining claim or real property worked as a mine which belongs to the estate of the ward, the guardian or an interested person shall file a petition with the court that:*

(a) *Describes the property or claim;*

(b) *States the terms and general conditions of the agreement;*

(c) *Shows any advantage that may accrue to the estate of the ward from entering into the agreement; and*

(d) *Requests confirmation by the court of the agreement.*

2. *The court shall set the date of the hearing on the petition.*

3. *The petitioner shall give notice in the manner provided in section 43 of this act.*

**Sec. 32.** 1. *At the time appointed and if the court finds that due notice of the hearing concerning an agreement has been*

*given, the court shall hear a petition filed pursuant to section 31 of this act and any objection to the petition that is filed or presented.*

*2. After the hearing, if the court is satisfied that the agreement will be to the advantage of the estate of the ward, the court:*

*(a) Shall order the guardian to enter into the agreement; and*

*(b) May prescribe in the order the terms and conditions of the agreement.*

*3. A certified copy of the court order must be recorded in the office of the county recorder of each county in which the property affected by the agreement, or any portion of the property, is located.*

**Sec. 33.** *1. If the court orders the guardian to enter into the agreement pursuant to section 32 of this act, the court shall order the guardian to provide an additional bond and specify the amount of the bond in the court order.*

*2. The guardian is not entitled to receive any of the proceeds from the agreement until the guardian provides the bond and the court approves the bond.*

*3. When the court order is entered, the guardian shall execute, acknowledge and deliver an agreement which:*

*(a) Contains the conditions specified in the court order;*

*(b) States that the agreement or option is approved by court order; and*

*(c) Provides the date of the court order.*

**Sec. 34.** *1. If the purchaser or option holder neglects or refuses to comply with the terms of the agreement approved by the court pursuant to section 28 of this act, the guardian may petition the court to cancel the agreement. The court shall cancel the agreement after notice is given to the purchaser or option holder.*

*2. The cancellation of an agreement pursuant to this section does not affect any liability created by the agreement.*

**Sec. 35.** *1. If the purchaser or option holder complies with the terms of an agreement approved by the court pursuant to section 32 of this act and has made all payments according to the terms of the agreement, the guardian shall:*

*(a) Make a return to the court of the proceedings; and*

*(b) Petition the court for confirmation of the proceedings.*

*2. Notice must be given to the purchaser or option holder regarding the petition for confirmation.*

*3. The court:*

*(a) Shall hold a hearing regarding the petition for confirmation; and*

*(b) May order or deny confirmation of the proceedings and execution of the conveyances in the same manner and with the*

*same effect as when the court orders or denies a confirmation of a sale of real property.*

**Sec. 36.** *1. The following persons may petition the court to have a guardian removed:*

- (a) The ward;*
- (b) The spouse of the ward;*
- (c) Any relative who is within the second degree of consanguinity to the ward;*
- (d) A public guardian; 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 ward, the court may:*

*(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the ward; and*

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

**Sec. 37.** *1. If a petition to have a guardian removed is filed with the court, the court shall issue and serve a citation on the guardian and on all other interested persons.*

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

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

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

*(b) Compel the guardian to surrender the ward to a temporary guardian for not more than 30 days; and*

*(c) Compel the guardian to surrender the assets of the estate to a temporary guardian or to the public guardian until the date set for the hearing.*

**Sec. 38.** *If a petition to remove a guardian is deemed sufficient and the guardian fails to appear before the court, the court may:*

*1. Hold the guardian in contempt of court.*

2. *Require the guardian to appear at a date and time set by the court.*

3. *Issue a bench warrant for the arrest and appearance of the guardian.*

4. *Find that the guardian caused harm to the ward or the estate of the ward and issue an order accordingly.*

**Sec. 39.** 1. *A guardian of the person, of the estate, or of the person and the estate, may file with the court a petition tendering the resignation of the guardian.*

2. *If the guardian files a petition to resign, the court shall serve notice upon any person entitled to notice pursuant to NRS 159.047.*

**Sec. 40.** 1. *Before the court approves the resignation of a guardian of the person and discharges the guardian, the court shall appoint a successor guardian.*

2. *If a ward has more than one guardian, the court may approve the resignation of one of the guardians if the remaining guardian or guardians are qualified to act alone.*

**Sec. 41.** 1. *Before the court approves the resignation of a guardian of the estate and discharges the guardian, the court shall require the guardian to submit, on the date set for the hearing, an accounting of the estate through the end of the term.*

2. *If the guardian fails to file such an accounting, the court may impose sanctions upon the guardian.*

3. *If an estate has more than one guardian, the court may accept the resignation of one of the guardians if the remaining guardian or guardians are qualified to act alone. The court may waive the requirement of filing the accounting if the remaining guardian or guardians are:*

- (a) Required to file the annual accounting, if applicable; and*
- (b) Responsible for any discrepancies in the accounting.*

4. *Upon approval of the accounting, if any is required, and appointment of a successor guardian, the court may approve the resignation of a guardian and order the discharge of his duties.*

**Sec. 42.** 1. *If a temporary guardianship is terminated and a petition for a general or special guardianship has not been filed:*

*(a) The temporary guardian shall immediately turn over all of the ward's property to the ward; or*

*(b) If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate, the temporary guardian shall seek approval from the court to maintain possession of all or a portion of the ward's property.*

2. *If a temporary guardianship is terminated and a petition for general or special guardianship has been filed, the temporary guardian of the estate may:*

- (a) *Continue possessing the ward's property; and*
- (b) *Perform the duties of guardian for not more than 90 days after the temporary guardianship is terminated or until the court appoints another temporary, general or special guardian.*

3. *If the death of a ward causes the termination of a temporary guardianship before the hearing on a general or special guardianship:*

- (a) *The temporary guardian of the estate may:*
  - (1) *Continue possessing the ward's property; and*
  - (2) *Except as otherwise provided in this paragraph, perform the duties of guardian for not more than 90 days after the date of the termination of the temporary guardianship or until the court appoints a personal representative of the estate, if any. If the temporary guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate and it will take longer than 90 days after the date of the termination of the temporary guardianship to receive such certification, the temporary guardian must seek approval from the court to maintain possession of all or a portion of the ward's property until certification is received.*
- (b) *If no personal representative has been appointed pursuant to chapter 138 or 139 of NRS, the temporary guardian shall pay all of the final expenses and outstanding debts of the ward to the extent possible using the assets in the possession of the temporary guardian.*

**Sec. 43.** 1. *Except as otherwise provided in this section, by specific statute or as ordered by the court, a petitioner in a guardianship proceeding shall give notice of the time and place of the hearing on the petition to:*

- (a) *Each interested person or the attorney of the interested person;*
- (b) *Any person entitled to notice pursuant to this chapter or his attorney; and*
- (c) *Any other person who has filed a request for notice in the guardianship proceedings.*

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

- (a) *By mailing a copy of the notice by certified, registered or ordinary first-class mail to the residence, office or post office address of each person required to be notified pursuant to this section;*
- (b) *By personal service; or*
- (c) *In any other manner ordered by the court, upon a showing of good cause.*

3. *If the address or identity of a person required to be notified of a hearing on a petition pursuant to this section is not known*

*and cannot be ascertained with reasonable diligence, notice must be given:*

*(a) By publishing a copy of the notice in a newspaper of general circulation in the county where the hearing is to be held at least once every 7 days for 21 consecutive days, the last publication of which must occur not later than 10 days before the date set for the hearing; or*

*(b) In any other manner ordered by the court, upon a showing of good cause.*

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

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

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

**Sec. 44.** *If publication of a notice is required pursuant to this chapter, the court may, for good cause shown:*

*1. Allow fewer publications to be made within the time for publication; and*

*2. Extend or shorten the time in which the publications must be made.*

**Sec. 45.** *If a petition, notice, objection, consent, waiver or other paper may be filed, a true and correct facsimile of it may be filed, if the original is filed within a reasonable time or at such time prescribed by the court.*

**Sec. 46.** *All notices required to be given by this chapter may be given by the clerk of the court without an order from the court, and when so given, for the time and in the manner required by law, they are legal and valid as though made upon an order from the court. If use of a citation is authorized or required by statute, the citation may be issued by the clerk of the court on the request of a party or the party's attorney without a court order, unless an order is expressly required by statute.*

**Sec. 47.** *In addition to any order from which an appeal is expressly authorized pursuant to this chapter, an appeal may be taken to the Supreme Court within 30 days after its notice of entry from an order:*

*1. Granting or revoking letters of guardianship.*

*2. Directing or authorizing the sale or conveyance, or confirming the sale, of property of the estate of a ward.*

*3. Settling an account.*

*4. Ordering or authorizing a guardian to act pursuant to NRS 159.113.*



5. *Ordering or authorizing the payment of a debt, claim, devise, guardian's fees or attorney's fees.*

6. *Determining ownership interests in property.*

7. *Granting or denying a petition to enforce the liability of a surety.*

8. *Granting or denying a petition for modification or termination of a guardianship.*

9. *Granting or denying a petition for removal of a guardian or appointment of a successor guardian.*

**Sec. 47.5.** 1. *Before taking any of the following actions, the guardian shall petition the court for an order authorizing the guardian to:*

(a) *Make or change the last will and testament of the ward.*

(b) *Make or change the designation of a beneficiary in a will, trust, insurance policy, bank account or any other type of asset of the ward which includes the designation of a beneficiary.*

(c) *Create for the benefit of the ward or others a revocable or irrevocable trust of the property of the estate.*

(d) *Except as otherwise provided in this paragraph, exercise the right of the ward to revoke or modify a revocable trust or to surrender the right to revoke or modify a revocable trust. The court shall not authorize or require the guardian to exercise the right to revoke or modify a revocable trust if the instrument governing the trust:*

(1) *Evidences an intent of the ward to reserve the right of revocation or modification exclusively to the ward;*

(2) *Provides expressly that a guardian may not revoke or modify the trust; or*

(3) *Otherwise evidences an intent that would be inconsistent with authorizing or requiring the guardian to exercise the right to revoke or modify the trust.*

2. *The court may authorize the guardian to take any action described in subsection 1 if, after notice to any person who is adversely affected by the proposed action and an opportunity for a hearing, the guardian proves by clear and convincing evidence that:*

(a) *A person has committed or is about to commit any act, practice or course of conduct which operates or would operate as a fraud or act of exploitation upon the ward or estate of the ward and that person:*

(1) *Is designated as a beneficiary in or otherwise stands to gain from an instrument which was executed by or on behalf of the ward; or*

(2) *Will benefit from the lack of such an instrument; and*

(b) *A reasonably prudent person or the ward, if competent, would take the proposed action.*

3. *The petition must be signed by the guardian and contain:*  
(a) *The name, date of birth and current address of the ward;*  
(b) *A concise statement as to the condition of the ward's estate; and*  
(c) *A concise statement as to the necessity for the proposed action.*

4. *As used in this section:*

- (a) *"Exploitation" means any act taken by a person who has the trust and confidence of a ward or any use of the power of attorney of a ward to:*

*(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of the ward's money, assets or property.*

*(2) Convert money, assets or property of the ward with the intention of permanently depriving the ward of the ownership, use, benefit or possession of his money, assets or property.*

*As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.*

- (b) *"Fraud" means an intentional misrepresentation, deception or concealment of a material fact known to the person with the intent to deprive the ward of the ward's rights or property or to otherwise injure the ward.*

**Sec. 48.** NRS 159.013 is hereby amended to read as follows:

159.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 159.015 to 159.027, inclusive, *and section 2 of this act*, have the meanings ascribed to them in those sections.

**Sec. 49.** NRS 159.019 is hereby amended to read as follows:

159.019 "Incompetent" means an adult person who, by reason of mental illness, mental deficiency, disease, weakness of mind or any other cause, is unable, without assistance, properly to manage and take care of himself or his property ~~[-]~~, *or both. The term includes a mentally incapacitated person.*

**Sec. 50.** NRS 159.021 is hereby amended to read as follows:

159.021 ~~["Institution"]~~ *"Care provider"* includes any public or private institution located within or outside this state which provides facilities for the care or maintenance of incompetents, persons of limited capacity or minors.

**Sec. 51.** NRS 159.022 is hereby amended to read as follows:

159.022 A person is of "limited capacity" if ~~he~~:

1. *The person* is able to make independently some but not all of the decisions necessary for ~~his~~ *the person's* own care and the management of ~~his~~ *the person's* property ; and ~~has attained the age of majority.~~

**2. *The person is not a minor.***

**Sec. 52.** NRS 159.023 is hereby amended to read as follows:

159.023 “Minor” means any person who ~~[has not arrived at the age of majority as provided by the laws of Nevada.]~~ *is:*

*1. Less than 18 years of age; or*

*2. Less than 19 years of age if the guardianship is continued until the person reaches the age of 19 years pursuant to NRS 159.191.*

**Sec. 52.5.** NRS 159.026 is hereby amended to read as follows:

159.026 “Special guardian” means a guardian of a person of limited capacity ~~[ ]~~, *including, without limitation, such a guardian who is appointed because a person of limited capacity has voluntarily petitioned for the appointment and the court has determined that the person has the requisite capacity to make such a petition.*

**Sec. 53.** NRS 159.033 is hereby amended to read as follows:

159.033 ~~[The]~~ *Except as otherwise provided in this chapter, the* provisions of this chapter do not apply to guardians ad litem.

**Sec. 54.** NRS 159.035 is hereby amended to read as follows:

159.035 Any court of competent jurisdiction may appoint:

1. Guardians of the person, of the estate, or of the person and estate for resident incompetents or resident minors.

2. Guardians of the person or of the person and estate for incompetents or minors who, although not residents of this state, are physically present in this state and whose welfare requires such *an* appointment.

3. Guardians of the estate for nonresident incompetents or resident minors who have property within this state.

4. *Guardians of the person, of the estate, or of the person and estate for incompetents or minors who previously have been appointed by the court of another state and who provide proof of the filing of an exemplified copy of the order from the court of the other state that appointed the guardian and a bond issued in this state as ordered by the court of the other state. As used in this subsection, “guardian” includes, without limitation, a conservator.*

5. Special guardians.

6. *Guardians ad litem.*

**Sec. 55.** NRS 159.037 is hereby amended to read as follows:

159.037 1. The venue for the appointment of a guardian ~~[shall]~~ *must* be:

(a) The county where the proposed ward resides; or

(b) If the proposed ward does not reside in this state, any county in which any property of the proposed ward is located, or any county in which the proposed ward is physically present.

2. ~~[If, under paragraph (b) of subsection 1, the]~~ *If the proper* venue may ~~[properly]~~ be in two or more counties, ~~[then]~~ the county

in which the proceeding is first commenced ~~[shall be]~~ *is* the proper county in which to continue the proceedings.

*3. Upon the filing of a petition showing that the proper venue is inconvenient, a venue other than that provided in subsection 1 may accept the proceeding.*

**Sec. 56.** NRS 159.043 is hereby amended to read as follows:

159.043 *1.* All petitions filed in any guardianship proceeding must bear the title of the court and cause. ~~[It is sufficient for the caption to]~~

*2. The caption of all petitions and other documents filed in a guardianship proceeding must read, "In The Matter of the Guardianship of [....., (minor) a(n) ..... Ward" (adult); without designating the ward as an incompetent or a person of limited capacity.] ..... (the person, the estate, or the person and estate), ..... (the legal name of the person), ..... (adult or minor).*

**Sec. 57.** NRS 159.044 is hereby amended to read as follows:

159.044 *1.* Except as otherwise provided in NRS 127.045, a proposed ward, a governmental agency, a nonprofit corporation or any ~~[concerned]~~ *interested* person may petition the court for the appointment of a guardian.

*2. [The] To the extent the petitioner knows or reasonably may ascertain or obtain, the* petition must ~~[state:]~~ *include, without limitation:*

(a) The name and address of the petitioner.

(b) The name, ~~[age]~~ *date of birth* and *current* address of the proposed ward. ~~[If he]~~

(c) *A copy of one of the following forms of identification of the proposed ward which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:*

*(1) A social security number;*

*(2) A taxpayer identification number;*

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

*(4) A valid identification card number; or*

*(5) A valid passport number.*

*If the information required pursuant to this paragraph is not included with the petition, the information must be provided to the court not later than 60 days after the appointment of a guardian or as otherwise ordered by the court.*

(d) *If the proposed ward* is a minor, ~~[the petition must state]~~ the date on which he will attain the age of majority and ~~[whether he]~~

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

*(2) Whether the petitioner anticipates that the proposed ward will need guardianship after attaining the age of majority.*

~~[(e)]~~ (e) Whether the proposed ward is a resident or nonresident of this state.

~~[(d)]~~ (f) The names and addresses ~~[-, so far as they are known to the petitioner,]~~ of the *spouse of the proposed ward and the* relatives of the proposed ward *who are* within the second degree ~~[-~~

~~—(e)]~~ *of consanguinity.*

(g) The name, *date of birth* and *current* address of the proposed guardian.

~~[(f)]~~ ~~That]~~

(h) *A copy of one of the following forms of identification of the proposed guardian which must be placed in the records relating to the guardianship proceeding and, except as otherwise required to carry out a specific statute, maintained in a confidential manner:*

- (1) *A social security number;*
- (2) *A taxpayer identification number;*
- (3) *A valid driver's license number;*
- (4) *A valid identification card number; or*
- (5) *A valid passport number.*

(i) *Whether* the proposed guardian has ~~[-never]~~ *ever* been convicted of a felony ~~[-~~

~~—(g)]~~ *and, if so, information concerning the crime for which he was convicted and whether the guardian was placed on probation or parole.*

(j) A summary of the reasons why a guardian is needed ~~[-~~  
~~—(h)]~~ *and recent documentation demonstrating the need for a guardianship. The documentation may include, without limitation:*

- (1) *A certificate signed by a physician who is licensed to practice medicine in this state stating the need for a guardian;*
- (2) *A letter signed by any governmental agency in this state which conducts investigations stating the need for a guardian; or*
- (3) *A certificate signed by any other person whom the court finds qualified to execute a certificate stating the need for a guardian.*

(k) Whether the appointment of a general or a special guardian is sought.

~~[(i)]~~ (l) A general description and the probable value of the property of the proposed ward and any income to which ~~[-he]~~ *the proposed ward* is *or will be* entitled, if the petition is for the appointment of a guardian of the estate or a special guardian. If any money is paid or is payable to the proposed ward by the United States through the Department of Veterans Affairs, the petition must so state.

~~[(j)]~~ (m) The name and address of any person or ~~[-institution]~~ *care provider* having the care, custody or control of the proposed ward.

~~[(k)]~~ (n) The relationship, if any, of the petitioner to the proposed ward and the interest, if any, of the petitioner in the appointment.

~~[(l)]~~ (o) Requests for any of the specific powers set forth in NRS 159.117 to 159.175, inclusive, necessary to enable the guardian to carry out the duties of the guardianship.

~~[(m)]~~ (p) Whether the guardianship is sought as the result of an investigation of a report of abuse or neglect that is conducted pursuant to chapter 432B of NRS by an agency which provides child welfare services. As used in this paragraph, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(q) *Whether the proposed ward is a party to any pending criminal or civil litigation.*

(r) *Whether the guardianship is sought for the purpose of initiating litigation.*

(s) *Whether the proposed ward has executed a durable power of attorney for health care, a durable power of attorney for financial matters or a written nomination of guardian and, if so, who the named agents are for each document.*

**Sec. 58.** NRS 159.046 is hereby amended to read as follows:

159.046 1. Upon filing of the petition, or any time thereafter, the court may appoint ~~{an investigator to locate}~~ *one or more investigators to:*

(a) *Locate* persons who perform services needed by the proposed ward and other public and private resources available to ~~{him. The}~~ *the proposed ward.*

(b) *Determine any competing interests in the appointment of a guardian.*

(c) *Investigate allegations or claims which affect a ward or proposed ward.*

2. *An* investigator may be an employee of a social service agency, family service officer of the court , *public guardian, physician* or other qualified person.

~~{2. The investigator, if one is appointed,}~~

3. *An investigator* shall file with the court and parties a ~~{written report stating his opinion of the nature of the proposed ward's incapacity, if any, and of the}~~ *report concerning the scope of the appointment of the guardian and any special* powers which a guardian would need to assist the proposed ward.

4. *An investigator who is appointed pursuant to this section is entitled to reasonable compensation from the estate of the proposed ward. If the court finds that a person has unnecessarily or unreasonably caused the investigation, the court may order the person to pay to the estate of the proposed ward all or part of the expenses associated with the investigation.*

**Sec. 59.** NRS 159.047 is hereby amended to read as follows:

159.047 1. Except as otherwise provided in NRS 159.0475 and 159.049 to 159.0525, inclusive, ~~[the court,]~~ upon the filing of a petition under NRS 159.044, ~~[shall direct]~~ the clerk ~~[to]~~ *shall* issue a citation setting forth a time and place for the hearing and directing the persons or ~~[institutions]~~ *care provider* referred to in subsection 2 to appear and show cause why a guardian should not be appointed for the proposed ward.

2. A citation issued under subsection 1 must be served:

(a) ~~[If the proposed ward is an incompetent or a person of limited capacity:~~

~~— (1) Upon the spouse and adult children of the incompetent or person of limited capacity who are known to exist, or, if there are none, upon any parent, brother or sister of the incompetent or person of limited capacity;~~

~~— (2)] Upon a proposed ward who is 14 years of age or older;~~

(b) *Upon the spouse of the proposed ward and all other known relatives of the proposed ward who are:*

*(1) Fourteen years of age or older; and*

*(2) Within the second degree of consanguinity;*

(c) *Upon the parent or legal guardian of all known relatives of the proposed ward who are:*

*(1) Less than 14 years of age; and*

*(2) Within the second degree of consanguinity;*

(d) *If there is no spouse of the proposed ward and there are no known relatives of the proposed ward who are within the second degree of consanguinity to the proposed ward, upon the office of the public guardian of the county where the proposed ward resides; and*

(e) Upon any person or officer of ~~[an institution]~~ *a care provider* having the care, custody or control of the ~~[incompetent or person of limited capacity; and~~

~~— (3) Upon the incompetent or person of limited capacity.~~

~~— (b) If the] proposed ward . [is a minor:~~

~~— (1) Upon the parents of the minor;~~

~~— (2) Upon any person or officer of an institution having care, custody or control of the minor; and~~

~~— (3) If the minor is 14 years of age or older, upon the minor.]~~

**Sec. 60.** NRS 159.0475 is hereby amended to read as follows:

159.0475 1. A copy of the citation *issued pursuant to NRS 159.047* must be served by ~~[certified]~~ :

(a) *Certified* mail, with a return receipt requested, on each person required to be served ~~[in subsection 2 of]~~ *pursuant to* NRS 159.047 at least 20 days before the hearing ~~[;]~~ ; *or*



*(b) Personal service in the manner provided pursuant to N.R.C.P. 4(d) at least 10 days before the date set for the hearing on each person required to be served pursuant to NRS 159.047.*

2. If none of the persons on whom the citation is to be served can, after due diligence, be served by certified mail *or personal service* and this fact is proven, by affidavit, to the satisfaction of the court, service of the citation must be made *by publication* in the manner provided by N.R.C.P. 4(e). In all such cases, the citation must be published at least 20 days before the date set for the hearing.

3. A citation need not be served on a person or an officer of ~~[an institution]~~ *the care provider* who has signed the petition or a written waiver of service of citation or who makes a general appearance.

4. If the proposed ward is receiving money paid or payable by the United States through the Department of Veterans Affairs, a copy of the citation must be mailed to any office of the Department of Veterans Affairs in this state ~~[-~~

~~—5. Notice shall be deemed sufficient if each person who is required to be served is mailed a copy of the citation at his last known address by means of certified mail with return receipt requested, and either a postal receipt has been returned evidencing delivery or the letter has been returned marked undelivered, but if none of the family members to whom notices have been mailed have been served, as evidenced by the return letters, notice shall be deemed to be sufficient only upon proof of publication of the citation.], unless the Department of Veterans Affairs has executed a written waiver of service of citation.~~

5. *The court may find that notice is sufficient if:*

*(a) The citation has been served by certified mail, with a return receipt requested, or by personal service on the proposed ward, care provider or public guardian required to be served pursuant to NRS 159.047; and*

*(b) At least one relative of the proposed ward who is required to be served pursuant to NRS 159.047 has been served, as evidenced by the return receipt or the certificate of service. If the court finds that at least one relative of the proposed ward has not received notice that is sufficient, the court will require the citation to be published pursuant to subsection 2.*

**Sec. 61.** NRS 159.048 is hereby amended to read as follows:

159.048 The citation *issued pursuant to NRS 159.047* must state that the:

1. Proposed ward may be adjudged to be incompetent or of limited capacity and a guardian may be appointed for ~~[him:]~~ *the proposed ward;*

2. Proposed ward's rights may be affected as specified in the petition;

3. Proposed ward has the right to appear at the hearing and to oppose the petition; and

4. Proposed ward has the right to be represented by an attorney, who may be appointed for ~~him~~ *the proposed ward* by the court if ~~he~~ *the proposed ward* is unable to retain one.

**Sec. 62.** NRS 159.0485 is hereby amended to read as follows:

159.0485 *1. If an adult ward or proposed adult ward is unable to retain legal counsel and requests the appointment of counsel, at any stage ~~of a proceeding for~~ in a guardianship proceeding and whether or not ~~he~~ the adult ward or proposed adult ward lacks or appears to lack capacity, the court shall, at or before the time of the next hearing, appoint an attorney who works for legal aid services, if available, or a private attorney to represent ~~him. The attorney's fees must be paid from the estate of the ward or proposed ward to the extent possible.~~ the adult ward or proposed adult ward. The appointed attorney must represent the adult ward or proposed adult ward until relieved of the duty by court order.*

*2. Subject to the discretion and approval of the court, the attorney for the adult ward or proposed adult ward is entitled to reasonable compensation which must be paid from the estate of the adult ward or proposed adult ward. If the court finds that a person has unnecessarily or unreasonably caused the appointment of an attorney, the court may order the person to pay to the estate of the adult ward or proposed adult ward all or part of the expenses associated with the appointment of the attorney.*

**Sec. 63.** NRS 159.049 is hereby amended to read as follows:

159.049 The court may, without issuing a citation, appoint a guardian for the proposed ward if the:

1. Petitioner is a parent *who has sole legal and physical custody of the proposed ward as evidenced by a valid court order or birth certificate and who is* seeking the appointment of a guardian for ~~his~~ the minor child ~~who is in the lawful custody of the petitioner.~~ *of the parent.* If the proposed ward is a minor who is 14 years of age or older:

(a) The petition must be accompanied by the written consent of the minor to the appointment of the guardian; or

(b) The minor must consent to the appointment of the guardian in open court.

2. Petitioner is a foreign guardian of a nonresident proposed ward, and the petition is accompanied by ~~an authenticated~~ :

(a) *An exemplified* copy of the record of ~~his~~ *the* appointment of the foreign guardian; and ~~by evidence~~

(b) *Evidence* of the existing authority of the foreign guardian.

**Sec. 64.** NRS 159.052 is hereby amended to read as follows:

159.052 1. A petitioner may request the court to appoint a temporary guardian for a ward who is a minor and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward ~~is~~  
~~— (1) Faces~~ *faces* a substantial and immediate risk of physical harm or needs immediate medical attention; and

~~[(2) Lacks capacity to respond to the risk of harm or to obtain the necessary medical attention; and]~~

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 ~~is~~ *by telephone or in writing before the filing of the petition;*

(2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

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

(a) Finds reasonable cause to believe that the proposed ward ~~is unable to respond to~~ *may suffer* a substantial and immediate risk of physical harm or ~~[to a need for]~~ *needs* immediate medical attention; and

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047 ~~is~~ *, including, without limitation, notice of any hearing to extend the temporary guardianship.* If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after ~~the~~ *the petitioner* discovers the existence, identity and

location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. ~~[Within]~~ *Not later than* 10 days after the *date of the* appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in ~~[subsection 7,]~~ *subsections 7 and 8*, if the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

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

- (a) The provisions of NRS 159.0475 have been satisfied; or
- (b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

*8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than two 30-day periods.*

**Sec. 65.** NRS 159.0523 is hereby amended to read as follows:

159.0523 1. A petitioner may request the court to appoint a temporary guardian for a ward who is an adult and who is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention. To support the request, the petitioner must set forth in a petition and present to the court under oath:

- (a) Facts which show that the proposed ward:
  - (1) Faces a substantial and immediate risk of physical harm or needs immediate medical attention; and
  - (2) Lacks capacity to respond to the risk of harm or to obtain the necessary medical attention; and
- (b) Facts which show that:
  - (1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 ~~§~~ *by telephone or in writing before the filing of the petition;*
  - (2) The proposed ward would be exposed to an immediate risk of physical harm if the petitioner were to provide notice to the

persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

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

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) Finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this state which states that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047 ~~[-]~~, *including, without limitation, notice of any hearing to extend the temporary guardianship*. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after ~~the~~ *the petitioner* discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. ~~[-]~~ *Not later than* 10 days after the *date of the* appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in ~~subsection 7,~~ *subsections 7 and 8*, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of physical harm or to a need for immediate medical attention;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of physical harm or to a need for immediate medical attention.

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

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

***8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than two 30-day periods.***

**Sec. 66.** NRS 159.0525 is hereby amended to read as follows:

159.0525 1. A petitioner may request the court to appoint a temporary guardian for a ward who is unable to respond to a substantial and immediate risk of financial loss. To support the request, the petitioner must set forth in a petition and present to the court under oath:

(a) Facts which show that the proposed ward:

(1) Faces a substantial and immediate risk of financial loss; and

(2) Lacks capacity to respond to the risk of loss; and

(b) Facts which show that:

(1) The petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 ~~by~~ ***by telephone or in writing before the filing of the petition;***

(2) The proposed ward would be exposed to an immediate risk of financial loss if the petitioner were to provide notice to the persons entitled to notice pursuant to NRS 159.047 before the court determines whether to appoint a temporary guardian; or

(3) Giving notice to the persons entitled to notice pursuant to NRS 159.047 is not feasible under the circumstances.

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

(a) Finds reasonable cause to believe that the proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(b) Is satisfied that the petitioner has tried in good faith to notify the persons entitled to notice pursuant to NRS 159.047 or that giving notice to those persons is not feasible under the circumstances, or determines that such notice is not required pursuant to subparagraph (2) of paragraph (b) of subsection 1; and

(c) For a proposed ward who is an adult, finds that the petition required pursuant to subsection 1 is accompanied by:

(1) A certificate signed by a physician who is licensed to practice in this state which states that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(2) The affidavit of the petitioner which explains the reasons why the certificate described in subparagraph (1) is not immediately obtainable.

3. Except as otherwise provided in subsection 4, after the appointment of a temporary guardian, the petitioner shall attempt in good faith to notify the persons entitled to notice pursuant to NRS 159.047 ~~[-]~~, *including, without limitation, notice of any hearing to extend the temporary guardianship*. If the petitioner fails to make such an effort, the court may terminate the temporary guardianship.

4. If, before the appointment of a temporary guardian, the court determined that advance notice was not required pursuant to subparagraph (2) of paragraph (b) of subsection 1, the petitioner shall notify the persons entitled to notice pursuant to NRS 159.047 without undue delay, but not later than 48 hours after the appointment of the temporary guardian or not later than 48 hours after ~~the~~ *the petitioner* discovers the existence, identity and location of the persons entitled to notice pursuant to that section. If the petitioner fails to provide such notice, the court may terminate the temporary guardianship.

5. ~~[-]~~ *Not later than* 10 days after the *date of the* appointment of a temporary guardian pursuant to subsection 2, the court shall hold a hearing to determine the need to extend the temporary guardianship. Except as otherwise provided in ~~[-]~~ *subsections 7 and 8*, if the proposed ward is a minor and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days. Except as otherwise provided in subsection



7, if the proposed ward is an adult, the court may extend the temporary guardianship until a general or special guardian is appointed, but not for more than 30 days, if:

(a) The certificate required by subsection 2 has been filed and the court finds by clear and convincing evidence that the proposed ward is unable to respond to a substantial and immediate risk of financial loss; or

(b) The certificate required by subsection 2 has not been filed and the court finds by clear and convincing evidence that:

(1) The proposed ward is unable to respond to a substantial and immediate risk of financial loss;

(2) Circumstances have prevented the petitioner or temporary guardian from obtaining the certificate required pursuant to subsection 2; and

(3) The extension of the temporary guardianship is necessary and in the best interests of the proposed ward.

6. If the court appoints a temporary guardian or extends the temporary guardianship pursuant to this section, the court shall limit the powers of the temporary guardian to those necessary to respond to the substantial and immediate risk of financial loss.

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

(a) The provisions of NRS 159.0475 have been satisfied; or

(b) Notice by publication pursuant to N.R.C.P. 4(e) is currently being undertaken.

*8. In addition to any other extension granted pursuant to this section, the court may extend the temporary guardianship, for good cause shown, for not more than two 30-day periods.*

**Sec. 67.** NRS 159.0535 is hereby amended to read as follows:

159.0535 1. ~~[If the]~~ A proposed ward *who* is *found* in ~~[the State, he]~~ *this state* must attend the hearing ~~[unless the court for good cause excuses him from attending.]~~ *for the appointment of a guardian unless:*

*(a) A certificate signed by a physician who is licensed to practice in this state specifically states the condition of the proposed ward and the reasons why the proposed ward is unable to appear in court; or*

*(b) A certificate signed by any other person the court finds qualified to execute a certificate stating the condition of the proposed ward and the reasons why the proposed ward is unable to appear in court.*

2. If the proposed ward is not in ~~[the State, he]~~ *this state, the proposed ward* must attend the hearing only if the court determines that ~~[his]~~ *the attendance of the proposed ward* is necessary in the interests of justice.

**Sec. 68.** NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds the proposed ward competent and not in need of a guardian, ~~the~~ *the court* shall dismiss the petition.

2. If the court finds the proposed ward to be of limited capacity and in need of a special guardian, ~~the~~ *the court* shall enter ~~judgment~~ *an order* accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, ~~the~~ *the court* shall appoint ~~such~~ *a general* guardian of the ward's person, estate, or person and estate.

**Sec. 69.** NRS 159.055 is hereby amended to read as follows:

159.055 1. The petitioner has the burden of proving *by clear and convincing evidence* that the appointment of a guardian *of the person, of the estate, or of the person and estate* is necessary.

2. If it appears to the court that the allegations of the petition are sufficient and that a guardian should be appointed for the proposed ward, the court shall ~~make~~ *enter* an order appointing a guardian. The order must:

(a) Specify whether the guardian appointed is guardian of the person, of the estate, of the person and estate or a special guardian;

(b) Specify whether the ward is a resident or nonresident of this state;

(c) Specify the amount of the bond to be executed and filed by the guardian; and

(d) Designate the names and addresses, ~~[of the heirs at law and next of kin of the ward,]~~ so far as may be determined, *of:*

*(1) The relatives of the proposed ward* upon whom notice must be served ~~[-~~

~~3. Any notice required by the provisions of this chapter to be given the heirs at law and next of kin of the ward is sufficient if mailed to the persons listed in the order of appointment or in any amendment to that order which may be made by the court.] pursuant to NRS 159.047; and~~

*(2) Any other interested person.*

3. *A notice of entry of the court order must be sent to:*

*(a) The relatives of the proposed ward upon whom notice must be served pursuant to NRS 159.047; and*

*(b) Any other interested person.*

**Sec. 70.** NRS 159.057 is hereby amended to read as follows:

159.057 1. Where the appointment of a guardian is sought for two or more proposed wards who are children of a common parent, parent and child or husband and wife, it is not necessary that separate petitions, bonds and other papers be filed with respect to each proposed ward or wards.

2. If a guardian is appointed for such wards, the guardian ~~{shall}~~ :

(a) *Shall* keep separate accounts of the estate of each ward ~~{, may}~~ ;

(b) *May* make investments for each ward ~~{, may}~~ ;

(c) *May* compromise and settle claims against one or more wards ~~{, and may}~~ ; and

(d) *May* sell, lease, mortgage or otherwise manage the property of one or more wards.

3. The guardianship may be terminated with respect to less than all the wards in the same manner as provided by law with respect to a guardianship of a single ward.

**Sec. 71.** NRS 159.059 is hereby amended to read as follows:

159.059 Any qualified person or entity that the court finds suitable may serve as a guardian. A person is not qualified to serve as a guardian who:

1. Is an incompetent.

2. Is a minor.

3. Has been convicted of a felony ~~{,}~~ , *unless the court finds that it is in the best interests of the ward to appoint the convicted felon as the guardian of the ward.*

4. Has been suspended for misconduct or disbarred from ~~{the}~~ :

(a) *The* practice of law ;

(b) *The practice of accounting; or*

(c) *Any other profession which:*

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

(2) *Requires licensure in this state or any other state,*  
during the period of the suspension or disbarment.

5. Is a nonresident of this state and ~~{has not:~~

~~—(a) Associated}~~ :

(a) *Is not a foreign guardian of a nonresident proposed ward pursuant to subsection 2 of NRS 159.049;*

(b) *Has not associated* as a coguardian, a resident of this state or a banking corporation whose principal place of business is in this state; and

~~{(b) Caused the appointment to be filed}~~

(c) *Is not a petitioner* in the guardianship proceeding.

6. Has been judicially determined, by clear and convincing evidence, to have committed abuse, neglect or exploitation of a child, spouse, parent or other adult ~~{,}~~ , *unless the court finds that it is in the best interests of the ward to appoint the person as the guardian of the ward.*

**Sec. 72.** NRS 159.061 is hereby amended to read as follows:

159.061 1. The parents of a minor, or either parent, if qualified and suitable, are preferred over all others for appointment

as guardian for the minor. *The appointment of a parent as a guardian of the person must not conflict with a valid order for custody of the minor.* In determining whether the parents of a minor, or either parent, is qualified and suitable, the court shall consider, without limitation:

- (a) Which parent has physical custody of the minor;
- (b) The ability of the parents or parent to provide for the basic needs of the child, including, without limitation, food, shelter, clothing and medical care;
- (c) Whether the parents or parent has engaged in the habitual use of alcohol or any controlled substance during the previous 6 months, except the use of marijuana in accordance with the provisions of chapter 453A of NRS; and
- (d) Whether the parents or parent has been convicted of a crime of moral turpitude, a crime involving domestic violence or a crime involving the exploitation of a child.

2. Subject to the preference set forth in subsection 1, the court shall appoint as guardian for an incompetent, a person of limited capacity or minor the qualified person who is most suitable and is willing to serve.

3. In determining who is most suitable, the court shall give consideration, among other factors, to:

(a) Any request for the appointment as guardian for an incompetent contained in a written instrument executed by the incompetent while competent.

(b) Any nomination of a guardian for an incompetent, minor or person of limited capacity contained in a will or other written instrument executed by a parent or spouse of the proposed ward.

(c) Any request for the appointment as guardian for a minor 14 years of age or older made by the minor.

(d) The relationship by blood, *adoption* or marriage of the proposed guardian to the proposed ward. *In considering preferences of appointment, the court may consider relatives of the half blood equally with those of the whole blood. The court may consider relatives in the following order of preference:*

- (1) Spouse.*
- (2) Adult child.*
- (3) Parent.*
- (4) Adult sibling.*
- (5) Grandparent or adult grandchild.*
- (6) Uncle, aunt, adult niece or adult nephew.*

(e) Any recommendation made by a *master of the court or* special master pursuant to NRS 159.0615.

*(f) Any request for the appointment of any other interested person that the court deems appropriate.*

4. *If the court finds that there is no suitable person to appoint as guardian pursuant to subsection 3, the court may appoint as guardian:*

(a) *The public guardian of the county where the ward resides, if:*

(1) *There is a public guardian in the county where the ward resides; and*

(2) *The proposed ward qualifies for a public guardian pursuant to chapter 253 of NRS; or*

(b) *A private fiduciary who may obtain a bond in this state and who is a resident of this state, if the court finds that the interests of the ward will be served appropriately by the appointment of a private fiduciary.*

**Sec. 73.** NRS 159.0615 is hereby amended to read as follows:

159.0615 1. If the court determines that a person ~~[is]~~ *may be* in need of a guardian, ~~[pursuant to NRS 159.054,]~~ the court may order the appointment of *a master of the court or* a special master from among the members of the State Bar of Nevada to conduct a hearing to identify the person most qualified and suitable to serve as guardian for the proposed ward.

2. Not later than 5 calendar days after *the date of* the hearing, the *master of the court or* special master shall prepare and submit to the court ~~[his]~~ *a* recommendation regarding which person is most qualified and suitable to serve as guardian for the proposed ward.

**Sec. 74.** NRS 159.0617 is hereby amended to read as follows:

159.0617 If the court *or a master of the court* or ~~[a]~~ special master appointed pursuant to NRS 159.0615 finds that ~~[a person, including, but not limited to,]~~ a parent or other relative, teacher, friend or neighbor of a proposed ward ~~[:]~~ *or any other interested person:*

1. Has a personal interest in the well-being of the proposed ward; or

2. Possesses information that is relevant to the determination of who should serve as guardian for the proposed ward, the court *or a master of the court* or ~~[a]~~ special master appointed pursuant to NRS 159.0615 may allow the person to testify at any hearing held pursuant to this chapter to determine the person most qualified and suitable to serve as guardian for the proposed ward.

**Sec. 75.** NRS 159.065 is hereby amended to read as follows:

159.065 1. Except as otherwise provided by law, every guardian shall, before entering upon his duties as guardian, execute and file in the guardianship proceeding a bond, with sufficient surety or sureties, in such amount as the court determines necessary for the protection of the ward and the estate of the ward, and conditioned upon the faithful discharge by the guardian of his authority and duties according to law. The bond ~~[shall]~~ *must* be

approved by the clerk. Sureties ~~[shall]~~ *must* be jointly and severally liable with the guardian and with each other.

2. If a banking corporation, as defined in NRS 657.016, doing business in this state, is appointed guardian of the estate of a ward, no bond ~~[shall-be]~~ *is* required of ~~[such]~~ *the* guardian, unless specifically required by the court.

3. Joint guardians may unite in a bond to the ward or wards, or each may give a separate bond.

4. If there are no assets of the ward, no bond ~~[shall-be]~~ *is* required of the guardian.

5. If a person is appointed in a will to be guardian and the will provides that no bond is to be required of ~~[such]~~ *the* guardian, the court may direct letters of guardianship to issue to the ~~[person-on-his-taking-and-subscribing]~~ *guardian after the guardian:*

(a) *Takes and subscribes* the oath of office ; and ~~[filing-his]~~

(b) *Files the appropriate documents which contain the full legal name and address* ~~[in the proceeding.]~~ *of the guardian.*

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

**Sec. 76.** NRS 159.073 is hereby amended to read as follows:

159.073 Every guardian shall, before entering upon his duties as guardian and before letters of guardianship may issue ~~[, take]~~ :

1. *Take* and subscribe the official oath ~~[and file in the proceeding his name, residence and post office address. The oath, to be]~~ *which must:*

(a) *Be* endorsed on the letters of guardianship ~~[must state that he]~~ ; and

(b) *State that the guardian* will well and faithfully perform the duties of guardian according to law.

2. *File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and his residence and post office addresses.*

**Sec. 77.** NRS 159.074 is hereby amended to read as follows:

159.074 ~~[Before letters of guardianship may issue, a]~~

1. *A* copy of the order appointing the guardian must be served personally or by mail upon the ward ~~[.]~~ *not later than 5 days after the date of the appointment of the guardian.*

2. The order must contain the names, addresses and telephone numbers of the guardian, the ward's attorney, if any, and the investigator.

3. *A notice of entry of the order must be filed with the court.*

**Sec. 78.** NRS 159.075 is hereby amended to read as follows:

159.075 When a guardian has taken the official oath and filed a bond as provided ~~herein,~~ *in this chapter*, the court shall ~~cause to be issued~~ *order* letters of guardianship to *issue to* the guardian. Letters of guardianship may be in the following form:

STATE OF NEVADA        }  
                                      }ss.  
COUNTY OF ..... }

~~[To All To Whom These Presents Come, Greeting:~~

~~Know Ye, that on]~~ *On* ..... (month) ..... (day) .....(year)  
the ..... Judicial District Court, ..... County, State of  
Nevada, appointed..... (name of guardian)  
.....(guardian of the person or estate or person and  
estate or special guardian) for ....., (name of ward) a(n)  
....., (minor or adult) that the named guardian has  
qualified and has the authority and shall perform the duties of  
..... (guardian of the  
person or estate or person and estate or special guardian) for the  
named ward 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. 79.** NRS 159.079 is hereby amended to read as follows:

159.079 1. Except as otherwise ordered by the court, a guardian of the person has the care, custody and control of the person of the ward, and has the authority and, subject to subsection 2, shall perform the duties necessary for the proper care, maintenance, education and support of the ward, including the following:

(a) Supplying the ward with food, clothing, shelter and all incidental necessities.

(b) Authorizing medical, surgical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the ward.



(c) Seeing that the ward is properly trained and educated and that ~~he~~ *the ward* has the opportunity to learn a trade, occupation or profession.

2. In the performance of the duties enumerated in subsection 1 by a guardian of the person, due regard must be given to the extent of the estate of the ward. A guardian of the person is not required to incur expenses on behalf of the ward except to the extent that the estate of the ward is sufficient to reimburse the guardian.

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

**Sec. 80.** NRS 159.0795 is hereby amended to read as follows:

159.0795 *1. A special guardian shall exercise ~~his~~ supervisory authority over the ward in a manner which is least restrictive of the ward's personal freedom and which is consistent with the ward's need for supervision and protection.*

*2. A special guardian has the powers set forth in the order appointing the special guardian and any other powers given to him in an emergency which are necessary and consistent to resolve the emergency or protect the ward from imminent harm.*

**Sec. 81.** NRS 159.0801 is hereby amended to read as follows:

159.0801 *1. Except when responding to an emergency, a special guardian of a person of limited capacity shall apply to the court for instruction or approval before commencing any act relating to the person of limited capacity.*

2. The court may grant a special guardian of a person of limited capacity the power to manage and dispose of ~~his ward's~~ *the* estate of *the ward* pursuant to NRS 159.117 to 159.175, inclusive, and perform any other act relating to the ward upon specific instructions or approval of the court.

**Sec. 82.** NRS 159.0805 is hereby amended to read as follows:

159.0805 ~~[A]~~

*1. Except as otherwise provided in subsection 2, a guardian shall not consent to :*

*(a) The experimental , medical, biomedical or behavioral treatment ~~of a ward~~;*

*(b) The sterilization of a ward ~~or to the ward's~~ ;*

*(c) The participation of a ward in any biomedical or behavioral experiment ~~unless he is specifically empowered to do so by the court.~~ ; or*

*(d) The commitment of a ward to a mental health facility.*

*2. The guardian may consent to and commence any treatment, experiment or commitment described in subsection 1 if the guardian applies to and obtains from the court authority to consent to and commence the treatment, experiment or commitment.*

3. The court may authorize ~~[experimental treatment or participation]~~ *the guardian to consent to and commence any treatment, experiment or commitment described in subsection 1* only if ~~[-~~

~~1. It is]~~ *the treatment, experiment or commitment:*

(a) *Is* of direct benefit to, and intended to preserve the life *of* or prevent serious impairment to the mental or physical health of, the ward; or

~~[2. It is]~~

(b) *Is* intended to assist the ward to develop or regain ~~[his]~~ *the ward's* abilities.

**Sec. 83.** NRS 159.081 is hereby amended to read as follows:

159.081 1. A guardian of the person shall make and file in the guardianship proceeding *for review of the court* a written report on the condition of the ward and the exercise of authority and performance of duties by the guardian:

(a) Annually ~~[within]~~ *, not later than* 60 days after the anniversary date of ~~[his appointment;]~~ *the appointment of the guardian;* and

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

2. The guardian of the person shall give to the guardian of the estate, if any, a copy of each report ~~[within]~~ *not later than* 30 days after ~~[such report has been]~~ *the date the report is* filed with the court.

3. *The court is not required to hold a hearing or enter an order regarding the report.*

**Sec. 84.** NRS 159.085 is hereby amended to read as follows:

159.085 1. ~~[Within]~~ *Not later than* 60 days after the date of ~~[his appointment;]~~ *the appointment of a general or special guardian of the estate* or, if necessary, such further time as the court may allow, ~~[a guardian of the estate]~~ *the guardian* shall make and file in the guardianship proceeding a verified inventory of all *of* the property of the ward which comes to ~~[his]~~ *the* possession or knowledge ~~[-]~~ *of the guardian.*

2. *A temporary guardian of the estate who is not appointed as the general or special guardian shall file an inventory with the court by not later than the date on which the temporary guardian files a final accounting as required pursuant to NRS 159.177.*

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

(a) *All of the estate of the ward which has come into the possession of the guardian;*

(b) *All of the money that belongs to the ward; and*

(c) *All of the just claims of the ward against the guardian.*

4. Whenever any property of the ward not mentioned in the inventory comes to the possession or knowledge of a guardian of the estate, ~~he shall make~~ *the guardian shall:*

(a) *Make* and file in the proceeding a verified supplemental inventory ~~within~~ *not later than* 30 days after *the date* the property comes to ~~his~~ *the* possession or knowledge *of the guardian;* or ~~include~~

(b) *Include* the property in ~~his~~ *the* next accounting.

5. The court may order which of the two methods *described in subsection 4* the guardian shall follow.

~~[3.]~~ 6. The court may order all or any part of the property of the ward appraised as provided in ~~[NRS 144.020, 144.025, 144.030, 144.070 and 144.090.]~~ *sections 6 and 7 of this act.*

7. *If the guardian neglects or refuses to file the inventory within the time required pursuant to subsection 1, the court may, for good cause shown and upon such notice as the court deems appropriate:*

(a) *Revoke the letters of guardianship and the guardian shall be liable on the bond for any loss or injury to the estate caused by the neglect of the guardian; or*

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

Sec. 85. NRS 159.087 is hereby amended to read as follows:

159.087 ~~[Within]~~ *Not later than* 60 days after the date of ~~his appointment,~~ *the appointment of* a guardian of the estate, *the guardian* shall cause to be recorded, in the official records of each county in which real property of the ward is ~~[situated]~~ *located* other than the county in which the guardian is appointed, a copy, certified by the clerk of the court, of the ~~[order of appointment.]~~ *letters of guardianship.*

Sec. 86. NRS 159.089 is hereby amended to read as follows:

159.089 1. A guardian of the estate shall take possession of ~~all~~ :

(a) *All of* the property of substantial value of the ward ~~[, of rents,]~~ ;

(b) *Rents*, income, issues and profits from ~~[such]~~ *the* property, whether accruing before or after the appointment of the guardian ~~[, and of the]~~ ; *and*

(c) *The* proceeds from the sale, mortgage, lease or other disposition of ~~[such]~~ *the* property.

2. The guardian may permit the ward to have possession and control of ~~[such]~~ *the* personal property and funds as are appropriate to the needs and capacities of the ward.

3. The title to all property of the ward is in the ward and not in the guardian.

*4. A guardian shall secure originals, when available, or copies of any:*

- (a) Contract executed by the ward;*
- (b) Power of attorney executed by the ward;*
- (c) Estate planning document prepared by the ward, including, without limitation, a last will and testament, durable power of attorney and revocable trust of the ward;*
- (d) Revocable or irrevocable trust in which the ward has a vested interest as a beneficiary; and*
- (e) Writing evidencing a present or future vested interest in any real or intangible property.*

**Sec. 87.** NRS 159.091 is hereby amended to read as follows:

159.091 Upon the filing of a petition in the guardianship proceeding by the guardian, the ward or any other interested person, alleging that any person is indebted to the ward, has or is suspected of having concealed, embezzled, converted or disposed of any property of the ward or has possession or knowledge of any such property or of any writing relating to such property, the court may require ~~[such]~~ *the* person to appear and answer under oath concerning the matter. ~~[, and proceed as provided in NRS 143.110 and 143.120.]~~

**Sec. 88.** NRS 159.093 is hereby amended to read as follows:

159.093 **1.** A guardian of the estate ~~[shall demand,]~~ :

*(a) Shall demand all debts and other choses in action due to the ward; and*

*(b) With prior approval of the court, may* sue for and receive all debts and other choses in action due to the ward.

**2.** A guardian of the estate, with prior approval of the court by order, may compound or compromise any ~~[such]~~ debt or other chose in action *due the ward* and give a release and discharge to the debtor or other obligor.

**Sec. 89.** NRS 159.095 is hereby amended to read as follows:

159.095 **1.** A guardian of the estate shall appear for and represent the ward in all actions, suits or proceedings to which the ward is a party, unless a guardian ad litem is appointed in the action, suit or proceeding. *If a guardian ad litem is appointed in the action, suit or proceeding, the guardian of the estate shall notify the court that the guardian ad litem has been appointed in the action, suit or proceeding.*

**2.** *Upon final resolution of the action, suit or proceeding, the guardian of the estate shall notify the court of the outcome of the action, suit or proceeding.*

**3.** If the person of the ward would be affected by the outcome of any action, suit or proceeding, the guardian of the person, if any, should be joined to represent the ward in ~~[such]~~ *the* action, suit or proceeding.

**Sec. 90.** NRS 159.105 is hereby amended to read as follows:  
159.105 ~~[A]~~

*1. Other than claims for attorney's fees that are subject to the provisions of subsection 3, a guardian of the estate may pay from the guardianship estate ~~[his own]~~ the following claims without complying with the provisions of this section and NRS 159.107 and 159.109:*

*(a) The guardian's claims against the ward or the estate ; and*

*(b) Any claims accruing after the appointment of the guardian ~~[arising]~~ which arise from contracts entered into by the guardian on behalf of the ward . ~~[, without complying with NRS 159.105 to 159.109, inclusive, but such]~~*

*2. The guardian shall report all claims and the payment ~~[thereof shall be reported by the guardian in his account made and filed]~~ of claims made pursuant to subsection 1 in the account that the guardian makes and files in the guardianship proceeding following each ~~[such]~~ payment.*

*3. Claims for attorney's fees which are associated with the commencement and administration of the guardianship of the estate:*

*(a) May be made at the time of the appointment of the guardian of the estate or any time thereafter; and*

*(b) May not be paid from the guardianship estate unless the payment is made in compliance with the provisions of this section and NRS 159.107 and 159.109.*

**Sec. 91.** NRS 159.109 is hereby amended to read as follows:

159.109 1. A guardian of the estate shall examine each claim presented to him ~~[.]~~ *for payment.* If the guardian is satisfied that the claim is *appropriate and* just, ~~[he]~~ *the guardian* shall:

*(a) Endorse upon ~~[it]~~ the claim the words "examined and allowed" and the date;*

*(b) Officially subscribe ~~[such]~~ the notation; and*

*(c) Pay the claim from the guardianship estate.*

2. If the guardian is not satisfied that the claim is just, ~~[he]~~ *the guardian* shall:

*(a) Endorse upon ~~[it]~~ the claim the words "examined and rejected" and the date;*

*(b) Officially subscribe ~~[such]~~ the notation; and*

*(c) ~~[Within]~~ Not later than 60 days after the date the claim was presented to the guardian, notify the claimant by personal service or by mailing a notice by registered or certified mail that the claim was rejected.*

**Sec. 92.** NRS 159.111 is hereby amended to read as follows:

159.111 1. If, ~~[within]~~ *not later than* 60 days after the date the claim was presented to the guardian, a rejected claim is returned to the claimant or the guardian of the estate fails to approve or reject

and return a claim, the claimant, before the claim is barred by the statute of limitations, may:

(a) File *a petition for approval of* the ~~{claim or a like}~~ *rejected* claim in the guardianship proceeding for summary determination by the court; or

(b) Commence an action or suit on the claim ~~{. Such action or suit shall be brought}~~ against the guardian in ~~{his}~~ *the guardian's* fiduciary capacity and any judgment or decree obtained ~~{shall}~~ *must* be satisfied only from property of the ward.

2. If a claimant files a *request for approval of a rejected* claim or a like claim in the guardianship proceeding for summary determination, the claimant shall serve notice ~~{of such filing}~~ *that he has filed such a request* on the guardian. ~~{Within}~~

3. *Not later than* 20 days after ~~{such}~~ *the date of* service, the guardian may serve notice of objection to summary determination on the claimant. ~~{and file a copy of such notice in the guardianship proceeding.}~~ If the guardian serves ~~{such}~~ *the claimant with* notice and files ~~{such copy.}~~ *a copy of the notice with the court, the court shall not enter a* summary determination ~~{shall not be had.}~~ *and the claimant may commence an action or suit on the claim against the guardian in the guardian's fiduciary capacity as provided in subsection 1.*

4. If the guardian fails to serve ~~{such notice and file such copy}~~ *the claimant with notice of objection to summary determination or file a copy of the notice with the court*, the court ~~{after notice to the claimant and guardian, shall hear}~~ *shall*:

(a) *Hear* the matter ~~{,}~~ *and* determine the claim or like claim in a summary manner; and ~~{make an}~~

(b) *Enter an* order allowing or rejecting the claim, either in whole or in part. No appeal may be taken from ~~{such order.}~~

~~—3. If the guardian rejects summary determination of the claim, the claimant may then commence an action or suit on the claim as provided in subsection 1.}~~ *the order.*

**Sec. 93.** NRS 159.113 is hereby amended to read as follows:

159.113 1. ~~{At any time after his appointment,}~~ *Before taking any of the following actions*, the guardian ~~{of the estate may}~~ *shall* petition the court for an order authorizing the guardian to:

(a) Invest the property of the ward.

(b) Continue the business of the ward.

(c) Borrow money for the ward.

(d) ~~{Enter}~~ *Except as otherwise provided in NRS 159.079, enter* into contracts for the ward or complete the performance of contracts of the ward.

(e) Make gifts from the ward's estate or make expenditures for the ward's relatives.

(f) Sell, lease, place into any type of trust or surrender any property of the ward.

(g) Exchange or partition the ward's property.

(h) Obtain advice, instructions and approval of any other proposed act of the guardian relating to the ward's property.

(i) Release the power of the ward as trustee, personal representative, custodian for a minor or guardian.

(j) Exercise or release the power of the ward as a donee of a power of appointment.

(k) Change the state of residence or domicile of the ward.

*(l) Exercise the right of the ward to take under or against a will.*

*(m) Transfer to a trust created by the ward any property unintentionally omitted from the trust.*

*(n) Submit a revocable trust to the jurisdiction of the court if:*

*(1) The ward or the spouse of the ward, or both, are the grantors and sole beneficiaries of the income of the trust; or*

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

*(o) Take any other action which the guardian deems would be in the best interests of the ward.*

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

(a) The name, age, residence and address of the ward.

(b) A concise statement as to the condition of the ward's estate.

(c) A concise statement as to the advantage to the ward of or the necessity for the proposed action.

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

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

4. A petition filed pursuant to paragraphs (b) and (d) of subsection 1 may be consolidated in and filed with the petition for *the* appointment of the guardian, and if the guardian is appointed the court may enter additional orders authorizing the guardian to continue the business of the ward, enter contracts for the ward, or to complete contracts of the ward.

**Sec. 94.** NRS 159.115 is hereby amended to read as follows:

159.115 1. Upon the filing of any petition under NRS 159.113 ~~[.]~~ *or section 47.5 of this act*, or any account, notice must be given ~~[in accordance with NRS 155.010 to 155.090, inclusive.]~~ :

*(a) At least 10 days before the date set for the hearing, by mailing a copy of the notice by regular mail to the residence, office or post office address of each person required to be notified pursuant to subsection 3;*



(b) *At least 10 days before the date set for the hearing, by personal service;*

(c) *If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing a copy of the notice in a newspaper of general circulation in the county where the hearing is to be held, the last publication of which must be published at least 10 days before the date set for the hearing; or*

(d) *In any other manner ordered by the court, for good cause shown.*

2. The notice must:

- (a) Give the name of the ward.
- (b) Give the name of the petitioner.
- (c) Give the date, time and place of the hearing.
- (d) State the nature of the petition.

(e) Refer to the petition for further particulars, and notify all persons interested to appear at the time and place mentioned in the notice and show cause why the *court* order should not be made.

~~[2.]~~ 3. At least 10 days before the ~~[day of]~~ *date set for* the hearing, the petitioner shall cause a copy of the notice to be mailed to the following:

(a) Any minor ward ~~[over the age of]~~ *who is* 14 years ~~[.]~~ *of age or older or the parent or legal guardian of any minor ward who is less than 14 years of age.*

(b) The *spouse of the ward and other* heirs ~~[at law and next of kin]~~ *of the ward who are related within the second degree of consanguinity* so far as known to the petitioner. ~~[.]~~ *of the ward.*

(c) The guardian of the person of the ward, if ~~[he]~~ *the guardian* is not the petitioner.

(d) Any person or ~~[institution]~~ *care provider* having the care, custody or control of the ward.

(e) Any office of the Department of Veterans Affairs in this state if the ward is receiving any payments or benefits through the Department of Veterans Affairs.

(f) Any other interested person or his attorney who has filed a request for notice in the guardianship proceeding and served a copy of the request upon the guardian. The request for notice must state the interest of the person filing the request, and his name and address, or that of his attorney. If the notice so requests, copies of all petitions and accounts must be mailed to ~~[that]~~ *the interested* person or his attorney.

4. *An interested person who is entitled to notice pursuant to subsection 3 may, in writing, waive notice of the hearing of a petition.*

5. *Proof of giving notice must be:*

(a) *Made on or before the date set for the hearing; and*

***(b) Filed in the guardianship proceeding.***

**Sec. 95.** NRS 159.117 is hereby amended to read as follows:

159.117 1. Upon approval of the court by order, a guardian of the estate may:

(a) Invest the property of the ward, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the ward to purchase or exchange securities or other property.

2. A guardian of the estate may, without securing the prior approval of the court, invest the property of the ward in the following:

(a) Savings accounts in any bank, credit union or savings and loan association in this state, to the extent that ~~such~~ *the* deposits are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

(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 wards may invest the property of two or more of the wards in property in which each ward whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each ward in the investment and in the income, profits or proceeds therefrom.

***4. Upon approval of the court, for a period authorized by the court, a guardian of the estate may maintain the assets of the ward in the manner in which the ward had invested the assets before the ward's incapacity.***

**Sec. 96.** NRS 159.119 is hereby amended to read as follows:

159.119 A guardian of the estate, with prior approval of the court by order, may continue any business of the ward. The order may provide for any one or more of the following:

1. The conduct or reorganization of the business solely by the guardian, jointly by the guardian with one or more of the ward's partners , *shareholders, members,* or joint venturers or as a

corporation *or limited-liability company* of which the ward is or becomes a shareholder ~~or~~ *or member*.

2. The extent to which the guardian may incur liability of the estate of the ward for obligations arising from the continuation of the business.

3. Whether liabilities incurred in the conduct of the business are to be chargeable solely to the part of the estate of the ward allocated for use in the business or to the estate as a whole.

4. The period of time during which the business may be conducted.

5. ~~Such~~ *Any* other conditions, restrictions, regulations and requirements as the court considers proper.

**Sec. 97.** NRS 159.125 is hereby amended to read as follows:

159.125 *1.* A guardian of the estate, with prior approval of the court by order, may, from the estate of the ward which is not necessary for the proper care, maintenance, education and support of the ward and of persons to whom the ward owes a legal duty of support:

~~1-1~~ *(a)* Make reasonable gifts directly, or into a trust, on behalf of the ward.

~~1-2~~ *(b)* Provide for or contribute to the care, maintenance, education or support of persons who are or have been related to the ward by blood, *adoption* or marriage.

~~1-3~~ *(c)* Pay or contribute to the payment of reasonable expenses of remedial care and treatment for and the funeral and burial of persons who are or have been related to the ward by blood, *adoption* or marriage.

*2. Any petition filed by a guardian pursuant to this section must state whether:*

*(a) The purpose of the guardian in seeking approval to make the gift, payment or contribution is to dispose of assets to make the ward eligible for Medicaid; and*

*(b) Making the gift, payment or contribution will cause the ward to become eligible for Medicaid.*

**Sec. 98.** NRS 159.132 is hereby amended to read as follows:

159.132 *1.* Any interest of a ward in real or personal property, including interests in contracts and choses in action, may be sold pursuant to this chapter.

*2.* The interest of a ward in a partnership *or limited-liability company* may be sold as personal property, and another partner *or member* may be the purchaser.

**Sec. 99.** NRS 159.134 is hereby amended to read as follows:

159.134 *1.* All sales of real ~~for personal~~ property of a ward must be ~~made in the same manner as the property of the estate of a decedent is sold under NRS 148.060 and 148.080 to 148.400, inclusive.] :~~

- (a) *Reported to the court; and*
- (b) *Confirmed by the court before the title to the real property passes to the purchaser.*

2. *The report and a petition for confirmation of the sale must be filed with the court not later than 30 days after the date of each sale.*

3. *The court shall set the date of the hearing and give notice of the hearing in the manner required pursuant to NRS 159.115 or as the court may order.*

4. *An interested person may file written objections to the confirmation of the sale. If such objections are filed, the court shall conduct a hearing regarding those objections during which the interested person may offer witnesses in support of the objections.*

5. *Before the court confirms a sale, the court must find that notice of the sale was given in the manner required pursuant to sections 16, 17 and 18 of this act.*

**Sec. 100.** NRS 159.161 is hereby amended to read as follows:

159.161 1. Petitions to secure court approval of any lease ~~{shall describe}~~ :

(a) *Must include the parcel number assigned to the property to be leased ~~{with reasonable certainty}~~ and the physical address of the property, if any; and*

(b) *Must* set forth the proposed fixed rental, the duration of the lease and a brief description of the duties of the proposed lessor and lessee.

2. Upon the hearing of ~~{such petition,}~~ *a petition pursuant to subsection 1*, if the court is satisfied that ~~{such}~~ *the* lease is for the best interests of the ward and ~~{his estate, it}~~ *the estate of the ward, the court* shall enter an order authorizing the guardian to enter into ~~{such}~~ *the* lease.

**Sec. 101.** NRS 159.165 is hereby amended to read as follows:

159.165 1. If the property to be leased consists of mining claims, an interest in ~~{such}~~ *the mining* claims, property worked as a mine or lands containing oil, gas, steam, gravel or any minerals, the court may authorize the guardian to enter into a lease which provides for payment by the lessee of a royalty, in money or in kind, in lieu of a fixed rental. The court may also authorize the guardian to enter into a lease which provides for a pooling agreement or authorizes the lessee to enter into pooling or other cooperative agreements with lessees, operators or owners of other lands and minerals for the purpose of bringing about the cooperative development and operation of any mine, oil field or other unit of which the ward's property is a part.

2. If the proposed lease contains an option to purchase, and the property to be sold under the option consists of mining claims,

property worked as a mine, or interests in oil, gas, steam, gravel or any mineral, which has a speculative or undefined market value, the court may authorize the guardian to enter into such a lease and sales agreement or give an option to purchase without requiring the property to be sold at public auction or by private sale in the manner required by this chapter for sales of other real property.

3. If the petition filed pursuant to this section requests authority to enter into a lease with an option to purchase, in addition to the notice required by ~~[NRS 159.115,]~~ *section 43 of this act*, the guardian shall publish a copy of the notice at least twice, the first publication to be at least 10 days prior to the date set for the hearing and the second publication to be not earlier than ~~[1-week]~~ *7 days* after the *date of the* first publication. ~~[Such notice shall]~~ *The notice must* be published in ~~[a]~~ :

(a) A newspaper *that is* published in the county where the property is ~~[situated, or if]~~ *located; or*

(b) *If* no newspaper is published in ~~[such county, then in]~~ *the county where the property is located*, a newspaper of general circulation in ~~[such county,]~~ *that county which is* designated by the court.

**Sec. 102.** NRS 159.169 is hereby amended to read as follows:

159.169 1. A guardian of the estate may petition the court for advice and instructions in any matter concerning:

- (a) The administration of the ward's estate;
- (b) The priority of paying claims;
- (c) The propriety of making any proposed disbursement of funds;
- (d) Elections for or on behalf of the ward to take under the will of a deceased spouse;
- (e) Exercising for or on behalf of the ward ~~[any]~~ :
  - (1) *Any* options or other rights under any policy of insurance or annuity; *and*
  - (2) *The right to take under a will, trust or other devise;*
- (f) The propriety of exercising any right exercisable by owners of property; and
- (g) Matters of a similar nature.

2. Any act done by a guardian of the estate after securing court approval or instructions with reference to the matters set forth in subsection 1 is binding upon the ward or those claiming through the ward, and the guardian is not personally liable for performing any such act.

3. If any ~~[other party]~~ *interested person* may be adversely affected by the proposed act of the guardian, the court shall direct the issuance of a citation to that ~~[party,]~~ *interested person*, to be served upon the person at least 20 days before the hearing on the petition. The citation must be served in the same manner that

summons is served in a civil action and must direct the ~~{party}~~ *interested person* to appear and show cause why the proposed act of the guardian should not be authorized or approved. All ~~{parties}~~ *interested persons* so served are bound by the order of the court which is final and conclusive, subject to any right of appeal.

**Sec. 103.** NRS 159.173 is hereby amended to read as follows:

159.173 ~~{In case of the sale or other transfer by}~~ *If* a guardian of the estate ~~{of}~~ *sells or transfers* any real or personal property *that is* specifically devised or bequeathed by the ward ~~{who}~~ *or which is held by the ward as a joint tenancy, designated as being held by the ward in trust for another person or held by the ward as a revocable trust and the ward* was competent to make a will *or create the interest* at the time ~~{he executed}~~ the will *or interest was created*, but was not competent to make a will *or create the interest* at the time of the sale or transfer and never executed a valid later will ~~{after removal of the legal disability,}~~ *or changed the manner in which the ward held the interest*, the devisee, beneficiary or legatee may ~~{at his option}~~ *elect to* take the proceeds of ~~{such}~~ *the* sale or other transfer ~~{with the incidents of a}~~ *of the interest*, specific devise or bequest.

**Sec. 104.** NRS 159.177 is hereby amended to read as follows:

159.177 A guardian of the estate or special guardian who is authorized to manage the ward's property shall make and file a verified account in the guardianship proceeding:

1. Annually ~~{within}~~ *, not later than* 60 days after the anniversary date of ~~{his appointment, unless,}~~ *the appointment of the guardian, unless* the court ~~{otherwise orders,}~~ *orders such an account to be made and filed at a different interval upon a showing of good cause and with the appropriate protection of the interests of the ward.*

2. Upon filing ~~{his}~~ *a* petition to resign and before ~~{his}~~ *the* resignation is accepted by the court.

3. Within 30 days after the date of his removal ~~{}~~ *, unless the court authorizes a longer period.*

4. Within 90 days after the date of termination of the guardianship ~~{}~~

~~5. At such other times}~~ *or the death of the ward, unless the court authorizes a longer period.*

5. *At any other time* as *required by law or as* the court may order.

**Sec. 105.** NRS 159.179 is hereby amended to read as follows:

159.179 1. An account made and filed by a guardian of the estate or special guardian who is authorized to manage the ward's property must include *, without limitation,* the following information:

(a) The period covered by the account.

(b) All cash receipts and disbursements during the period covered by the account.

(c) All claims filed and the action taken ~~[thereon.]~~ *regarding the account.*

(d) Any changes in the ward's property due to sales, exchanges, investments, acquisitions, gifts, mortgages or other transactions which have increased, decreased or altered the ward's property holdings as reported in the original inventory or the preceding account.

(e) ~~[Such]~~ *Any* other information ~~[as]~~ the guardian considers necessary to show the condition of the affairs of the ward.

2. If the account is for the estates of two or more wards, it must show the interest of each ward in the receipts, disbursements and property.

3. Receipts or vouchers for all expenditures must be retained *by the guardian* for examination ~~[under the procedures provided in NRS 150.150.]~~ *by the court or an interested person. Unless ordered by the court, the guardian is not required to file such receipts or vouchers with the court.*

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

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

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

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

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

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

**Sec. 106.** NRS 159.181 is hereby amended to read as follows:

159.181 1. Any *interested* person ~~[interested in the guardianship]~~ may appear at the hearing and object to the account or file written objections ~~[thereto]~~ *to the account* prior to the hearing.

2. If there are no objections *to the account* or if the court overrules ~~[such]~~ *any* objections, the court may enter an order allowing and confirming the account.

~~[2.—The]~~

3. *Except as otherwise provided in this subsection, the* order settling and allowing the account ~~[, when it becomes final,]~~ *is a final order and* is conclusive against all persons interested in the guardianship proceeding ~~[,]~~ *, including, without limitation, heirs*



*and assigns. The order is not final against a ward who requests an examination of any account after the ward's legal disability is removed.*

*4. If the court finds that an interested person who objected to the account did not object in good faith or in furtherance of the best interests of the ward, the court may order the interested person to pay to the estate of the ward all or part of the expenses associated with the objection.*

**Sec. 107.** NRS 159.183 is hereby amended to read as follows:

159.183 ~~[A guardian shall]~~

*1. Subject to the discretion and approval of the court, a guardian must be allowed ~~[reasonable]~~ :*

*(a) Reasonable compensation for ~~[his services as guardian and the necessary]~~ the guardian's services;*

*(b) Necessary and reasonable expenses incurred in exercising ~~[his]~~ the authority and performing ~~[his duties. The guardian shall be allowed reasonable]~~ the duties of a guardian; and*

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

*2. Reasonable compensation and services ~~[will]~~ must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:*

*(a) The nature of the guardianship;*

*(b) The type, duration and complexity of the services required; and*

*(c) Any other relevant factors.*

*3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay such compensation and expenses, the court may consider:*

*(a) The nature, extent and liquidity of the ward's assets;*

*(b) The disposable net income of the ward;*

*(c) Any foreseeable expenses; and*

*(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.*

**Sec. 108.** NRS 159.185 is hereby amended to read as follows:

159.185 ~~[+]~~ The court may remove a guardian if the court determines that:

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

~~[(b)]~~ 2. *The guardian is no longer qualified to act as a guardian pursuant to NRS 159.059;*

3. *The guardian has filed for bankruptcy within the previous 5 years;*

4. The guardian of the estate has mismanaged the estate of the ward;

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

(a) *The negligence resulted in injury to the ward or his estate;*  
*or*

(b) *There was a substantial likelihood that the negligence would result in injury to the ward or his estate;*

6. The guardian has *intentionally* failed to perform any duty as provided by law or by any lawful order of the court ~~[-or~~

~~-(d)]~~ *, regardless of injury; or*

7. The best ~~interest~~ *interests* of the ward will be served by the appointment of another person as guardian.

~~[(2.) Upon its own motion or upon a petition filed by a ward who is a minor 14 years of age or older, by any person for a ward who is an incompetent or a minor under 14 years of age, or by any other interested person, the court may make an order directing the issuance of a citation requiring the guardian to appear and show cause why he should not be removed. The citation shall require the guardian to appear and show cause within the applicable period of time required for appearance after service of summons, and shall be served and returned as summons is served and returned in a civil action.]~~

**Sec. 109.** NRS 159.187 is hereby amended to read as follows:

159.187 **1.** When a guardian dies ~~[-]~~ *or* is removed by order of ~~[-the court or his resignation is accepted by]~~ the court, the court, upon ~~[-its]~~ *the court's* own motion or upon a petition filed by any interested person, may appoint another guardian in the same manner and subject to the same requirements as are provided by law for an original appointment of a guardian.

*2. If a guardian of the person is appointed for a ward pursuant to this section, the ward must be served with the petition. If the ward does not object to the appointment, the ward is not required to attend the hearing.*

**Sec. 110.** NRS 159.1905 is hereby amended to read as follows:

159.1905 **1.** A ward, the guardian or another person may petition the court for the termination or modification of a guardianship. The petition must state or contain:

~~[-1-]~~ (a) The name and address of the petitioner.

~~[-2-]~~ (b) *The relationship of the petitioner to the ward.*

(c) The name, age and address of the ward, if the ward is not the petitioner, or the date of death of the ward if the ward is deceased.

~~[3.]~~ (d) The name and address of the guardian, if the guardian is not the petitioner.

~~[4.]~~ (e) The reason for termination or modification.

~~[5.]~~ (f) *Whether the termination or modification is sought for a guardianship of the person, of the estate, or of the person and estate.*

(g) A general description and the value of the remaining property of the ward and the proposed disposition of that property.

*2. Upon the filing of the petition, the court may appoint an attorney to represent the ward if:*

*(a) The ward is unable to retain an attorney; and*

*(b) The court determines that the appointment is necessary to protect the interests of the ward.*

*3. The petitioner has the burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person, of the estate, or of the person and estate is in the best interests of the ward.*

*4. The court shall issue a citation to the guardian and all interested persons requiring them to appear and show cause why termination or modification of the guardianship should not be granted.*

*5. If the court finds that the petitioner did not file a petition for termination or modification in good faith or in furtherance of the best interests of the ward, the court may:*

*(a) Disallow the petitioner from petitioning the court for attorney's fees from the estate of the ward; and*

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

**Sec. 111.** NRS 159.191 is hereby amended to read as follows:

159.191 *1.* A guardianship *of the person* is terminated:

~~[1. If for a minor, when he reaches the age of majority according to the law of his domicile;~~

~~—2.]~~ (a) By the death of the ward;

~~[3.]~~ (b) Upon the ward's change of domicile to a place outside this state and the transfer of jurisdiction to the court having jurisdiction in the new domicile; ~~for~~

~~4.]~~ (c) Upon order of the court, if the court determines that the guardianship no longer is necessary ~~[.]~~; *or*

(d) *If the ward is a minor:*

*(1) On the date on which the ward reaches 18 years of age;*

*or*

*(2) On the date on which the ward graduates from high school or becomes 19 years of age, whichever occurs sooner, if:*

*(I) The ward will be older than 18 years of age upon graduation from high school; and*

*(II) The ward and the guardian consent to continue the guardianship and the consent is filed with the court at least 14 days before the date on which the ward will become 18 years of age.*

*2. A guardianship of the estate is terminated if the court:*

*(a) Removes the guardian or accepts the resignation of the guardian and does not appoint a successor guardian; or*

*(b) Determines that the guardianship is not necessary and orders the guardianship terminated.*

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

**Sec. 112.** NRS 159.193 is hereby amended to read as follows:

159.193 *1. The guardian of the estate is entitled to possession of the ward's property and is authorized to perform ~~this duties as guardian for~~ the duties of the guardian to wind up the affairs of the guardianship:*

*(a) For a period ~~[not exceeding 90 days]~~ that is reasonable and necessary after the termination of the guardianship ~~for until~~;*

*(b) Except as otherwise provided in paragraph (c) for not more than 90 days after the date of the appointment of ~~[an executor or administrator]~~ a personal representative of the estate of a deceased ward ~~[, to wind up the guardianship affairs. During such time]~~ ; or*

*(c) Upon approval of the court, for more than 90 days if the guardian is awaiting certification from the appropriate authority acknowledging that the guardian has no further liability for taxes on the estate.*

*2. To wind up the affairs of the guardianship, the guardian shall:*

~~[1.]~~ *(a) Pay all expenses of administration of the guardianship estate, including those incurred in winding up the affairs of the guardianship.*

~~[2.]~~ *(b) Complete the performance of any contractual obligations incurred by ~~him as guardian.~~*

~~—3.] the guardianship estate.~~

*(c) With prior approval of the court, continue any activity that:*

*(1) The guardian believes is appropriate and necessary; or*

*(2) Was commenced before the termination of the guardianship.*

*(d) If the guardianship is terminated for a reason other than the death of the ward, examine and allow and pay, or reject, all claims*

presented to ~~him~~ *the guardian* prior to the termination of the guardianship for obligations incurred prior to ~~such~~ *the* termination.

**Sec. 113.** NRS 159.195 is hereby amended to read as follows:

159.195 1. If the guardianship is terminated by reason of the death of the ward ~~any~~:

(a) *Except as otherwise provided in NRS 159.197, the guardian shall report to the personal representative* claims which are presented to the guardian, or which have been presented to the guardian but have not been paid, except those incurred in paying the expenses of administration of the guardianship estate and in winding up ~~its affairs, shall be reported by the guardian to the executor or administrator.~~ *the affairs of the guardianship estate.*

(b) Claims which have been allowed by the guardian, but not paid, shall be paid by the ~~executor or administrator~~ *personal representative* in the course of probate in the priority provided by law for payment of claims against a decedent, and shall have the same effect and priority as a judgment against a decedent.

(c) Claims which have been presented and not allowed or rejected shall be acted upon by the ~~executor or administrator~~ *personal representative* in the same manner as other claims against a decedent.

2. The ~~executor or administrator~~ *personal representative* shall be substituted as the party in interest for the guardian in any action commenced or which may be commenced by the creditor pursuant to NRS 159.107, including summary determination, on any claim rejected by the guardian.

**Sec. 114.** NRS 159.197 is hereby amended to read as follows:

159.197 1. After the winding up of the affairs of the guardianship, the guardian shall deliver physical possession of all of the ward's property to the ward, ~~his executor or administrator~~ *the personal representative* or the successor guardian, as the case may be, and obtain a receipt ~~therefor.~~ *of the delivery of the property.*

2. *Before the guardian delivers physical possession of the ward's property to the personal representative and upon sufficient evidence of prior title, the guardian may petition the court to have the title to the property modified, on a pro rata basis, to reflect the manner in which title was held before the guardianship was established so that the property is distributed to the intended beneficiary or former joint owner of the property.*

3. If the guardianship has terminated by reason of the death of the ward, the court, by order, may authorize the guardian to ~~distribute~~ *handle* the deceased ward's property in the same manner as authorized by NRS 146.070 ~~or 146.080~~, if the gross value of the property, less encumbrances, *and less fees, costs and expenses that are approved by the court*, remaining in the hands of the guardian does not exceed ~~[\$50,000, or as authorized by NRS~~

~~146.080, if the gross value of the property remaining in the hands of the guardian does not exceed \$20,000.] the amount authorized pursuant to NRS 146.070 or 146.080.~~

**Sec. 115.** NRS 159.199 is hereby amended to read as follows:

159.199 *1. Upon **the** filing of receipts and vouchers showing compliance with the orders of the court in winding up the affairs of the guardianship, the court shall enter an order discharging the guardian and exonerating ~~[his bond.]~~ **the bond of the guardian.***

*2. A guardian is not relieved of liability for his term as guardian until an order of discharge is entered and filed with the court.*

**Sec. 116.** NRS 159.201 is hereby amended to read as follows:

159.201 ~~[If at any time during the course of the proceedings]~~

*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 ward's property does not exceed \$5,000. ~~[.]~~*

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

~~[1.]~~ *(a) Authorize the guardian of the estate or special guardian who is authorized to manage the ward'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 in NRS 159.117, and hold the investment and all interest, issues, dividends and profits for the benefit of the ward. The court may dispense with annual accountings and all other proceedings required by this chapter.*

~~[2.]~~ *(b) If the ward is a minor, terminate the guardianship of the estate and direct the guardian to deliver the ward's property to the custodial parent ~~[.]~~ **or parents**, guardian or custodian of the 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 ward exceeds \$5,000:*

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

*(b) The guardian shall file annual accountings; and*

*(c) The court may require the guardian to post a bond.*

**Sec. 117.** NRS 159.205 is hereby amended to read as follows:

159.205 *1. Except as otherwise provided in **this section or** NRS 127.045, ~~[any competent adult person residing in this state]~~*

~~may be appointed as the temporary guardian of the person of a minor child residing in this state.]~~ *a parent*, without the approval of a court, ~~[by an instrument in writing providing for the appointment, executed by both parents if living, not divorced and in legal custody of the minor, otherwise by the parent having legal custody, and acknowledged in the same manner as deeds are acknowledged in this state.]~~ *may appoint in writing a short-term guardianship for an unmarried minor child if the parent has legal custody of the minor child.*

2. *The appointment of a short-term guardianship is effective for a minor who is 14 years of age or older only if the minor provides written consent to the guardianship.*

3. *The appointment of a short-term guardian does not affect the rights of the other parent of the minor.*

4. *A parent shall not appoint a short-term guardian for a minor child if the minor child has another parent:*

- (a) Whose parental rights have not been terminated;*
- (b) Whose whereabouts are known; and*
- (c) Who is willing and able to make and carry out daily child care decisions concerning the minor,*  
*unless the other parent of the minor child provides written consent to the appointment.*

5. *The written instrument appointing a short-term guardian becomes effective immediately upon execution and must* ~~contain a provision for its expiration on a date not more than 6 months after the date of execution unless renewed by an acknowledged writing before its expiration date. If such a provision is not included in the instrument, the instrument expires by operation of law 6 months after the date of its execution.~~

~~—3.]~~ *include, without limitation:*

- (a) The date on which the guardian is appointed;*
- (b) The name of the parent who appointed the guardian, the name of the minor child for whom the guardian is appointed and the name of the person who is appointed as the guardian; and*
- (c) The signature of the parent and the guardian in the presence of a notary public acknowledging the appointment of the guardian. The parent and guardian are not required to sign and acknowledge the instrument in the presence of the other.*

6. *The short-term guardian appointed pursuant to this section serves as guardian of the minor for 6 months, unless the written instrument appointing the guardian specifies a shorter term or specifies that the guardianship is to terminate upon the happening of an event that occurs sooner than 6 months.*

7. *Only one written instrument appointing a short-term guardian for the minor child may be effective at any given time.*



8. The appointment of a ~~temporary~~ *short-term* guardian pursuant to this section:

(a) May be terminated by an instrument in writing signed by either parent if that parent has not been deprived of the legal custody of the minor.

(b) Is terminated by any order of a court of competent jurisdiction that appoints a guardian.

**Sec. 118.** NRS 200.50986 is hereby amended to read as follows:

200.50986 The local office of the Aging Services Division of the Department of Human Resources or the county's office for protective services may petition a court in accordance with NRS 159.185 or 159.1905 *or section 36 of this act* for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the Aging Services Division or the county's office of protective services has reasonable cause to believe that the guardian is abusing, neglecting, exploiting or isolating the older person in violation of NRS 200.5091 to 200.50995, inclusive.

**Sec. 119.** NRS 159.029 is hereby repealed.

**Sec. 120.** The amendatory provisions of this act apply to any proceeding or matter commenced or undertaken on or after October 1, 2003.